

Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2002

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2001-13 by Judson Retirement Community for property located at the Northwest corner of Washington Street and Haskins Road (Continuance)

The applicant is requesting a conditional use permit with variances for the purpose of establishing a residential care facility. The property is located in a R-5A District.

Mr. Lamanna made a motion to continue this application until the next regularly scheduled meeting to be held on February 21, 2002 at the request of the applicant.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, nay; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-47 by Bainbridge Associates, Ltd., for property at 8564 East Washington Street (Continuance)

The applicant is requesting a conditional use permit for the purpose of establishing a day care center. The property is located in a CB (Convenience Business) District.

Mr. Lamanna made a motion to continue this application until the next regularly scheduled meeting to be held on March 21, 2002 at the request of the applicant.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2002-1 by Sylvester and Sallie M. Bell for property at East Broadway

The applicants are requesting area variances for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

The zoning inspector's letter dated January 11, 2002 was read and photos of the site were submitted.

Mr. and Mrs. Bell were present to represent this application.

Mrs. Sallie Bell testified that she owns seven lots which come to a point and she wants to build a three bedroom, two bath home and said the back of the lots are on Dayton Street and the rest of the property is on E. Broadway.

Mr. Lamanna asked if the house will face E. Broadway.

Mrs. Bell replied yes.

The board viewed photos of the site and discussed the location of the lots within the subdivision.

Mrs. Bell said that Canton Street does not come all the way through.

Mr. Takacs said the proposed house is not that large but it basically has two front yards.

Mr. Lamanna asked what consists of a single lot.

Mr. McIntyre said the lots are 20' x 100'.

Mr. Lewis said the house will be almost the same distance from each street.

Mr. Lamanna said the only issue is that there is almost three front yards and the people on Dayton Street will be technically looking into the backyard.

Mr. Lewis said the lots look wooded according to the photos.

Mrs. Bell said that is right.

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

Motion BZA 2002-1 - East Broadway (Sylvester and Sallie M. Bell)

Mr. Lamanna made a motion to grant the following variances for the purpose of constructing a single family dwelling.

1. A variance from the maximum lot coverage of 10% to 21% for a variance of 11%.
2. A variance from the minimum required front yard setback of 100' to 20' for a variance of 80'.
3. A variance from the minimum required side yard setback of 50' to 15' for a variance of 35'.
4. A variance from the minimum required rear yard setback of 100' (due to the fact that this is a lot that faces on two streets) to 22' for a variance of 78'.

Based on the following findings of fact:

1. A practical difficulty exists because this is comprised of approximately seven previously platted lots in the Chagrin Falls Park area.
2. The total area of the property is just in excess of 10,000 sq. ft. which is consistent with the current lot size being used for dwellings of this size.
3. This dwelling is consistent with the general size of dwellings in the area that are being put on this lot size.
4. Due to the unique shape of this parcel and the fact that it fronts on two streets, it would be impossible to place a dwelling on the property without significant variances and the plan that has been presented by the applicant, based on the lot shape and size, is the most feasible that seems possible and results in the total overall minimum side lot variances.

The board notes that because of the unique shape of this lot the applicants are going to end up with essentially three front yards and is cautioned to consider that accordingly as they design the exterior of the property and do any landscaping on the property, to consider the fact that they are going to be facing onto three streets because of the pointed shape of this property.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2002-4 by Robert and Carol Biermann for property at 8000 Darby's Run

The applicant is requesting an area variance from height regulations for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

The zoning inspector's letter dated January 11, 2002 was read and photos of the site were submitted.

Mr. McIntyre submitted a letter dated January 15, 2002, from Captain William J. Lovell, Fire Prevention Coordinator which stated that firefighting operations would not be hampered by the exceeded height.

Mr. Rob Biermann was present to represent this application.

The board reviewed the application.

Mr. Lewis asked about the elevation of the proposed house.

Mr. Biermann testified that it is a sloped lot from the front of the house to the rear and it is approximately a 15' drop but added that this proposed house is a two story with a standard walk-out basement and said it is a French Country design with a steeper roof pitch for an architectural look.

The board discussed the proposed elevations.

Mrs. Stanton asked about the proposed height on the front of the house.

Mr. McIntyre said the front elevation measures out at 36-1/2' but the average height is 42'.

Mr. Biermann said that several of his neighbors have similar walk-out designs.

Mr. Lamanna asked about the property behind his.

Mr. Biermann said there is nothing behind the proposed house, just common property.

Mr. Lamanna asked what was on each side.

Mr. Biermann said the house on the right towers above his and there is a house on the left.

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

Motion - BZA 2002-4 - 8000 Darby's Run

Mr. Lamanna made a motion to grant the variance from the maximum height permitted of 35' to 40.25' for a variance of 5.25'.

Based on the following findings of fact:

1. Due to the slope of the property which causes the rear of the house to be a walk-out and therefore have additional measured height as computed under the zoning ordinance causing the overall height of the structure to be greater than it would be if it was built on level ground.
2. The structure is consistent with other structures located in the area and has been reviewed by the fire department who has determined that the applicant will have adequate access to at least three sides of the house where the height will not be in excess of that otherwise permitted, therefore there will be no additional burden on the fire department.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2002-3 by Select Image Accessories for property at 9380 Washington Street

The applicant is requesting a substitution of a non-conforming use for the purpose of establishing an auto accessory service company. The property is located in a R-5A District.

The zoning inspector's letter dated January 11, 2002 was read

and photos of the site were submitted.

Mr. Ed Radick, owner of the property and Mr. Chris Ickes and Mr. Matthew Balante, applicants were present to represent this application.

Mr. Balante testified that he and Mr. Ickes would like to open an accessories shop and said there will be no engine work, they will sell only accessory rims, replacement upholstery, convertible tops, sunroofs, will contract with Colonial Auto and will do mostly interior implements. He added that no one around here does this.

Mr. Takacs asked what type of accessories will be offered.

Mr. Balante said they will offer wheels, window tinting (legal), accessory SUV lights, and leather interior, etc.

Mr. Radick testified by saying they will be selling accessory items for vehicles.

Mr. Lewis asked if they will be using a compressor for cutting holes for the sunroofs.

Mr. Balante said yes they will have a small compressor.

Mr. Takacs asked how many businesses there will be at this site.

Mr. Radick said there will be two businesses, this one and a mower shop. He said there is a fire separation wall and they will have the back bay.

Mr. Lewis asked if there is an overhead door.

Mr. Radick said yes there is one 10' x 10' door.

Mr. Balante submitted their mission statement to the board.

Mr. Takacs asked if they will be selling vinyl covers and navigation systems.

Mr. Balante replied yes.

Mr. Radick said when the Bainbridge Auto Body extended their building, the water ran into his trees and that is why he had to

take the scrub area out.

Mr. Lamanna asked how many vehicles will be worked on each day.

Mr. Balante said that three cars will be worked on each day and added that reupholstering a car will take three or four days.

Mrs. Stanton asked about the hours of operation.

Mr. Balante said the hours will be 10:00 A.M. to 8:00 P.M.

Mrs. Stanton asked if lights will be added.

Mr. Radick said that two aerial lights are on all the time.

Mr. Lamanna asked if the fenced in area will be used.

Mr. Balante said it will be used for storage and maybe to store their trailer.

Mr. Radick said it only has a 6' gate and it was used for outside storage for lawn mower repairs.

Mr. Radick said there is a ravine between the properties and said Bainbridge Auto's parking lot bumps up into his property.

Mr. Lamanna said he did not want to see a lot of junk being accumulated and explained that outside storage is not generally favored.

Mr. Lewis asked about parking spaces and the dropping off of cars.

Mr. Radick explained the parking spaces on the site and the gravel area.

Mr. Balante said the parking lot was extended and we will add a concrete pad.

Mrs. Stanton asked about the location of the dumpster.

Mr. Balante said it will be located near the railroad ties and will be hidden.

Mr. Radick explained the location of the dumpster and said it will be 200' from the nearest house. He continued by saying that they can add a screened in area of shrubs to hide the dumpster and added that they are re-siding the whole front of the building. He added by saying there is 3' of railroad ties and timbers in the area where the two-yard dumpster is going to be located.

Mr. Lewis said the biggest waste will be cardboard packaging.

Mr. Lewis asked about signage.

Mr. Kolesar suggested that they do a face plate change only.

Mr. Radick said there is a 4' x 10' sign originally and there have been no visibility problems. They will be only asking for a change in the face plate.

Mr. Lamanna said there are all kinds of after market auto accessories such as exhaust systems, etc.

Mr. Balante said there will be no mechanical nor engine work done and said lights for windshield wiper sprayers, etc. will be installed.

Mr. Lewis asked if their services will be restricted to motor vehicles that go on the highway and not waterways.

Mr. Balante replied yes.

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

Motion - BZA 2002-3 - 9380 Washington Street

Mr. Lamanna made a motion to grant a substitution of a non-conforming use. The applicant's proposed use, which is being substituted, is the addition of after market automotive equipment in the nature of cosmetic and electronic, audio, upholstery, wheel covers and similar things.

Based on the following findings of fact:

1. The area was previously used as an equipment rental and rental repair shop area in this commercial building that is located in what is currently now a residential

district.

2. It does not include any engine, transmission, drive-train, exhaust system replacement, repair, enhancement type of work.
3. This new use is very similar to the previously existing use and it involves some use of equipment.
4. The amount of traffic in and out will probably be less than that generated by the rental area because generally the new business will have a small number of people coming and leaving vehicles to be worked on, modified and then picked up when the work is completed so it will not create any additional traffic burdens and the use is substantially similar to the existing use in this area.
5. The applicant has also requested a replacement of the sign face plate currently existing for this property so there will be no additional signage impact, only a change of the face plate.
6. Additionally, the applicant has requested that the storage of dumpsters be allowed in an area to the front of the building towards Snyder Road, approximately 10' to 20' from the property line in the existing demarcated area by railroad ties and the board will permit the applicant to place the dumpsters there on the condition that there be screening of that dumpster area from Snyder Road and to the extent now already existing from the residential lot to the north.
7. Also, in terms of the use of this area, there is an existing outside storage area. It is also a condition of the substitution that this outside storage area be maintained in a neat and presentable manner and that it not be used for the storage of scrap, junk or other materials of no reasonable present use or value except for a short period of time until the next disposable pick up. Otherwise, any currently existing conditions with respect to the property are not modified or changed except as specifically noted in this approval for this substitution of use.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2002-2 by Mary A. Briggs for property at 16790 Bedford Street

The applicant is requesting area variances for the purpose of constructing an agricultural building incidental to an agricultural use. The property is located in a R-3A District.

The zoning inspector's letter dated November 27, 2001 was read and photos of the site were submitted.

Ms. Mary Briggs and Mr. Mark O'Brien, Attorney of Thrasher, Dinsmore and Dolan were present to represent this application.

Mr. O'Brien referred to Chapter 157.03 of the Bainbridge Township Zoning Resolution and testified that area variances are needed to put a building on this property. He said that the property was purchased in August, 2001 and Ms. Briggs wants to put the depot she purchased on it and it meets the test under Duncan vs. Middlefield and if no variances were to be granted, she would suffer a practical difficulty. He continued by saying that the township requires a side yard setback of 50' and it would be impractical to use the property without the side yard setback variance. He said the variance is not substantial and no other means can be implemented to allow her to use the property.

Ms. Briggs testified that it will enhance the property also. She showed the board an aerial photo of the property and a map of the Chagrin Falls Park subdivision from the GIS.

The board viewed photos of the site.

Mrs. Stanton asked if the Metroparks bordered her property all the way down.

Ms. Briggs replied yes and continued by saying that the depot is currently in Burton and that she would like to have that footprint approved because the property is along the historical railroad right-of-way.

Mr. O'Brien stated that she would like to move the depot to this location or build a replica of it.

The board discussed the location of her property in the Chagrin Falls Park subdivision.

Mr. Lamanna questioned the size of the actual property.

Ms. Briggs said that the proposed location of the buildings were moved to accommodate the property because of the pending eminent domain with Bainbridge and she is trying to utilize as much of the land for agriculture.

Mr. O'Brien said that the township has not taken the land yet.

Ms. Briggs said that she was just served this week and added that this is a portion of property that was not dedicated in 1961 by the Geauga County Commissioners.

Mr. O'Brien said that one of the owners of this parcel with Ms. Briggs also owns adjacent parcels and referred to Lorenzo Lynch.

Ms. Briggs said they were purchased knowing the lots were landlocked.

Mr. Lewis asked if this property was a road.

Mr. O'Brien said it was platted but not dedicated.

Mr. Lewis asked about the landlocked lots.

Ms. Briggs said Lorenzo Lynch owns them with her and he owns lots off of Woodland also.

Mr. Takacs asked if all the lots were owned by the same individual.

Ms. Briggs said that some are owned by the township land bank.

Mr. O'Brien asked the board what their concern was with regards to who owned the contiguous parcels.

Mr. Lamanna said the board is trying to figure out what will be done with the adjacent parcels.

Mr. O'Brien said that he thought all that was to be considered here is setbacks, etc.

Mr. Lamanna said the board is trying to see how this variance request will affect the other parcels.

Mr. Lewis said the board has to look at what will go on the

adjacent parcels.

The board reviewed the site plan.

Ms. Briggs said the property was overgrown and stated that she is a resident of Claridon Township and the majority of her property is wooded and she wants to have gardens on this property and share with some of her neighbors, but they will be primarily for her personal use.

Mr. O'Brien referred to the zoning code and whether it will create a substantial detriment against the neighborhood.

Mr. Lamanna said it depends on the size and shape of the property and noted that the board will not let people build a house on three lots which is not consistent with the rest of the neighborhood.

Ms. Briggs said she wants to utilize her land for agriculture.

Mr. Lamanna told Ms. Briggs that the board cannot prevent her from farming her land.

Mr. O'Brien said the township's requirements prevent anything from going on that land.

Mr. Lamanna said that the nature of some properties prevent that.

Ms. Briggs said it is not swampland.

Mr. Lamanna referred to the Miller property by Tanglewood Shopping Center and said it cannot be built upon.

Ms. Briggs said she has 8,000 sq. ft. which her property meets currently.

Mrs. Stanton asked about the proposed buildings.

Ms. Briggs explained the proposed buildings and the proposed parking spaces.

Mr. Lewis asked what is going to be attached to the proposed structures.

Mr. O'Brien said that decks are going to be attached to the structures.

The board discussed the size of the proposed buildings.

Mr. Takacs referred to the proposed depot and asked about the other proposed structures on the site plan.

Ms. Briggs stated that Mr. McIntyre told her to put down all of her requests for the board.

Mr. Lamanna referred to the little building and the 12' x 20' building and asked what the other building will be used for.

Ms. Briggs said she will use it for storage or an office for herself.

Mr. George Mazarakis testified that he is going to become a resident of the Chagrin Falls Park soon and his house will be in the direct line of site of these proposed structures and said the people do not want to see a railroad depot or greenhouse and that property should be dedicated to residential living. He said young children will be attracted to this place and in addition it will be an eyesore. He said it is a non-descript, presumably historic train depot moved from Chagrin Falls to Burton and now to be dumped in Bainbridge. He said this is a moving train station and should not be allowed in a residential area.

Mr. Kolesar said Ms. Briggs is proposing a replica, not the original depot.

Ms. Briggs said she would like to build a replica of the depot and is asking for the same footprint. She said her property is directly across from a house that is not being utilized and said the previous location for the proposed buildings was the best place for it. She showed the board photos of the original depot.

Mr. O'Brien stated that as a one acre parcel, under Ohio law, it is presumed to be an agricultural parcel. He explained the ORC and said the township only has the power to regulate setbacks on acres between one and five acres.

Ms. Briggs said she only has good intentions to enhance the property.

Mr. Harson Abdullah testified that it will be seen from the community center and Bell's house.

Ms. Linda French testified that Ms. Briggs is not sure she will be building a replica and she is trying to move what Burton does not want and we don't want to look at a storage shed and we don't need an agricultural property.

Ms. Dee Richards testified that she is the secretary of the Chagrin Falls Park Improvement Council and said that Ms. Briggs indicated to them that they don't have any right to say anything about this. She referred to a petition with 115 signatures on it which states they do not want Mary Briggs to bring anything into the Chagrin Falls Park subdivision and added that the people don't want this at all.

Mr. Bruce Constant, Executive Director of the Chagrin Falls Park Community Center testified that the efforts being done there by Habitat for Humanity and the revitalization plans underway for the last three years, got the people involved in the community and we got the people involved as to how we want this neighborhood to look. He said they have been working with the township and the county regarding the potential for this neighborhood and said they have asked Ms. Briggs to come to meetings but she has refused. He said incorrect statements have been made regarding the use of her property and said first it was going to be the depot, not a replica and said he knows the history on that and it would not be positive for the community to live around the depot. He said the Chagrin Falls Park is trying to establish a bedroom neighborhood of single family homes and what she is proposing is near a main street and we already have shacks and abandoned homes in the neighborhood. He said the people in the community want to see revitalization and added that the trustees held a meeting and asked us what we wanted. He also stated that they all signed a petition that states they do not want a new replica or any other thing on this property and said that property was well publicized and is within eye distance of a proposed new home and the community center. He said she purchased the property and now is asking \$95,000.00 for it and it seems inconsistent of being a good neighbor and we have a good plan, we are receiving funding and this project needs to be cancelled and we ask that the board give it no consideration.

Mr. Ted Panther, Vice Chairman of the Unity Diversity Council, testified that their plan is to create unity and this process has created more disunity than unity and how we live together.

Mr. O'Brien said this is a parcel of more than one acre.

Mr. Lamanna asked if it is still an acre.

Mr. O'Brien stated that as of this day, nothing has been appropriated by Bainbridge Township and whether or not it is one acre, it is a question for the future.

Mr. Lamanna said the board could defer their action to a future date to see what happens regarding the possible eminent domain.

Ms. Briggs said that is why she relocated the structures from the original site.

Mr. O'Brien said the township has the right to possess it but will not own it until the court decides.

Mr. Lamanna said a 144 sq. ft. building would be permitted.

Ms. Briggs said she does not want to put up a residence on the property.

Mr. Lamanna said the request is for 1,800 sq. ft.

Ms. Briggs said that Mr. McIntyre told her to include everything she wanted on the site plan and said she is open to suggestions.

Mr. O'Brien said Ms. Briggs is willing to change the size of these proposed buildings and is entitled to a decision by this board and is entitled to an agricultural building.

Mr. Lamanna said the maximum she could have is 400 sq. ft. not considering the setbacks and that may affect the setbacks.

Ms. Briggs said this property was overgrown and she hired a crew to start cleaning up the land and let the neighbors have the wood chips and she did not call in the neighbors to testify for her, she wanted to stand on her own.

Mr. O'Brien asked whether or not the variance is substantial and said he thinks Ms. Briggs is willing to limit the size of the buildings to reduce the variances and said one side is controlled

by the Metroparks which creates a buffer and next to the property of one of the people who owns the lot with her and this cannot be obviated through some other method.

Mr. Lamanna asked about the side yard variance.

Mr. O'Brien said it would be more appropriate to have it closer to Mr. Lynch's property.

Ms. Briggs said she wanted to be able to utilize the ground as much as possible.

Mr. O'Brien said if the board would like to preclude her of a front yard variance, she could move it back and added that it is a one acre parcel and she is allowed to build an agricultural structure in accordance with the Ohio Revised Code.

Ms. Briggs said she plans to grow both vegetables and botanical.

Mr. Lamanna said he does not see why there should be a front yard variance on this property it is only for pure convenience to move it forward.

Mr. McIntyre said the 1.03 acre parcel is subject to Chapter 157 of the regulations.

Mr. Takacs asked what could be deducted from this parcel.

Mr. McIntyre said it could be 1/2 this size.

Mr. Lamanna said that according to legal descriptions, the measurement is taken from the centerline and the right-of-way is not counted when the lot size is calculated.

Ms. Briggs said when the survey was done by the township they measured from the centerline and the stakes are there.

Mr. Lamanna asked Mr. McIntyre if he had the survey.

Mr. McIntyre replied yes.

Ms. Briggs said she is willing to change any dimensions suggested by this board and added that she will be potentially putting up a fence on the eastern boundary.

Mr. McIntyre said the survey indicates the parcel is 1.03 acres excluding the right-of-way.

Ms. Sue Norman, Co-chairperson of the Community Improvement Council testified that the community's elders fought not to have agriculture and to keep the hogs and animals out of the community and why should the residents go back to what they came from and they have a progress that is working and this is not part of the progress and the people can have their own garden tools and tool sheds if they want.

Ms. Deanna Fairchild testified that she has a signed contract for a house near this location and three more coming up next month and the three are contingent upon site plan approval, one on the eastern side of Bedford and two of them abut next to Ms. Briggs' property and her concern is if the decision is made to go along with this, the three individuals may back out of their contract and asked who is truly taking a hardship. She said Ms. Briggs knowingly bought this property without a plan and now is asking \$95,000.00 for it.

Mr. Eddie Borders testified that he is a resident in the Chagrin Falls Park and asked why Ms. Briggs cannot build something new to be compatible with the neighborhood.

Mr. Lamanna thanked everyone for their input and said by law, the property owner has rights to use their property in ways that are not prohibited and the board cannot prevent an applicant from using their property for agricultural purposes and referred to a 144 sq. ft. building.

The board discussed the application and was in agreement that the decision by the board should be deferred until the outcome of the eminent domain situation.

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

Motion - BZA 2002-2 - 16790 Bedford Street

Mr. Lamanna made a motion to postpone further consideration of this application until the next regularly scheduled meeting in order that the board may consider the impact of the pending eminent domain proceedings against the portion of this property and the

present or likely effect that that will have on the total area of the property which would change the applicable zoning regulations that would affect that property. At the present point in time, the board does not have this information to make that determination.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-37 by Six Flags Worlds of Adventure for property at 1060 North Aurora Road (Continuance)

The applicant is requesting a conditional use permit for the purpose of developing an area to create a uniquely themed section of the park that features exotic land and water animals and attractions that compliment the other "worlds" of rides, water park and marine life. The property is located in a CR (Commercial Recreation) District.

The zoning inspector's letter dated January 17, 2002 was read and photos of the site were submitted.

Mr. Jack Bateman, Mr. Rick McCurley, Mr. Bill Hughes and Mr. Patrick McCafferty were present to represent this application.

Mr. Bateman testified that since they were before the board last time, they have met with the Bainbridge Township Police Department and Bainbridge Township Fire Department and are still AZA and USDA accredited and they still have plans for the Lost Worlds exhibit.

Mr. McCafferty displayed a site plan to show where "Tiger Island" will be located.

Mr. Bateman said the venue is there already for the tigers.

Mr. McCafferty displayed an artist rendering of "Tiger Island" as it will be viewed by the public.

Mr. Bateman said they are asking for a variance for the non-domesticated animals and they will be housed in the existing ski stadium.

Mr. Kolesar said he was under the impression that Six Flags

would be coming back to the board with a broader plan.

Mr. Bateman said they still plan on developing the Lost Worlds concept.

Mr. Lewis asked if this is a different application.

Mr. Lamanna said the tiger exhibit was discussed at the last meeting so it is part of it.

Mr. Bateman said the real variance request is for the non-domesticated animals.

Mr. Lamanna said the board will look at each piece, one at a time once they have the policies and procedures in place.

Mr. Lewis asked if letters were obtained from the police and fire departments.

Mr. Bateman replied yes.

Mr. Kolesar said this approval could be made contingent upon all other approvals from all other entities.

Mr. Bateman said they will have mock drills with the fire and police departments.

Mr. McCafferty said they met with the police department and they have seen our policies.

Mr. Bateman said the venue itself has been there with the stadium.

Mr. McCafferty explained the layout and the area where the tigers will be kept which includes the fence, the night quarters, the concrete blocks and said they will be fully contained and the walls will be made for easy cleanup and easy maintenance.

Mr. Lewis asked about the doors.

Mr. McCafferty said there will be guillotine doors for the main access area.

Mr. Lewis asked about the secondary area.

Mr. Hughes explained that two or three gates will have to be opened to get out onto the stage or into the park.

Mr. McCafferty explained the roof with the 360 degree containment.

Mr. Kolesar asked if the plans for the Lost World have been postponed or simply put on hold.

Mr. Bateman said they are on hold because of timing and capital and said Lost World will not happen for the 2002 season.

Mrs. Stanton asked about the AZA renewal.

Mr. Hughes said they are renewed every five years.

Mrs. Stanton asked if the township will get a copy of the certificate every five years and if the board can make sure the township receives one every five years.

Mr. Todd Petersen, Attorney for the applicant testified that realistically there is no difference between the conditional use and a variance but technically a variance has to be given, but the board could put conditions on it.

Mr. McCafferty said that the AZA has a website and it is public knowledge.

Mrs. Stanton said that five years down the road, the township wants to make sure Six Flags maintains that.

Mr. Lamanna said the township can follow up on that.

Mr. Petersen said Six Flags can amend their application to include conditions and to maintain the AZA accreditation every five years.

Mr. Lewis said his concern is that it be maintained.

The board reviewed the application.

Mr. Lewis asked if this is still a seasonal operation.

Mr. Bateman said that they are open May through October but do educational tours and this exhibit will be during the normal

operating schedule.

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

Motion - BZA 2001-37 - 1060 North Aurora Road

Mr. Lamanna made a motion to grant a conditional use permit/variance with respect to the "Tiger Island" portion of the application as shown on the plans which have been submitted with the part of the application which is being currently considered by the board at this meeting. As part of that application, the applicant has indicated that they do currently and will maintain certification with the AZA and compliance with all USDA or similar requirements for wild animals. The applicant has also represented and included that they maintain policies and procedures with respect to the housing, treatment, care and dealing with any escape or other extraordinary circumstance involving these animals which could pose a danger or hazard to park attendees or to the surrounding community. This conditional use permit/variance is limited to just the "Tiger Island" theme section. Additional areas engaging in the use of wild animals will be presented to the board and reviewed as each one of those is proposed to be put into operation. The board is granting a conditional use under Chapter 151.02 (b) as a live public entertainment show. The board is granting a variance under Chapter 177.1 (aa) with regard to harboring, maintaining or controlling wild, dangerous or undomesticated animals.

Based on the following findings of fact:

1. The basis for granting the variance under Chapter 177.1 (a) is that the intent of this particular section was to limit the maintenance of such animals by individuals or by other people who do not have adequate facilities and/or training for dealing with those animals and in fact the definition is structured such that the description of these kinds of animals are those which are "confined to a zoological park or exotic animal farm".
2. In this case, the location in which they will be maintained is the functional equivalent of a zoological park, therefore the concerns that underlie this prohibition, are not present in this particular circumstance. The board does note however, that, the reason the board can make this finding are the representations made by the applicant in regard to its

policies and procedures with regard to its certification with the AZA and compliance with the USDA requirements and therefore without those representations and conditions, the board would be unable to make a finding of fact to grant this variance because the conditions for granting the variance would not be satisfied without those representations and conditions.

3. With respect to Chapter 151.02 (b) these performances will be taking place within an enclosed park. They already have adequate facilities for handling the attendance and for managing the people who would be at these things. The location as such and the way the shows are conducted are such that they will not present any undue burden on the surrounding areas with respect to this particular exhibit/show that is before us tonight.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Since there was no further testimony the public hearing was closed at 10:21 P.M.

Respectfully submitted,

Linda L. Zimmerman,
Secretary

Michael Lamanna, Chairman

Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:21 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Takacs made a motion to approve the minutes of the December 20, 2001 meeting as written.

Mr. Lewis seconded the motion that passed unanimously.

Joint Zoning Meeting

Mr. Lamanna made a motion to hold a special meeting on February 2, 2002 at 9:00 a.m. for the purpose of attending a joint zoning meeting between the Bainbridge Township Board of Trustees, Bainbridge Township Zoning Commission, Geauga County Prosecutor's Office and Geauga County Planning Commission.

Mr. Lewis seconded the motion that passed unanimously.

ORGANIZATIONAL SESSION

Sunshine Law

Mr. Lewis made a motion to adopt the Ohio Sunshine Law (ORC).

Mr. Takacs seconded the motion that passed unanimously.

Meeting Schedule

Mr. Kolesar made a motion to set the meeting night of the Board of Zoning Appeals on the third Thursday of each month at 7:30 P.M. at the Bainbridge Town Hall and which some meetings may be continued from time to time, the board may set an additional meeting during the month.

Mrs. Stanton seconded the motion that passed unanimously.

Election of Vice Chairman

Mrs. Stanton made a motion to appoint Mr. Takacs as Vice Chairman.

Mr. Kolesar seconded the motion that passed unanimously.

Election of Chairman

Mr. Kolesar made a motion to appoint Mr. Lamanna as Chairman.

Mr. Lewis seconded the motion that passed unanimously.

Notice of Meetings

Mr. Lewis made a motion to require a \$25.00 fee and 12 self addressed stamped envelopes for notice of public hearing and/or special meetings.

Mr. Takacs seconded the motion that passed unanimously.

Zoning Secretary

Mr. Takacs made a motion to reappoint Linda Zimmerman as

secretary to the Board of Zoning Appeals.

Mr. Lewis seconded the motion that passed unanimously.

Meeting Proceedings

Mr. Lamanna made a motion that as part of its proceedings, the board of zoning appeals, upon motion of one of its members, may adjourn into executive session for the purpose of conducting its business meeting and/or deliberations.

Mr. Takacs seconded the motion that passed unanimously.

Applications for next meeting

Application 2001-13 by Judson Retirement Community for property located at the Northwest corner of Washington Street and Haskins Road (Continuance)

The applicant is requesting a conditional use permit with variances for the purpose of establishing a residential care facility. The property is located in a R-5A District.

Application 2002-5 by Jozef Kofol for property at 16381 Chillicothe Road (Hixsons)

The applicant is requesting a substitution of a pre-existing non-conforming use for the purpose of establishing a tanning bed, nail and hair styling salon. The property is located in a R-5A District.

Application 2002-6 by Christopher J. Stacey for property at 8842 Carnes Drive

The applicant is requesting an area variance for the purpose of erecting a storage shed. The property is located in a R-3A District.

Application 2002-7 by Bainbridge Village Limited for property at 8401 Chagrin Road

The applicant is requesting an area variance for the purpose of installing a ground sign. The property is located in a PO (Professional Office District).

Application 2002-8 by Tanglewood Partners for property at 8505
Tanglewood Square

The applicant is requesting a conditional use permit for the purpose of establishing a retail shoe store at the Tanglewood Professional Building. The property is located in a CB (Convenience Business District).

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for February 21, 2002 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Linda L. Zimmerman,
Secretary

Michael Lamanna, Chairman