

Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2013

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:11 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Application 2012-20 by Dr. Bob Lee/Kenston Schools for property at 17419 Snyder Road - Continuance

The applicant is requesting area variance(s) for the purpose of installing a monument sign. The property is located in a R-5A District.

Mr. Lamanna noted that this application is a continuance.

Mr. Todd Lewis recused himself from this hearing.

Dr. Robert Lee, Superintendent for Kenston Schools and Ms. Sheila Salem, Geauga County Prosecutor's Office were present to represent this application.

Ms. Salem referred to the letter she sent to the Board of Zoning Appeals, dated January 9, 2013. She testified that they do not have any new testimony or evidence to present regarding the sign measurements however they did discuss obscuring the view for the neighboring property and they and Dr. Lee have met several times and have come up with a site plan for the fence as well as the height and all of that was submitted to Ms. Karen Endres. She said their understanding is it will be an approximately 6' fence which will exceed the 4' maximum allowed from the zoning resolution so they would request a 2' variance for that fence.

Mr. Olivier asked where the fence ends.

Dr. Lee explained the location of the fence per the GIS aerial photo.

Mr. Murphy asked if the neighbors signed off on that and if it will be acceptable to them and if they are happy about it.

Dr. Lee testified by saying yes and he had Auburn Fence come out and they met with the neighbors regarding the fence.

Mr. Olivier asked if it will be on school property.

Dr. Lee said yes and they verified the location per Geauga Access and it is pretty close to what the survey showed. He said they can't put it on the property line because there is a swale which is almost on their property line so they had to move the fence off the swale area because of the water.

Mr. Murphy asked if 6' is going to work because he would hate to have the fence built and have it not do what it is intended.

Dr. Lee said both of the neighbors met with Auburn Fence and he talked with them twice about it.

Mr. Murphy said but they are not here tonight.

Dr. Lee said he thought they would be.

Mr. Olivier asked about the distance from the end of the fence to the road and if it is enough room for a couple of cars.

Dr. Lee said there is probably room for two cars and the car has to get almost past the sidewalk.

Mr. Gutoskey asked Ms. Endres to show the sign calculation.

Ms. Endres said everything refers to the sign being 6' high but if you add up all the numbers to the top of the sign it is actually 8' but where the blue hits the brick it is 6'.

Mr. Gutoskey asked Dr. Lee if realizing that it is not to scale if he sees any problems with site distance when somebody is pulling up and looking down, south on Snyder, where the sign is going to be located, being the line of site for people to look to pull out, visibility and site distance.

Dr. Lee said you will be able to see as far back as the fence.

Mr. Gutoskey said for a right turn it isn't a problem but if you have to cross the lane to go south on Snyder it would be more of an issue and added that he just wanted to bring that up to make sure that was looked at.

Mr. Olivier asked if it will be 36' from the edge of the road.

Ms. Endres said she believes it measures 36' from the concrete.

Mr. Gutoskey said it is probably about 15' or 16' off the right-of-way, give or take, if the road is centered.

Ms. Endres said it needs to be at least 12' from the right-of-way setback.

Mr. Murphy said it is 54 sq. ft. per side and he happened to go by West Geauga's sign last week and it showed just one line of type.

Dr. Lee said the size changes with one to three lines and with three lines the text will be smaller.

Mr. Lamanna asked Ms. Endres if she ever found out how big the other changeable text signs are in the township.

Ms. Endres said she did not have time to look them up.

Mr. Murphy said just down the street at the high school entrance we have a similar sign and asked if the blue flag Kenston is at the same height of that sign and there is no gray stripe underneath it and there is no black or red flashing sign underneath it, it is just that blue flag on the top that says Kenston High School.

Dr. Lee said it is gray and blue and it is that size.

Mr. Murphy said it is very similar to that and the blue Kenston sign is noticeable as you are coming up the street, it is very successful.

Mr. Gutoskey said it is similar to the one on the Bainbridge Road entrance.

Mr. Murphy said and the other entrance on Bainbridge Road so other than the flashing red light you have 33 sq. ft. in the upper sign.

Dr. Lee said ES Signs is the one that did the high school signs so he called them and asked them to replicate them for the campus sign.

Mr. Lamanna said the application was found for the previous sign back in 2000.

Ms. Endres said there was a variance for 24 sq. ft. so they allowed 44 sq. ft.

Mr. Gutoskey asked what was allowed back then.

Ms. Endres said 25 sq. ft.

Mr. Gutoskey said the code before the change was 25 sq. ft. so the square footage hasn't changed from where it is now to what it previously was before the code was revised.

Ms. Endres said that part stayed the same.

Mr. Lamanna asked if the sign is made already.

Dr. Lee said yes and he found that out after the last meeting and explained that an interim person told the sign company to proceed but then was told in October that they needed to talk more about the process and how the process was done.

Mr. Murphy said he is not a big fan of flashing red lights and neon lights and LED lights in residential neighborhoods and as you come up Snyder Road as a proud Kenston graduate, he likes the blue Kenston sign, it has a great color but he thinks it would be a mistake to have a big LED lighted sign on Snyder Road there, he thinks it is going to be distracting and the drivers could have a serious problem with that. He said how do you deal with it, it is already made but it is larger than what the actual zoning code says it should be and you could put it on a lower pedestal and not use the LED sign and it would still be a beautiful Kenston introduction and if they insist they need an LED sign it could be one row of type and keep it dimmed at 40%. He said there are a lot of things that could make it better and he sees that it is going to be glaring and very obnoxious no matter if the neighbors have a fence up there, he is a resident and a life-long Kenston graduate and the senior class president of 1972 but he has a problem with big lights in the country and he is a big fan of dark skies and not adding more light all over the township so that is what he brings to the table here as one of the members. He said there are other people like him in the township that agree with how he feels about that, it is a bright LED commercial looking sign, it is a school district, it is a big event, it is the stadium and it is hard to miss the stadium if you are coming up on a Friday night he doesn't think somebody is going to go past the stadium and say that is not it so he doesn't think the sign is feeding anything necessary about that so if you are trying to tell that the PTO meeting is at 2:00 PM on Wednesday he doesn't think that is the place to do it, or football tonight or wrestling tomorrow and soccer on Thursday and KCE sign-up etc. it is too much info to be putting on that sign at that location in the middle of those two little driveways on Snyder Road. He said there is a bunch of reasons why he is not really fond of the whole idea of that but we are 99% through the process and he has a bunch of problems with that sign.

Mr. Gutoskey said when you look at the Newbury sign or the West G sign, where they are placed and the routes they are on, it is a straight shot, the grade is relatively level, either way you can see the signs from a long distance and the way Snyder Road is with the changing grade on the hill if you are going south and then with the residents to the north and the obstructions in the front yards, will you be able to see the sign and read it, there is a limited length while you are driving where you actually will be able to visibly see it unless you are more or less on top of it.

Mr. Murphy said during school hours if you are going 25 mph you might have time to read some of those things.

Mr. Olivier asked if the time can be limited such as 9:00 or 10:00 at night, certainly after the last event such as a football game because you have to take into consideration the neighbors.

Mr. Gutoskey said yes because you are not going have time to read three lines.

Mr. Olivier said he doesn't want to see five different messages flashing up there so that somebody is distracted while they are trying to read everything on that sign.

Dr. Lee said there is already a limited time.

Mr. Olivier said the hours it is on should be limited as well.

Mr. Lamanna said per the code the text is limited to 30 seconds.

Ms. Salem asked if that is in the Ohio Revised Code.

Ms. Endres said this is typical with no animation.

Mr. Murphy said one of the things in the code says no such sign shall be of such intensity as to create a distraction or nuisance for motorists and he doesn't know how you deal with the intensity of the sign but even just going by West G the other day, when you are driving down the street, there are street lights on that road and that LED light is brighter than anything else around, it grabs your eyes and the idea of a sign company is to attract your attention and get that attention and he knows the board had this conversation a month ago about lumens but if you go by West G in the evening those LED lights are attention grabbing so in the middle of a country road those LED lights are bright and distracting, a nuisance, he doesn't know how you would define that but they are distracting.

Mr. Lamanna asked if we ever got a definitive answer on whether they are adjustable.

Mr. Murphy said they are LEDs so they should be dimmable.

Ms. Endres said but typically they are less intense at night because they don't have to be bright at night to be visible.

Mr. Murphy asked if Newbury checked that.

Ms. Endres said actually a sign company came in and gave a presentation to educate the zoning commission and BZA and on things that can be done to mitigate.

Mr. Murphy said but after the sign is installed can we go back and say they need to be dimmed.

Ms. Endres referred to the Newbury fire station and school and said it is simple changeable copy.

Mr. Lamanna said he sees the quandary because we have a 108 sq. ft. sign where 25 sq. ft. is allowed and maybe if we are generous, 50 sq. ft. and given the fact that if we gave the same variance on both sides we would still be at 88 sq. ft. He said even the top part of the sign is at 66 sq. ft. but one possibility would be to restrict the use of the changeable copy sign to one line and asked if any height for the letters can be selected.

Dr. Lee said he believes so.

Mr. Murphy said it depends on the fonts and it is an LED so he is sure the whole black area could be LED from one corner to another, top to bottom and added the masonry base is there.

Mr. Lamanna said the ground base is there and the other one is fabricated, it is just not installed.

Mr. Murphy said they could look at possibly lowering it.

Mr. Olivier said if the letters are a certain height then the sign becomes so big.

Mr. Lamanna said if we can limit it to one line of 8" letters on the top then we'll treat the rest of the sign as a blank face then we could at least reduce the size of the sign. He said if 24 sq. ft. is taken out the sign can be reduced to 80 sq. ft. and it is still a substantial variance and he thinks under the circumstances the board could live with that. He said if 8" letters are used they could probably get roughly 28 letters across there.

Dr. Lee asked Mr. Lamanna if he is talking LED.

Mr. Lamanna replied yes.

Dr. Lee said he doesn't know what all it is capable of.

Mr. Lamanna said if you look at most fonts the average width of the letter is less than 1/2 its height.

Mr. Murphy asked Mr. Lamanna if he is thinking the same size letters as the middle and intermediate school letters on the sign.

Mr. Lamanna said yes he was thinking about that size.

Mr. Gutoskey said you could have three lines of text but only one would be on the sign.

Mr. Lamanna said the only one you would use is the top row. He said it would be another band of print that would appear and would be changeable, the top one-third.

Mr. Gutoskey asked if the lettering always has to be in the same row.

Mr. Lamanna said it would always have to be in the same row.

Mr. Gutoskey said you could only have one line at once.

Mr. Lamanna said it doesn't matter because the electronics are set to do that.

Mr. Gutoskey said they could have three messages, you just wouldn't be reading three at once, only one.

Mr. Lamanna said right but the electronics are such that that one line would only be on at the top.

Dr. Lee asked if it would be the top one-third of the LED part.

Mr. Lamanna said yes, use the top one-third of the LED portion of it with 8" letters and added that 8" letters are very readable and the board won't count the other portion below that as part of the sign and we will have the sign down to 80 sq. ft. He said it should be contiguous with the other part of the sign.

Mr. Olivier said if the board grants the variance and they don't like it they can come back and attempt to get more.

Ms. Salem asked how that would be enforced; there really shouldn't be any conditions on a variance.

Mr. Lamanna said it is not really a condition on the variance, we will treat that lower part if you don't use it as not part of the sign, just like we would if there was a blank space there.

Ms. Salem said her office has taken a stance that you don't put conditions on variances so she just doesn't want to go down that path and to her it looks like a condition, that is what it sounds like and the sign is already constructed and the board is saying use part of the sign and not the other, that is putting a condition on the variance.

Mr. Gutoskey said the only other alternative is to have that section remade.

Mr. Lamanna said that bottom part is not a sign therefore you can't use it as a sign anymore, then it is a big blank space.

Ms. Salem said you are saying it is just not part of the sign.

Mr. Lamanna replied yes.

Ms. Salem asked if it will be treated as part of the base.

Mr. Lamanna said it will be treated as a base yes.

Ms. Salem said okay.

Mr. Lamanna said another thing we could say is that you have to cover over the bottom part of the sign but since it is electronic there is no need to put a physical barrier there. He said the sign is perfectly capable of being managed and he doesn't want to affect the looks of the optics of how it looks by putting some kind of requirement like that to physically render it incapable of use. He said there is always a possibility in the future with some experience of using this that the board might revisit it.

Ms. Salem said she understands.

The board reviewed the exact measurements of the proposed sign and the variances requested.

Ms. Endres said she noticed in the minutes of the previous hearings that the height is referred to as 6' in height but it is actually 8'.

Ms. Salem said they had 8'.

Mr. Lamanna said the goal is if they grant a variance to 7' they don't want to have to do it over again, so the variance will be granted to 8'.

Ms. Endres said there is another 6" on top above the blue.

Mr. Lamanna asked if there are any issues on the fence.

Ms. Endres explained that the fence will be located in the front yard of the school property.

Mr. Lamanna said so there is a 2' variance on the height for the fence and explained that the entire fence will be in the front yard of the school property. He said the board may say you have to turn the sign off at a certain time at night.

Dr. Lee said overall it will be darker at night because he is taking out a flood light area that will be better for the neighbors all the way around that is on all night right now and he is also taking down a 95 sq. ft. sign and replacing it with this one. He said he does have a question about using only one-third of the sign and he is speculating, he doesn't know how that works so they will just have to try it but he is not sure without having any experience on it but they will try to move forward and if it doesn't work, what happens.

Mr. Murphy said turn it off.

Mr. Olivier said it is an option.

Mr. Lamanna said the other issue is how bright the sign is.

Mr. Murphy asked if the LED can be turned off from 11:00 PM to 6:00 AM.

Dr. Lee said yes.

Mr. Murphy asked does it really need to burn all night, do we really need that LED on.

Dr. Lee said that is what their plans were, they already talked about it.

Mr. Murphy said he would like it turned off at a reasonable hour and turned back on in the morning.

Mr. Lamanna said the board would like the school to consider the issue of how bright those lights are at night. He said someone will have to check to see how bright the lights really need to be and added that he thinks there is a weakness in the code because there should be something in there about the weakness because you can crank up the brightness on LEDs pretty high if you are willing to spend the money and that could ultimately be a problem with how bright the lights are and again you are not gaining anything if they are so bright you can see them at the corner of Bainbridge Road because nobody is going to be looking for it that far away. He said it is something the school will have to work with and determine the right intensity. He said the school's goal is to not attract attention, it is not like a commercial sign where you are trying to attract the attention of people going by, please come in a patronize my store. He said the people are coming, they know what is there, all they are doing is looking for some information the school is trying to provide so he is hoping in that spirit you will deal with how bright it is. He said he thinks this is something the zoning commission needs to address.

Ms. Endres said it will probably be addressed in the re-write of the zoning resolution.

Mr. Lamanna said they need to look at how bright these signs are because LEDs are just going to get more and more advanced as time goes by and cheaper and cheaper and you are going to be able to crank out a huge amount of light at not a whole lot of expense from these and they are high directional and that is something they need to be thinking about or putting some limits on.

Dr. Lee asked of the current signs in the township which ones are a nuisance right now. He said there is Highway Garage, Dunkin Donuts, the township sign.

Mr. Lamanna said most of them are pretty small and they are all in a commercial district. He said if there is a sign at the corner of E. Washington Street and Rt. 306 you would hardly notice the sign because of the other lights there, that is the difference.

Mr. Gutoskey said the other signs are either on Rt. 306 or on E. Washington Street, they are not in a residential area.

Mr. Murphy said it is hard to say what a nuisance is, there are a lot of people in the neighborhood that talk and most everybody thought the first one the Fire Department put in was a mistake and a bad move and everything since then has been even worse so those are the people he talks to, it is not everybody but those are the people he knows who love Bainbridge and grew up or moved here and are here for a reason and they want to get away from the city, they don't want to be part of Solon, they don't want to feel like Solon, they don't want to look like Solon and those people thought the first flashing LED sign was a bad idea and the three that followed were worse.

Dr. Lee said the lumens were talked about and the ones operating right now, are they too bright.

Mr. Olivier said they are in a brighter area, there is a lot going on.

Mr. Murphy said he doesn't know if any of them think about turning them down, they seem very bright during the day, they are extremely bright at night, they are designed to be eye-catching. He said just varying the degree would be a good concept to try because it seems like they are out there. He said maybe there is a way to use the sign so it is not as obnoxious as the rest of them are.

Mr. Lamanna said so much depends on what is around but the one over here at the bank building, it has all of the ambient parking lot lighting shining down on it so it doesn't look as bright compared to the stuff around it. He said Dunkin Donuts looks very bright because it is darker and it is very noticeable and it makes a difference on how you have to set it up, if you are in an area where there is a lot of other ambient light you probably need it a little brighter, but if you are in an area that is very dark, you don't need as much light coming out. He said the ones that are most noticeable are in areas that are not very bright but the golf dome is more noticeable because it is down at the end of the district and it is pretty dark beyond it and the parking lot is set back farther so you don't have all of that parking lot light so it stands out more. He said Highway Garage has a lot more lighting going on.

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

Motion BZA 2012-20 – 17419 Snyder Road (Signage)

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of installing signage:

1. A variance for a two-sided sign in accordance with the plans submitted by the applicant to allow 40 sq. ft. per side for a total of 80 sq. ft.. This effectively means that the applicant will not use the lower two-thirds of the changeable copy part of the sign and therefore that part of the structure will not be considered signage and counted as part of the sign.
2. A variance to the overall height of the sign from 6' to 8' for a variance of 2'.

Based on the following findings of fact:

1. The board is granting this variance, substantial as it is, in the interests of allowing the school district to be able to fully communicate its location and information to the public.
2. The applicant has also taken steps and the board hopes they will take further steps to mitigate any adverse impact on the neighboring property owners and to minimize any impact and be less than consistent with the residential use of the district.
3. The board does note that the adjacent property owners who did raise objections is not here tonight and their objections have been satisfied by the mitigating actions taken by the applicant.
4. The applicant is installing a fence to mitigate the impact on the neighboring property owners.

Mr. Olivier seconded the motion.

Vote: Mr. Gutoskey, nay; Mr. Lamanna, aye; Mr. Murphy, nay; Mr. Olivier, aye.

The vote was tied 2 to 2 and did not carry, therefore the variance was not granted.

Motion BZA 2012-20 – 17419 Snyder Road (Fence)

Mr. Lamanna made a motion to grant the following variance for the purpose of installing a fence in the front yard of the school.

1. A variance from the maximum permitted height of the fence from 4' to 6' for a variance of 2'.

Based on the following findings of fact:

1. The fence is being installed to mitigate the impact of the proposed sign on the neighboring property owners.

Mr. Olivier seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Since there was no further testimony, the public hearing was closed at 8:15 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: February 21, 2013

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2013

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:15 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 20, 2012 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Organizational Session

Sunshine Law

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

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Meeting Schedule

Mr. Lamanna made a motion to set the meeting night of the Board of Zoning Appeals on the third Thursday of each month at 7:00 P.M. at the Bainbridge Town Hall; which meetings may be continued from time to time, at the discretion of the board, to such other dates as set at the meeting; and also that the board may schedule additional meetings during the month upon its motion.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Vice Chairman

Mr. Lamanna made a motion to appoint Mr. Lewis as Vice Chairman.

Mr. Gutoskey seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Chairman

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

Mr. Olivier seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Notice of Meetings

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

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Zoning Secretary

Mr. Lamanna made a motion to reappoint Linda Zimmerman as secretary to the Board of Zoning Appeals.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

By-Laws

Mr. Lamanna made a motion to adopt the Bainbridge Township Board of Zoning Appeals By-Laws and Procedures effective January 18, 2007 and amended on January 15, 2009.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application for February 21, 2013

Application 2013-1 by Elisa and Tim Carney for property at 18750 Brewster Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for February 21, 2013 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Other Business

Ms. Endres met with the board to discuss proposed applications.

The board discussed the Zoning Resolution Re-write by Kendig Keast Collaborative and was in agreement to hold a work session at the next regularly scheduled meeting to be held February 21, 2013 to review repetitive zoning issues that should be considered for change. This item will be included on the agenda and will be advertised accordingly.

Since there was no further business, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: February 21, 2013