Bainbridge Township, OH
Board of Zoning Appeals Public Hearing
July 16, 2026

Pursuant to notice by publication, the public hearing was called to order at 7:12 P.M. by Mr. Mike Lamanna, Chair, at the Bainbridge Townhall, 17826 Chillicothe Road. Additional members present were Mr. Ted DeWater, Mr. Joe Gutoskey, Mr. Todd Lewis, and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector, was also 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.

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

2026-6 Gary Gardiner, Pantuso Architecture - 17414 Long Meadow Trail

Mr. Lamanna stated that the board has received a statement to withdraw the case from consideration.

Mr. Lamanna moved that the board accept the withdraw request for this appeal.

Mr. Lewis seconded the motion.

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

2026-7 Kristin and Michael Gype – 8580 Tamarack Trail

The applicant is requesting an area variance for installation of an in-ground pool. The property is located in an R-3A District.

Michael Gype and Kristin Gype, 8580 Tamarack Trail, were sworn in by Mr. Lamanna and let the record reflect that they were duly sworn.

Mrs. Kristin Gype began by stating they are applying for a variance to install an in-ground pool. We have contracted with Jeff Price with Litehouse Pools and Spas and Julie Anthony representing Lowe's [Greenhouse] that performed the topography that you see here. The reason for the variance, as we understand, the structure of the pool will be within 100-feet of the property line We chose this location for the pool because it is in direct sight of the main occupancy of the house. We have 2 small children so for safety purposes, we talked about the height of the pool, but also that it is in right in view. Other areas of the property, you can see to the left, would be the main street, 306, but to the left there is a steep incline and the septic system is involved on that side of the house as well.

Mr. Gutoskey asked where is your septic at?

Mrs. Gype replied by pointing at the screen.

Mr. Averill asked if they would like some contours up.

Mr. Gutoskey replied if you want to turn them on.

Mrs Gype continued in the process of applying for all this we had to receive approval from water and soil [GCSWCD]. They also have a fencing contractor, the permit for the fencing will come subsequent to tonight's hearing.

Mr. Gutoskey asked if there was something in the packet about the patio.

Mr. Averill replied that the patio was preexisting and it does not have a permit.

Mr. Gutoskey asked if there was anything we could do about that.

Mr. Averill replied ultimately, it should have a permit, that it is part of this application, as well.

Mr. Soryal asked if the property has violations.

Mr. Averill said it does not have any violations, well, no, it doesn't have any violations, well, I shouldn't say that, the house is part of the setback as well.

Mr. Soryal replied the house is part of the setback.

Mr. Averill continued, the house…,

Mr. Gype offered that was there

Mr. Averill said prior.

Mr. Soryal said I understand.

Mr. Gutoskey stated that your septic now is on the west side of the house. Do you know where the area is reserved for the replacement septic?

Mrs. Gype replied that she did not know.

Mr. Gutoskey said this [plan] is from when they did the original subdivision. It shows the septic here or here. So like behind where the pool looks like it's going to go.

Mr. Lewis added with septic, the county requires that when you design your property and plat it and get permissions from the county with the health department that with septic you have a primary leach field but also on the lot there is a, we'll call it a no-build zone, which is a secondary replacement leach field of dedicated area so if the first one fails, the other location goes into effect. I think that's what Mr. Gutoskey was talking about. Mr. Lewis asked if Mrs. Gype had ever seen this [original plans to the development].

Mrs. Gype replied no and she approached the table to inspect the maps.

Mr. Lewis explained that one of these is already there as your primary.

Mrs. Gype indicated that this would be the primary.

Mr. Lewis said unless you got county permission to build over the alternate leach field, then it could be a bit problematic.

Mrs. Gype replied sure.

Mr. Gutoskey added, when this was done there were less options, like when the subdivision was designed there were less options for septic. There are different options now. Maybe something you need to look at before you put the pool in. There may be another area on the lot

Mrs. Gype said right, so then I guess this would have to go in, I guess we would have to find an alternative leach field?

Mr. Gutoskey answered yes. You would probably have to have a septic person come out and see that there is area for a replacement.

Mr. Soryal added you would have to do a soil test and they would let you know if it is sufficient or not.

Mrs. Gype asked where she could access this [the map] for her own records.

Mr. Averill offered his copy.

Mr. Gutoskey suggested to check with the health department because they probably have a better drawing from when the house was built that would show it. I'm just putting it out there, so we aren't creating a problem in the future.

Mr. Price began to speak and Mr. Lewis said we need to get you sworn in, sir.

Mr. Lamanna swore in Mr. Jeffery Price, 2311 Canterbury Farm Drive, Hinkley, OH 44233 and let the record reflect that Mr. Price was duly sworn.

Mr. Price began by stating that he couldn't see the map but wanted to clarify that the secondary system is where the pool is proposed to go.

Mr. Gutoskey replied that is what it looks like on the drawings that we have here.

Mr. Price continued the Gypes have very patiently waited a long time and this is the first time it's been brought up, and they have had a lot of communication back and forth. Why is it now, after they have been waiting two months to get the meeting, they could have easily looked into that, a place for a new septic system, to find an alternative.

Mr. Gutoskey replied that's what he was saying earlier, there are a lot of different options now then when it was done in the early 90s. So, there may be another area on the lot, but I think you need to verify that there is another area on the lot.

Mr. Price said that doesn't answer my question.

Mr. Averill said I can answer that question. Basically, I don't get involved in septic. When you do something like this, you are on your own. This is not something that they're doing.

Mr. Soryal added I guess what Steve is saying is that you would still need to come here anyway. So, it's not going to stop us from continuing the conversation.

Mr. Price [inaudible] (1:47:55 on audio recording)

Mr. Averill added that unfortunately, when you build a new house, we don't require septic, which, right or wrong, we don't in Bainbridge.

Mrs. Gype asked beyond the potential leach field issue, what other issues does the committee foresee here.

Mr. Lamanna stated we have identified two setback requirements that would require variances. One is with respect to the normal rear yard setback requirements for lots in this area. Then the second requirement, generally for cluster developments there's supposed to be a 100-foot perimeter around the whole development, that's not, where there will be no structures, basically, around the developments. When was this plat recorded, does anyone know?

Mr. Averill and Mr. Gutoskey replied 1993.

Mr. Lamanna said '93, OK.

Mr. Lewis stated this was in effect in [19]90.

Mr. Averill stated the requirement back when the subdivision was established was 90 feet from the perimeter of the property line and of the cluster development. You can see by this measurement and scale is about 90 feet. So, they put the house in the right place when they established this subdivision. It should also be noted that "m" of that amendment states that no dwelling shall be closer than 90 feet, it doesn't say accessory structures like it does today. Back when they did this, they were blatantly, they were only concerned about the dwelling it appears, opposed to accessory structures that have become a lot more popular, obviously, when you go back. That was the concern then.

Mr. Lamanna stated the original rules, it was figured out that they were not working very well. I don't know how they were drafted.

Mrs. Gype said Steve, I have a question. Does that zoning law currently state the posterior property line or all property lines. If you were to draw a line from our garage to the eastern property line…

Mr. Averill replied it says "no dwelling unit or accessory building structure shall be closer than 50 feet to the front lot line or 100 feet to any perimeter property line of the cluster development." It goes on "no dwelling unit, accessory building or structure shall be closer than 50 feet to a rear lot line or 30 feet to any side lot line, except the minimum side yard for a corner lot adjacent to a road shall be the same as the required front yard." So technically, you, because the rear lot line is the perimeter, it's also a 100 foot setback and it would more or less grandfather your house because the regulations that are applied at the time were 90.

Mrs. Gype responded my question is that the dwelling and the garage, to the side of the eastern property line would also be in violation of that code?

Mr. Averill replied no. It says 30 feet to any side lot line.

Mr. Gutoskey said it's to the exterior perimeter of the development.

Mr. Averill added so this is the regulation for your rear setback, there's a setback for your side yard, and there's also a perimeter. The only reason that there are two here with the rear setback is because it's a perimeter as well, to the whole development. So, your side yard is not a perimeter setback, that's what you're referring to.

This is a specific regulation to the side lot line, which I don't think you need more than that. And the driveway setback is only 2 feet from the side yard.

Mr. Gutoskey asked Mr. Averill, the lots to the north are the really deep Taylor-May lots, aren't they?

The board looked at the surrounding properties and discussed relevant issues.

Mr. Averill stated that parcel is ag, obviously. I think, if I am not mistaken, that the dwelling for this property, they have gone pretty much total ag.

Mr. Lamanna asked if they owned the 4 lots over there, too.

Mr. Averill said I'm sorry.

Mr. Lamanna asked does that property I'm seeing, those other 4 lots on Chillicothe? Looks like there are 4 more lots there. It looks like they encroached on part of one somewhere.

Mr. Averill responded they're all Lacy Jasper Farms. Hard to say because this is in a different name [referring to another parcel on the screen].

Mr. Gutoskey asked if there was anyone else who wanted to speak to this application.

Mr. Gutoskey asked Mr. Averill how far the house is off of the lot line.

Mr. Averill replied approximately 90 feet.

Mr. Gutoskey confirmed the house is at 90.

Mr. Averill showed measurements on the screen.

Mr. Gutoskey said he could not scale the drawing due to it being reduced.

Mr. Lamanna stated this whole concept doesn't work. When you look at this, they probably should have never approved this, the lay out plan.

Mr. Averill stated they showed a plat and a house in a very specific place. They don't show anything else. He added that's why I gave you these, referring to the documents for when the cluster development was formed.

Mr. Lamanna said at the beginning of the cluster development, there was a lot of …[trails off]

Mr. Gutoskey mentioned that it seems they did not think of additional structures, by the way the code was written, it just defined dwellings.

Mr. Averill responded he didn't have time to look but he was curious when accessory buildings began. Everyone needs a shed eventually, where are they going to put it when they are stuck on that little spot. What do they consider as accessory structures, that's why it wasn't written into the code?

Mr. Gutoskey said especially on this lot. It's a whacked-out shape.

Mr. Lamanna added the whole development is kind of …[trails off].

Mr. Averill said he isn't sure if this applies to the current scenario but I would say it's the most practical back then.

Mr. Lamanna said he thinks someone took advantage of it and at the time, it's evident that a lot of things were not well thought out about cluster arrangements. I think this is an example of how , I think the idea was to have some kind of buffer around the whole property because otherwise the whole thing becomes [trails off].

Mr. Gutoskey asked Mr. Averill if there was anything else along the perimeter.

Mr. Averill asked north perimeter? There really isn't anything. This is an oblique picture, at an angle, so I don't think there's anything.

Mr. Gutoskey added the lots on the south aren't as big, they're deeper.

Mr. Lamanna added the lots on the south are deeper, even the lots on the north side are deeper.

Mr. Gutoskey added he thought they had to hug the road was due to wetlands.

Mr. Lamanna added even with the 50 foot setback when you build, that's what starts to give you problems. I get the house at 90 in the clear rear setback is 50 only leaving 40 feet in between.

Mr. Averill said east of this appears to be at approximately 90 feet as well.

Mr. Lewis added on that by one set of standards, for cluster, the requirement is a 100 foot setback, can't go into that area. But yet, regular zoning the current setback is 50 feet. Either way, your pool is set to be 23.9 feet to the rear lot line off of the corner. Leaving either direction with whatever code you want to apply, where you've got a fairly substantial variance request. There are some hurdles to talk about here.

Board discussion.

Mr. Gutoskey asked if there was anyway, we could push it closer to the house to get it closer to 38 feet.

Mrs. Gype answered this is exactly why I had Julie. I don't know if you want to swear her in.

Mr. Lamanna swore in Ms. Julie Anthony, 6658 Hanbel Road, Mantua, OH and let the record reflect that she was duly sworn. He also asked what Ms. Anthony's specialty is.

Ms. Anthony replied that she is a landscape designer and architect employed by Lowe's Greenhouse.

Mrs. Gype continued that they had talked about that specifically, about moving forward here. This is obviously grass here and the existing fire pit from the previous owner, so that would buy a few feet moving it that way, but still definitely be within that 100 feet.

Mr. Gutoskey replied speaking for myself, the 100 foot, the way this is laid out, I don't even think we are looking at the 100.

Mr. Lamanna added we are going to kind of ignore the 100 foot and deal with the 50 foot.

Mr. Gutoskey continued part of what we have to look at is if the variance is substantial. 25% is standard for a variance, so if we can get this to 38 feet you'd be at 24%. I see you have turf here so I don't know if you can move it this way and this way a little bit to get that corner of 38.

Ms. Anthony replied I think I can probably work with it and get it closer to the house. I really think I can. There is enough room to get the drainage wrapped around it and everything. That shouldn't be a problem at all.

Mr. Soryal asked so your magic number is what, Joe?

Mr. Gutoskey replied 38.

Mr. Lewis added that puts us at 24[%], that is kind of the substantial ceiling.

Mr. Soryal added I don't see why not.

Ms. Anthony said I don't see a problem with it. The surveyor, for the pool, will have to approve it and draw it up. I don't see a problem with it on my end. I feel like there is so much less disruption. They have a clear property in the back and to the side. All the slopes and the trees there would be so much more clearing and erosion to consider.

Mr. Lamanna added another thing to consider is we know what's there now, but in the future, we don't know what's going to be there. In the future, somebody could decide with that big piece of property here I'm going to divide it up into subdivision. We have to look forward as well.

Mr. Gutoskey added the only other thing I would add is check on the septic.

Mrs. Gype mentioned if they had been aware of that they would have been prepared for this evening.

Mr. Lamanna stated somebody comes here and gets our approval and then they say, the find out about like the septic thing. We got out bailiwick other people have theirs. But people think because they got this approval, so that's why we bring things up so that it's very clear to applicants, we don't control what's here, we may or may not, if it's a big enough question we'll say go see them first. Otherwise we will say we give you our approval but you have to understand that says nothing about the relationship with the people that regulate septic and you need to satisfy them. You can't come back and say why didn't Bainbridge Township tell me we had to do this because we have people do that. There are multiple different agencies that have jurisdiction and we can't control what they do. Sometimes they will insist that people get approval first from those agencies because you want to make sure that actually happens. Some other times we say you have to deal with and what you're doing is not jeopardizing the future. Obviously there's a serious practical difficulty because of the way the lot was created in the first place. Given the fact where we are in an area with a lot of undeveloped land off to the side. If you were looking for the ideal cluster development, this lot is not the lot you want to be creating. The house placement is somewhat of an issue You have your house here but you can't have anything behind it. They put this cluster provision in and it stumbled along at the beginning. There are a lot of head scratchers on it. I think some people were trying to use it in a way that it really wasn't meant. This is probably not an ideal cluster.

Mr. Gutoskey added if you're going to do a cluster you can develop it. It wasn't wide enough if you are doing it with regular zoning.

Mr. Lamanna said it really was not really where that was intended to be going, but it took a while before people understood it.

Mrs.Gype asked do you think we should go back to the drawing board and the next step would be to contact septic to find out.

Mr. Lamanna said yes, I suggest you do that. We can grant a variance. Putting in what you proposed as long as you keep it 38 feet from the rear property line.

Ms. Anthony added as close as we can with, I understand.

Mr. Soryal added the more the better

Mr. Gutoskey added 38 feet will be the minimum.

Mr. Lamanna said we are stretching somewhat. Normally we look at this 100 foot requirement and this 50 foot requirement, we're probably going to follow the 50 foot requirement, but because we are just requiring the 50 foot requirement, that's the requirement. We are not adjusting that anymore. But here, given the circumstances and the way this whole thing is laid out, there are some issues with that that create some practical difficulties that we can use to give you some relief.

Mr. Price asked about the 38 feet, is that to the outer perimeter of the concrete decking or to the structure of the pool?

Mr. Gutoskey answered, I think it was to your concrete.

Mr. Soryal added the way it is now.

Mr. Price clarified the 23.9 [feet] now is to the concrete. So is that 38 feet going to be to the concrete still or to the edge of the pool.

Mr. Soryal said the same way it is.

Mr. Gutoskey said 38 will be to the concrete.

Mr. Price said that's what I want to verify.

Mr. Averill reaffirmed that the decision was to move south 38 feet.

Mr. Lamanna said they have to be 38 feet off of the rear lot line.

<u>Motion 2026-7 – 4840 Tamarack Trail</u>

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of installing an in-ground pool and other associated structures as shown on the application.

1. With respect to the minimum rear yard to the north from 50 feet to 38 feet.

2. With respect to the minimum distance from the perimeter from 100 feet to 38 feet so that the proposed structures will satisfy the setback requirement. The applicant will provide a revised drawing to the zoning inspector reflecting those facilities with that setback.

Based on the following findings of fact.

1. The original cluster development was in the early stages of the approval of cluster developments, and this particular lot is located such that the distance from the back of the house to the outside perimeter is only 90 feet which would mean that nothing could be built behind the rear of the house. This would be an unreasonable interpretation and definitely create because of the physical lot shape and location next to the perimeter, a practical difficulty.

2. Because the lot is in a somewhat triangular shape also means there is a very limited area behind the house where something like a pool could be placed so granting a variance to 38 feet would allow the applicant to construct their improvements.

3. This will not adversely affect the character of the neighborhood, they are all behind.

4. It is an unusual lot because the space to the rear lot line is much more limited than all of the other lots in the development.

5. And the property immediately to the north is, currently the improvements on the property are a substantial distance away from the property line and to a large extent the improvements are agriculture related anyway. It will not adversely affect them.

6. There was a question about secondary leach field on the property and where that is located. There is some indication that it might be in the area where the improvements would be. We are making no adjudication or have no authority to make any decisions with respect to that particular situation, but we advise the applicants to consult with the appropriate Geauga County authorities on septic systems to make sure that there are not creating any compliance issues or if they need to designate an alternate leach field area.

Mr. Gutoskey seconded the motion.

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

Mr. Lamanna asked the applicants how fast do you think you are going to reach the point where you can have a revised drawing.

Mr. Price said he can't speak for the surveyor but I think a week to 10 days. I'll ask him to put a rush on it.

Mr. Lamanna explained that our decision doesn't become final until our next meeting when we approve the minutes, but if you sign an acknowledgement that until that becomes final you are proceeding at your own risk when you submit the revised drawing satisfying the requirements of the variance, you can move ahead and get your zoning certificate and move ahead on your project. It might give you 2 or 3 weeks. Doesn't cost you anything. Nobody can come in and complain anymore because you didn't come to this meeting you can't come in and complain about anything else. There's nobody else that can challenge this. The only thing that can happen is if somebody found out that there was a gross misrepresentation in your application or something like that, but otherwise if you want to do that we have a form. You can sign the form and move ahead.

Application 2026-8 by Dave Sambor/My Health Architect at 7307 Aurora Road

The applicant is requesting area variance(s) for lot coverage, front yard setback, side yard setback, number of parking spaces, and landscaping. The property is located in the CB District.

Mr. Lamanna swore in Mr. Dave Sambor, 5054 Paramount Blvd., Medina, OH and let the record reflect that he was duly sworn.

Mr. Sambor began by letting the board know that the civil engineer, landscape architect, and the developer were all present and available to answer any questions.

He continued, we started this project back in 2024 at this address 7307 [Aurora Road]. This is the site of the parcel here [indicating on screen] which is located right across from the new Meijer and adjacent to the currently being constructed car wash. This is the CB district which includes a lot of retail development over to the west as well, a shopping complex. The existing site right now, we are really looking, we are really wanting to improve…a lot of work is being done in this area and we really want to make sure you can improve part of this corridor. The existing conditions here, couple things I will highlight, the drive aisle are subpar at 22 foot. Front parking is a current 5-foot setback and only 35 spaces. The building set back is only 68 feet currently. Lot coverage is 48.8%. The other area that is a big issue on this site, currently where the loading dock is set up, requires truck traffic to go over the property line, which is all currently gravel, past the property line, to the south. So, this speaks to the condition of that building. As you can see too, there's no green in front, it really rolls right from the pavement to the street right to the parking lot area, from the other direction, so this is the main view. Closer from the intersection just down the street, but again, pavement, street building. This is a building that has been added on for years. One main building in the back, a bunch of additions over time that happened to the front of the building. Originally, we looked at ways to just renovate the building, a quick face lift, but then we reconsidered and said let's go ahead and clean this up, give it a better look, especially with everything going on in the area. So, we came back and from the existing piece, this is what we've come up with now. This is what is reflected in the drawings here. We are proposing to take off the whole front of those smaller additions and putting a whole new front building on that which has some other improvements to it as well. We are sticking with a high quality medal cladding and some brick veneer as far as finishes as well as a drop off canopy. And then we will make sure we have a decent amount of landscaping on all perimeters for a buffer. The new floor plan, as you can see now, increase our drop-outs so we are code compliant. We increase the front setback from 5 foot to 10-foot adding some green and some along the street as well. The existing parking, at 82 spaces now, increased from 35. The building set back was only at 68 feet. We actually increased it to 81 feet. Our lot coverage we are at about 58% lot coverage. What we did in the front of the property was a standard retail commercial business. We wanted to make sure we had adequate parking in the front so that's what we did. We shrunk the building back some, just so we can have proper drive out in the front and still provide some green space along the road area. You'll also notice in the back of the building, what we did is, we're adding an appendage on the back of the building, so you can see now we have a rotated truck dock off the back so we'll no longer approaching the buffer from the back property line. So we resolved that issue back there as well. This overall plan shows the green space provided on the property. We have greenery around the building where it's appropriate for a retail project. We are basically maintaining landscaping walkable edge perimeters and that and the landscaping on the front side, and providing more than code requirements as far as the in-island landscaping.

So from here, a couple of other things we been in the process over the last year and a half is we have talked with Bill Lovell at the fire department, and he had a couple of comments as far as the fire department connection and bollards which are reflected in the July drawings that we've updated, based on his, those were the two things he flagged, we have accommodated both of those. We are currently waiting on a second round of comments from Geauga Soil and Water. City of Aurora Sewer and Water, they are currently waiting, even

though the Rainforest is approved, they want to have the as-builds of that before they approve how we are doing ours. They want the as-builds first before they sign off, we are at that stage of that. With ODOT, close to final approvals with ODOT. We've gone through all the traffic, if you can notice they, on the site plan itself, we used to have 3 access points on the site that were full access points, now we are down to a full access point and then a right out only, and this is going back to all the traffic studies with ODOT. That's what they wanted to see with that. There's also a new striping plan. They determined there was no need for widening the road with the new striping plan and we are making some minor modifications based on the last comments from ODOT. So, ODOT is very close on those approvals as well. We've submitted for an occupancy permit and actual building permit drawings for the building permit will be submitted at the end of July. Through this process, we were targeting having all permits in hand around the beginning of October is our timeline for that.

As far as the variances, the first one deals with lot coverage. Currently, we are looking to increase parking on the property which is going to take up some more of that current green space. Typically in all commercial business, a lot of the buildings in this district also have much higher lot coverage ratio, especially in the CB retail. I think the lot next door is running about 67% lot coverage which is substantially more than what we are proposing for our site. I'm not quite sure what the adjacent property, The Raintree [forest], is, but I know they have 3 drive aisles that are lobbed into that so I know their lot coverage is probably pretty small on theirs as well.

Mr. Gutoskey spoke up and said actually, we just heard that and I looked through the minutes and I didn't see any variance for lot coverage on that.

Mr. Sambor responded that was, at the time that was the MUP, it was zoned a different district. I didn't look at the code.

Mr. Gutoskey said you're still looking at 40.

Mr. Averill said I don't recall the lot coverage on MUP, but I think it was because, you can see the lot, it was a reduction. Right now before they started it was almost 100%.

Mr. Gutoskey said I looked at the minutes for the carwash and we had no variances.

Mr. Averill answered what happens is if you have a whole lot to cover, so they are reducing. In his case, even if you can say he's reducing it, he's changing the configuration, so, just because you take green space from here and put it over here, you're changing the site. Whereas on Rainforest, it wouldn't matter because it was 100%. This is the situation, even if he was to reduce it, it's not being reduced from what it is, it's being manipulated and reduced and that changes everything. It changes the legal non-conforming status of the property because you're manipulating the locations of your green space. If you took one flowerbed out, that's it, now he's got to comply. The consideration of the amount of lot coverage is obviously something you may want to think about, but if he's reducing it, he's reducing it, but it still has to be a variance because it's being changed.

Mr. Gutoskey asked, but he's decreasing it.

Mr. Averill responded, correct, but I'm trying to make a point that the Rainforest was 100% that was reduced down to whatever.

Mr. Gutoskey clarified that we didn't need to do a variance on that because it was a reduction.

Mr. Averill said I don't recall a variance.

Mr. Gutoskey said I looked through the minutes and didn't see anything on that, on lot coverage.

Mr. Sambor said August, 25, I was looking to see what that was but I didn't see anything on that. What I'm looking at is what's in the area as far as what we're proposing versus what's adjacent. Obviously across the Meijer across the street is a different zoning but a much higher lot coverage as far as character of the area. As well as the car dealership off to the east. So that is the first variance we are looking at.

The second one has to do with the front yard parking setback. This is a condition where we are improving the front area so instead of that no green space pavement go right to pavement, we are proposing now a 10 foot setback off the property line which in that case would require a front yard setback variance of 10 feet.

The third one would be the building setback. Again, this is improving the existing condition. This one we are going from 68.4 feet moving that building back to a setback of 81 feet which would still be a variance of 19 foot. I think originally in this area, what the code was was before it was a state route. It was a lower number for the setback, when it became a state route they increased it to 100 feet. Either the case, we are improving the distance back by shifting it back to the 81 feet from the 68 feet.

Variance four, number of parking spaces. The code specifies 1 per 200 square feet, so like a 5 per 1000 [square feet]. It doesn't really break down the uses inside the building, it just applies it to the overall building square footage. We are looking for a 4 per 1000 which is very adequate for Goodwill. What we also looked at is, if you look at the sales area where the people are, if you look at that 5 per 1000, so this is 11,000 square foot, we say how many people do we need here at 5 per 1000, we end up with about 56 spaces needed and we say back of house, more of a warehousing area, what's typical for that, even conservatively, 1 per 500 square feet you would require about 73 spaces. If you look at that typical number of spaces but we are still providing 82 spaces. That will maximize the balance on the site between the open area and how much you have for parking is adequate for this particular use.

Then the fifth variance is the perimeter building landscape. Most typical retailers you see don't tend to have plantings right on the edge of the building edge. What we did here is we increased landscape where we could around the building. We actually increased the islands, so we are higher than both requirements as far as what is needed in the parking areas. We beefed up this perimeter edge here just to provide additional screening of the building, the lower level areas of the building that were shown in the renderings earlier. So that is how we are going to address the variance of the perimeter landscaping. These are all install heights of the shrubberies based on what the heights are expected to be at installation.

Mr. Soryal asked how many parking spaces will you use for employees at one time?

Mr. Sambor responded parking spaces for employees at one time?

Mr. Denalo responded 25 employees, at one time, probably 16? 15-16?

Mr. Soryal asked are you designating a specific area for employee parking?

Mr. Denalo responded probably park in the non-customer area in the back.

Mr. Sambor added I would anticipate they would have employees parking back in this area and leave all of this for customers.

Mr. Gutoskey said Steve [Averill] do you know, across the street at the Meijer, what was their allowable lot coverage?

Mr. Averill responded that was all done through the CJE.

Mr. Gutoskey replied, got it, OK.

Mr. Lamanna said that's a huge piece of property. It's very hard to figure out when there is a very large piece of property subject to

Mr. Lamanna added we're looking at shopping center lot coverage, around 50[%].

Mr. Averill responded the Wal-Mart, take the back area

Mr. Lamanna said if you take the entire shopping center development, I think both of them are around 50.

Mr. Averill said this is all green space for that plaza, for the outlots and the center of it. This is all green space in here.

Mr. Gutoskey said I think they include across the street, too.

Mr. Averill responded this is all retention over here.

Mr. Sambor the current lot coverage, we looked it up and we looked at the area what was there and we actually walked the site the other day and found there was some gravel under the dirt.

Mr. Gutoskey asked what is that island next to your right out over there?

Mr. Sambor replied that area of striping you see there is striping that's going to be part of that. That's per the ODOT regulations. ODOT wants that truck access going out, the narrow area, they want that as a rolled curb so trucks coming out have that extra room to maneuver to make that turn out.

Mr. Gutoskey replied Okay.

Mr. Sambor said this block right here?

Mr. Gutoskey said yes.

Mr. Sambor replied they want that as a raised curb.

Mr. Gutoskey asked a mountable curb?

Mr. Sambor replied a mountable curb, yes. ODOT wanted to make sure they controlled just a right out only at that location, but they want to still give the accommodations for the trucks that would have to exit there.

Mr. Lewis mentioned that is a huge amount of asphalt.

Mr. Sambor said that is also why we want the parking variance because when you consider CB, 5 per 1000, one retailer doesn't require it, especially with the large back of house area. That's why we're looking for

that variance versus parking for 102 taking up even more, putting even more pavement. The 4 per 1000 for retail is ?? a lot of areas. In fact in this site if we even reduce the parking a little further based on numbers we have given ??? space as well. If you look at the 5 per 1000 in the sales area and substantial back of house that will only count 72 that we need and we are showing 82. So that could allow for more green space if we eliminate a few more spaces.

Mr. Lewis asked back of the house is to receive, unpack, sort, prepare for sales?

Mr. Sambor answered all the storage, all the drop offs go, that's all back of house storage. That's where they're looking at about that 8,000. If we look at the floor plan here, the sales area to the public is this up here and then you have the back of house area, so in this case 11,000 sales and 8,000 back of house. If we look at just what we require to make the sales area code compliant or 1 per 200 square foot for the customers that would be about 56 spaces and then if we looked at the back of house, this is a very conservative number, I've seen 1 per 1,000 square foot for back of house. We have just a few people doing things back there, but even if we use a 1 per 500, that's still only going to bump our total to about 73 required spaces for that.

Mr. Soryal asked and you have 82?

Mr. Sambor said and we currently show 82.

Mr. Gutoskey began so part of the problem with this is normally if you have a raw site, you look at what your lot coverage would need to be, figure out your parking and then go back into how many square foot building you could build. Here we starting with, you're proposing the same amount of building that's there. Is that similar to other sites you've done like this or other sites Goodwill has for sale?

Mr. Sambor answered at this overall typically in CB we don't see a lot coverage number that for typical retail, you don't typically see a lot coverage that high. Usually it's a much lower number as far as how much open space is still left on a retail site. Most pedestrians, like Meijer, look at Meijer, it is substantial as far as paving the building, perimeter screening, landscaping, islands, that seems like a pretty typical code requirement. This just seems more than that in the CB district, we don't see numbers that high as far as it goes.

Mr. Gutoskey asked but is this a typical building size that Goodwill uses.

Mr. Sambor answered about 20,000 square foot.

Mr. Lamanna swore in Mr. Bob Acciarri, 32291 Acacia Court, Avon Lake, OH.

Mr. Acciarri answered Mr. Gutoskey's question by saying typical for Goodwill, it's the size building with 82 spaces. They built a prototype in Canton that we've been following so this operationally works good for these guys. Right amount of parking. Right amount of square footage. As well as the other conditions, a sprinkler in this building, right now, so we are adding a sprinkler to this building.

Mr. Gutoskey asked if that was more a fire department requirement.

Mr. Sambor responded actually, he brought that up and here's what you do with an existing building. He talked about how to shutter and I said we're not going to do that, we are just going to open it up and sprinkler the whole thing.

Mr. Denalo said to your point, it works out operationally for Goodwill, trying to balance the parking with the lot coverage versus the existing site

Mr. Gutoskey said speaking for myself, I don't really have a problem with any of the variances per se except really for the lot coverage. Everything else is reasonable. I don't know if there is anywhere you can cut some pavement out.

Mr. Lewis said here's your drive around building to handle unloading and receiving goods and the other side of the building is eating up the brunt of your lot coverage. It's got nothing to do with the proportioned amount of parking spaces for front of the house and rear of the house. I'm trying to figure out where we are at.

Several responses replied 48[% lot coverage].

Mr. Sambor said that's why I brought up the parking to look at the numbers there. In a lot of places we've worked a lot of areas that have 4 per 1000 for retail. If we use 5 per 1000, back of house, 70 or 72 spaces is adequate for the tenant use. Taking out 12 spaces allows us to take these out, take some out here. All the sudden we recapture some of that green space.

Mr. Lamanna asked so the lot coverage proposed, does that reflect reducing the spaces to 82? Or not.

Mr. Sambor responded that the current plan shows 82.

Mr. Lamanna asked, and that's 58.7%?

Mr. Sambor answered exactly, so any reduction in the parking spaces. Mike can respond, he's the civil engineer.

Mr. Lamanna swore in Mike Denelio, I am the civil engineer for the project, 8150 Chestnut Boulevard, Broadview Heights, OH 44127.

Mr. Denelio began Todd, to your question, reduction of pavement along the eastern side of the building, you can see right adjacent, if you look at the plan, right adjacent to that green space next to the southeast corner of the building there's a required fire strike-out access loading space. That's required, so we have that. Also, just the width of that pavement as it wraps around the south side of the building and along the side of the building. It's that wide to accommodate the WB67 tractor trailer trucks that are going to need be able to maneuver back into that new extended loading dock from the south side of the building and they need that area to get back out. With respect to the pavement there, it's necessary.

Mr. Lewis responded I think you're kind of stuck with it because that's your delivery access, load and unload point, and that's adjacent to the back of the house which is where warehousing and sorting is so it just makes practical sense to take your deliveries and receiving right there and you need room to get a truck around.

Mr. Denelio replied yes, absolutely.

Mr. Sambor added and the current condition, those trucks are going on an adjacent property in the gravel back and ? to the building which is why we put that appendage on and how do we get around it to get some more green back.

Mr. Lewis asked do you need all of these parking spots? Is that because you anticipate that many customers or are you going by code, going square footage equals X amount of parking spots?

Mr. Sambor replied this started with the code at that 5 per 1,000 and then we looked at 82 and decided that's more than enough that we would need. Even though it doesn't meet code but we want to preserve more

open space. We could bring that down to more of that 72 number, we could just capture more open space by doing that.

Mr. Denelio added if we get a bigger parking variance, we could reduce 8 more.

Mr. 43:03

Mr. Sambor counted 1,2,3,4,5,6 spaces here. If we took another 6 spaces here that's 12. There's

Mr. Gutoskey said you've got to lose about 13,000 square feet of pavement. That's like 72 spaces. I was just looking at your table here. You propose 1.78, existing is 1.48 so it's 3/10 of an acre so it's about 13,000 square feet.

Board discussion with Mr. Sambor, Mr. Denelio, Mr. Acciari and

Motion 2026-8 7307 Aurora Road

Mr. Lamanna moved to make the motion to grant the following variances for the purpose of demolishing and rebuilding an existing building resulting in a 20,450 square foot building to be used as a clothing retail store with other activities associated with that, generally shown by the preliminary plans that have been submitted by the applicant. The applicant will submit a new revised plan to show the development with the following variances:

1. Maximum lot coverage of 50%.
2. A setback variance on the minimum front yard setback for parking to 10 feet which is a 10 foot variance.
3. A minimum front yard setback for the building from 100 feet to 81 feet, a variance of 19 feet.
4. A variance on the minimum number of parking spaces which is based upon the specific uses that have been proposed as well as the configuration of the building and the allocation between actual retail area and warehousing area of 75, which is based upon 5 parking spaces per 1000 square feet of retail area plus 20 for the employees for the retail area and the back of house warehousing activities.
5. Landscaping will be as demonstrated on the landscaping plan and with the waive of the requirement of having landscaping within 5 feet of the exterior walls.

Based on the following findings of fact:

1. With respect to lot coverage, this represents just a small increase from the existing lot coverage. Also, 50% lot coverage is consistent with other developments in the area and will not adversely affect the adjacent properties.

2. The front yard parking setback is an improvement of what exists there. It is also consistent with other places in the area.

3. The front yard setback variance actually improves the current setback because part of the building that is closer than 80 feet is going to be removed and replaced.

4. The number of parking spaces, after examination of exact uses proposed, appears to be reasonable and adequate for these purposes. We would note that this is a minimum number the applicant, if they have lot coverage, can increase that number.

5. The applicant will submit a revised plan showing compliance with these matters, including landscaping, which will provide additional green spaces, is included in similar fashion which is on the plans currently submitted.

6. This application is also subject to the other appropriate approvals required from ODOT, City of Aurora Sewer and Water, Geauga County Soil and Water Conservation approval, and fire department approval.

7. Note that there is a prohibition against outside storage and sales of merchandise and that since we do have a drop off area for donations, that the applicant will promptly move drop off items into the interior of the building. We understand people may come and drop stuff off and there's nobody there, but that if you come in the morning, the stuff will be moved in first thing.

8. We are not addressing signage so signage will be at a later date. Remember that signage also has to be within the lot coverage parameters. If you're thinking about a specific site, make sure you've allocated a spot for it to be.

Mr. Gutoskey seconded the motion.

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 8:52 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: August 20, 2026

AUDIO RECORDING ON FILE