Bainbridge Township, OH
Board of Zoning Appeals Public Hearing
June 18, 2026

Pursuant to notice by publication, the public hearing was called to order at 7:12 P.M. by Mr. Todd Lewis, Vice-Chair at the Bainbridge Townhall, 17826 Chillicothe Road. Additional members present were Mr. Ted DeWater, Mr. Joe Gutoskey, and Mr. Emeil Soryal. Mr. Mike Lamanna was absent. Mr. Steven Averill, Zoning Inspector, was not present.

Mr. Lewis 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 2026-6 by Gary Gardiner and Becky Pantuso for 17414 Long Meadow Trail

An area variance is being requested to exceed acceptable lot coverage. This property is located in a R-3A zone.

Mr. Lewis began by stating this applicant was in front of the BZA in June 2025 for some changes to the property, the house, the garage, and the driveway. At that point in time the board reviewed the application, and there were some criteria that needed to be adhered to. Tanglewood subdivision has their own HOA and rules, and they cap the lot coverage at 30%. For this particular project, the BZA granted 35% lot coverage. Part of that was to remove around 1,902 square feet of part of the circular drive around the tree. That offering was presented on the blueprint and offered to the township BZA by the applicant. Before it got ruled on, there was a letter from the Tanglewood Homeowner's Association and Architectural Review Board approving the blueprints that were submitted on July 15, 2025, which clearly depicts the removal of 1,902 square feet of asphalt driveway. We've got that letter and that documentation here and that was one of the biggest reasons that the applicant and application was heard. It was heard because the HOA had provided their position on it as a prerequisite for the BZA even looking at this. The BZA did rule on it and there was some conversation on narrowing the width of the driveway but it was left at 12 feet wide for practicality of access and any service or emergency vehicles getting up and down. Before you even present today, on today's application, we do have the new site plan. This one depicts the driveway being removed, that portion, reducing it down to only 98 square feet. However, what this does is tick the lot coverage up to 40% and change. Going back to our very, very first prerequisite, and the applicant was here a year ago, so they know the process, the procedure and the prerequisite requirements. The first thing that the BZA was looking for was the approval letter from the Tanglewood HOA and Architectural Review Board tied to the new set of plans and we don't have that.

At some point, I am going to recognize a representative from the Tanglewood HOA as there is an individual present tonight. The other question is looming on this is that this application was heard in June 2025. We are a year later. The driveway part, circular part, was never removed which actually puts the applicant into a position of a zoning violation. And once again, the terms of that agreement, of the 35% and the removal of it, was volunteered by the applicant. The BZA and Tanglewood HOA accepted it.

So, what we have here is a lot of things going on at once. We have a compliance issue, we officially have a zoning violation because something never got handled, here we are a year later, so at this particular point before I hear from the applicant, I'd like to hear from Tanglewood HOA.

Might I swear you in? If you could come up here so we could record you, please.

Name? Role?

Scott Rico, 17345 Sugar Hill Trail. I am the trustee for the ARB [Architectural Review Board] at Tanglewood Association HOA.

Mr. Lewis swore in Mr. Rico and let the record reflect that Mr. Rico was duly sworn.

Mr. Lewis said let's talk about this. Do you have an application?

Mr. Rico replied we do not.

Mr. Lewis asked in the last year, has the applicant approached the HOA about keeping this? Let's do some history.

Mr. Rico replied, let me step back, I am a replacement ARB Trustee to Paul Taylor who stepped down at the beginning of the year. In reviewing the notes from Paul and the email from the ARB and HOA has stayed exactly the same. His email is now my email. In reviewing Paul's notes and reviewing Paul's email, I apologize, my computer system at work right now is going through an audit for the DoD, I can't bring in outside information at any kind right now, and my daughter borrowed my printer, so I could not print the last emails. The last email that Paul received was from David Shelborn, I believe that was on 4/8/2025, or there about, on that date they submitted a revised plan, revision 1 dated 4/8/2025, that was then submitted to the BZA committee. I believe I have those dates, and the document dates correct. As soon as I get a printer, I will print those out and supply them to the committee. From 4/8/2025, there is no communication I could find. If there is something that transpired between Paul and the applicants, I don't have a copy of it now. At this point, I need to basically reaffirm what Paul's group did and what he approved, which would be the application submitted last year with the approval from TLA.

Mr. Lewis said so once again confirming, the applicant does not have any approval letter from the Tanglewood HOA ARB with regards to this 1900 square feet or so for the ask of a variance.

Mr. Rico replied to the best of my knowledge, unless there is a document I did not see, that is correct.

Mr. Lewis said thank you, sir.

Mr. Rico replied thank you.

Mr. Lewis said we appreciate you swinging by.

Mr. Lewis continued, I guess there's a few ways we could go. First way we could go would be to table this application, continue it until next month, and the applicant can then approach the Tanglewood HOA and see if there's an agreement on that matter. At that particular point, we can put you back on the agenda with the BZA and either way, the BZA and the Township does not like to be in conflict with HOA deed restrictions and by-laws. This would give the applicant another shot at it. If we were to proceed with the application and rule on it tonight, without HOA approval, the results may not follow people's hopes and dreams. As it would be creating a conflict. The HOA will have to decide where their limit was 30%, they've already given 35%, we've read your application. I don't want to necessarily get into a conversation about the application, maybe this evening. We want the case to proceed with the formality of all testimony so that it is fair to all parties. I'm not sure this is what you folks… Or the other thing, if you can't come to an agreement with the HOA, just withdraw your application with the Township. But that buys you a month to kick the can down the street, see what you can work out, and reapproach. There is no bias with the board, we are just dealing with the facts and history that we have. You come in with a clean slate and we will discuss the matter at that particular point in time.

Mr. Gutoskey added I have a comment. One thing we look at is the Duncan Factors which when you get into our zoning code, section 117.10 Variance Application Procedures, it's basically the factors that we, as a board, consider. This has come out of the Ohio Supreme Court, basically the Duncan Factors, but there's one item in here, if the variance is substantial. Courts have determined that 25% or higher on a variance is considered substantial, so when I look at it, it's 37.5%. So, you need to look at that too when you work with the homeowner's association.

Mr. Lewis asked Mr. DeWater if he had any comments.

Mr. DeWater said wait for them to come back.

Mr. Lewis asked push it? He then asked Mr. Soryal if he had anything to add.

Mr. Soryal stated he would really love to know what they want to keep it, but without the approval it doesn't proceed.

Mr. Lewis said either way, if this does not get approval, the zoning inspector is going to be asking you, you agreed to remove it, it's been a year, someone is going to want an explanation.

Mr. Gutoskey asked if they were done with all of their other improvements.

Mr. Gardiner replied no.

Mr. Lewis asked if they were still working on it. For whatever the reason, be prepared to speak to it. Certainly, for some reason, the keeping of it gets approved, but if it doesn't, I'm sure the zoning inspector is going to want compliance in a reasonable length of time.

Mr. Lewis made a motion to table the application of BZA case 2026-6 to the July regularly scheduled meeting in order for the applicants to get approval of the Tanglewood HOA. Mr. Gutoskey seconded the motion.

Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Since there was no further testimony, the public hearing was closed at 7:28 P.M.

Respectfully submitted,

Brent Barr, Alternate, Member, Board of Zoning Appeals

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
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

Recording on File

AUDIO RECORDING ON FILE