

Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2017

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals and swore in all persons who intended to testify. He explained the public hearing process and noted that three applications have been postponed and will not be considered tonight.

Application 2017-1 by Joseph N. Gambino for property at 7395 Chagrin Road

The applicant is requesting a substitution of a non-conforming use for the purpose of landscape operations: construction, maintenance, installation. The property is located in a R-3A.

Mr. and Mrs. Joe Gambino were present to represent this application.

Mr. Gambino testified they want to buy this property for a number of reasons. He said currently they are in Auburn Township and they travel about ½ hour each way each day with their employees and the cost is considerable after five days a week with five men so they wanted to get closer to town and he saw this property was for sale and decided they would like to work out of that property and that is where they are at now. He introduced his wife Mrs. Tracy Gambino. He said clientele is 90% in the Chagrin Valley area so right now where this property lies it is great for their business operations and secondly for the time it takes to go back and forth is why they are here. He said materials is another reason why they want to acquire this property because many times they have to go out to Mantua for aggregates, stone and bring them back down to the Chagrin Valley, Moreland Hills area and this is another reason why we are looking at this property. He said they have been in Auburn Township in a residential area for 22 years and he has brought some letters from a few of his neighbors who were kind enough to write them to show the character of how Custom Cut operates and his men as well for whoever wants to see them. He said these are three surrounding folks and referred to the photo presented on the screen. He said they have five acres and don't have materials on the site at all, there is no room for it. He said they have been there for 22 years and not once as far as he knows has Auburn Township called him with an issue with his property and landscape business working out of this place. He said he keeps his property nice. He showed a photo of the property looking west and said it is one of the nicer properties on the road. He said he also wants to mention that he and his wife Tracy have been renting properties for 25 years and they always maintain their properties and several are around the area, many in Moreland Hills and they keep them as if they live there and they maintain them with their landscape services so the neighbors never have to look at a renter who doesn't take care of the property and this is one thing they have done for 25 years and it is another way to show the character of themselves and how they feel and how they respect their neighbors and they are considerate of them.

Mr. Gambino continued by saying they have retail on the application for the front of the building and his business will operate out of the back portion and yes they will have an office in there but they are looking for down the road to possibly have some form of something that they could do with that front building, they don't want to not put the retail on there and have to come back and do this again with the expenses and time so they are hoping that they can just get some form of retail in there. He said his wife was mentioning a little arts and crafts, they have a daughter who may want to do flower arrangements and these are things that would be brought to other people and not necessarily have people come to the building all of the time. He said the old groomer and veterinarian would have been much amounts of traffic coming in and out of that property daily opposed to what they are considering down the road, this is something they are planning on doing eventually as they get a little older they want to do something besides just having an office in there so that is why they are asking for some form of retail and have parking up front if they wanted to do some flower arrangements or arts and crafts, they would like to be able to do that without having to come back here and ask again. He said he will leave it up to the board as to what they consider retail, he doesn't know how to define that. He said people grow shrubbery that they use themselves and they take it to the customer. He said propagation of flowers, they have a flower shop on there and they are thinking about doing that as well in the front building and anything besides office use he is not sure what they can do with it if they don't have some form of retail down the road even if it is regulated in some form they have no problem but then they won't have to come back and ask for it. He referred to the site plan and they want to put buffers along the back as well as along the side. He said there is a kennel here that is not used and with a buffer when people are driving by they can't see down the side of the property and described the locations of the proposed buffers on the site plan. He said they will plant some evergreens, Forsythia, and burning bush trees are pretty dense even in the winter time they are still good blockage and ornamental grasses as well for buffers. He showed an elevation view and said there is a barn back there and it is looking from the back of the property and right here is a 4' drop at the back of the property and back there is to put material bins in so they can have materials on site rather than driving and getting smaller loads and again they have maybe one or two jobs a month that they use a lot of stone or something of this sort and the mulching they use at the beginning of spring and it dies off. He showed the next photo which is a view and they will dig down to put the bins in and they will put shrubbery along there so they won't be seen. He said this is another view to the east and that is Rocker Road and they plan on putting some kind of buffer there so the property will not be seen in the winter or summer. He said there will be four bins 80' long, 4' high and 12' out and you won't see the bins from the road and they won't exceed 5' high, there won't be a huge pile.

Mr. Lewis asked if we have established a footprint of all of that and the access driveway back there because he doesn't see it on the site plan as far as determining lot coverage.

Mr. Gambino said he believes his calculations are correct, there are 2.05 acres, 89,000 sq. ft. He said right now this entire area is stone and from this point back there is a road there, it is stone/grass, it is not going to be asphalt or concrete it is going to be stone and there will be room to get a skid steer in there and load up a truck.

Mr. Lewis asked if he is planning on storing dump trucks on the site or a loader.

Mr. Gambino said they have a skid steer and a large dump and a small dump and they will all be inside, all of their equipment will be inside and he wanted to ask if they can have a couple of their flat trailers in the back.

Mr. Lewis asked if they are landscape trailers.

Mr. Gambino said yes and only so he won't have to keep pulling them out and getting them out of the way. He added that he could put them in and if he has to do that he will, they did it in Moreland Hills before they moved out to Auburn so they can but he would ask the board to let them do that and they will be right behind the building so you couldn't see them if you want to from the road and definitely not from the kennels.

Mr. Gutoskey asked Mr. Gambino if he knows where the septic system is.

Mr. Gambino said yes, it is in front of the barn.

Mr. Gutoskey asked if that is where the field is or just the tanks.

Mr. Gambino said he is not sure where the field is.

Mr. Gutoskey said his concern is you are going further into the back and you may be getting into the septic system and you may be getting into the area that is set aside for the septic system.

Mr. Gambino said he doesn't know there is already a road coming along right here and the septic is right here, he referred to the site plan, and he guesses it would be right in the back here. He said they are probably going to have to replace it and/or do something with it once it transfers and we would make sure that would be the case but if not.

Mr. Gutoskey said the problem becomes the first solution with the health department would be that you replace it on site, that is the first thing they are going to look at and if that is the case you may not have enough room to do what you want to do with the bins and storage.

Mr. Gambino said actually there is quite a bit of room from this point and the bins are going all the way down here. He said there is considerable room throughout here as well and he has done septic himself before and he knows the proper procedure.

Mr. Gutoskey said at the beginning of last year all of the rules changed so trenches might not be an option anymore, it may be a mound or a drip but before you start disturbing areas you probably want to talk to the health department.

Mr. Gambino said that was the next step if they get the variance, he didn't want to go that route but his guess is he would like to put another bathroom in the building as well so this is something that would have to be addressed and he is not willing to take that on, if they let us use what is there it would be a blessing but you never know. He said the two things was to have the board give them some form of retail so they don't have to come back here again and ask for it. He said this front building is pretty much useless to them except for an office and he would like to be able to do something and he doesn't believe any traffic compared to what is coming out of Rocker Drive already or what was at the Copaw Cabana or the veterinarian, he can't believe they would do more than that. He said the materials on site is huge for their business, they have a five ton dump, no semi-trucks and he is respectful to his neighbors and he even took the beepers off of his skid loaders so they are not beeping when they are backing up so it is quiet.

Mr. Lewis asked Mr. Gambino if he perused the existing motion on this property.

Mr. Gambino replied yes and said from the last variance and that is one of the reasons he was hoping to just keep it exactly the same, nothing more, nothing less and he thought this would actually be a continuance but apparently that is not the case because it has already been there, it has already been done, it has been twenty years and we are going to do the same thing with some changes that he has mentioned.

Mr. Lewis asked Ms. Endres that her notes suggested that there have been a lot of past complaints on this property.

Ms. Endres said yes, she pulled the file and over the years there have been a number of problems on the property.

Mr. Lewis asked how much of that still exists now that would be in conflict with the last variance.

Ms. Karen Endres, Zoning Inspector testified that she doesn't know that there are any problems now since she has been in office but some of these she pulled from former zoning inspectors such as mulch piles in the front yard, there was a tent at one point on the property and a trailer parked toward the front of the property rather than the rear of the property. She said she anticipated that there will probably be some questions from residents regarding problems in the past that the board might want to have the opportunity to look at.

Mr. Lewis asked does the changing of hands, these improprieties should not be occurring going into the future and he doesn't know if we go through this detail by detail, the sign, hours of operation, where vehicles and materials are stored, all of these elements. He said it is a fairly long list so they seem to maybe have reoccurred or a preponderance of them.

Mr. Gambino said he did make a little list and the last thing on there was A thru L, every one of those issues will not happen with us, they never have and they never will and he likes things looking neat and clean. He said they buy rental properties and they are looking better than most of the houses around always, their other property is nice, the shrubs are trimmed and the grass is cut, we keep our places nice, we don't want to be in anybody's face so we always make sure we are considerate of others and that is something he and his wife have done his entire life. He said he has no doubts that it is not going to happen, if there was an issue or something it would be rectified like that and he doesn't believe that would be the case.

Mr. Gutoskey asked if the grinder and chipper will be parked inside the building.

Mr. Gambino said yes.

Mr. Gutoskey said and you don't have a bucket truck.

Mr. Gambino said no we are strictly climbing and that is why he wanted to write that down, our forte is climbing trees and our chipper is a regular size chipper and their stump grinder is a small one, it fits in between gates, they rent a large one for a day whenever they need it.

Mr. Lewis asked what happens to the truckloads of chips, do they come back to this property.

Mr. Gambino said no, we take it to TRC and they turn it into mulch for us and they don't have a tipping charge because they bring them so much materials and we used to buy a lot of mulch from them.

Mr. Lewis said so you are not processing or making mulch on site.

Mr. Gambino said no, they will have basically topsoil, mulch, aggregates, 3" size stones, they are not boulders, if they get boulders they go straight to Van Ness for them or another company, 3" rounds or 1" rounds which is used for drainage and other landscape applications and topsoil.

Mr. Gutoskey said so you would not have deliveries you would pick it up and put it in your bins, you wouldn't have a tri-axle coming in.

Mr. Gambino said they wouldn't be able to get in there and he wouldn't want them in there. He said they don't need that much, they are a small company, five guys strong.

Mr. DeWater said after your bins are installed your grading is going to be at such so that when it does rain the water is going to go back to your bins.

Mr. Gambino said on either side of the property he plans on having swales, there is a creek in the back and there is an obstruction back there that he plans on opening up and he wants to make sure it drains properly.

Mr. DeWater asked if there is going to be rock salt storage.

Mr. Gambino said no.

Mr. Murphy said regarding living plants, do you get a truck load of shrubs in three months at a time.

Mr. Gambino said we pick up the plants at the nursery and go straight to the job.

Mr. Murphy said you won't be selling plants.

Mr. Gambino said he sells them, he resells them, there is a lot of room back there that is not being used and they would like to have that opportunity down the road and he wants to bring that up now rather than have to come back and do this again with the expenses etc.

Mr. Lewis asked if that is agriculture.

Mr. Murphy said he doesn't know how that would work into an agricultural thing if you are growing your own plants in the backyard.

Mr. Lamanna said you can't do animals.

Mr. Gambino asked wasn't it Arrowhead Nursery a long time ago but they are not going to be growing their own plants.

Mr. DeWater asked about the hours of operation with the employees.

Mr. Gambino said they get in around 8:00 AM and we try to keep it at 45 hours per week, we don't work on Saturdays unless we need to and if we are behind if there are rainy days they may work Saturdays, Sundays absolutely not.

Mr. Lamanna asked about the existing signage on the property.

Ms. Endres said there is no signage right now on the property and that is why she put the comment in the staff letter that it would be good if the board could address the signage also. She said right now the only sign that would be permitted would be an address sign.

Mr. Gambino said he thinks there was something like a 3' x 3' but he doesn't know if they need something that large, they are not going to have people coming to their property, he doesn't have somebody coming in to look at landscape plans, he does all of that himself but it would be nice to have their name on something but if it is going to be a deal breaker they have no problem with not having something out there but it would be nice to have their name.

Mr. Lamanna said he thinks there was originally a sign there.

Ms. Endres said yes.

Mr. Frank Artino testified that it was 3' x 4'.

Mr. Gambino said he doesn't need anything that large, it would be nice to have his name up there but it is not necessary, he could be without it.

Mr. Artino said it would be between two signs anyway, there is a sign for the kennels and there is a sign for Judson so it would be in between two existing signs plus there was a sign there.

Mr. Gutoskey said his concern is not having a real good site plan and not having an idea where the bins will end up, what the lot coverage is going to be because we would like to limit the lot coverage and cut it down a little bit if there is something we can do in the front with all of that big patch of gravel because when we looked at this before for the vet clinic we had reconfigured that somewhat to eliminate some of that mish mash of gravel and the big glob of gravel in the front.

Mr. Gambino said right and he has no problem doing something with that. He referred to a site plan and said this is where the bins are going to be, they will be very far down in the back.

Mr. Lewis said there is no existing driveway to them.

Mr. Gutoskey said his opinion is the bins would go where it is already disturbed or where you already have lot coverage because the more you push them back you have to get a driveway in.

Mr. Gambino said there is actually a drive there now and it can be seen on Google Earth, the bin area he would dig out but he has no problem taking some of that soil or all of it and bring it up. He said he does want to block being able to look straight down the side of that building to the back lot so in fact he thinks he saw on the site plan that they had drawn on there.

Mr. Gutoskey said he thinks the board worked on that at the meeting to narrow down the entrance and create a drive to go around to the back.

Mr. Gambino said he agrees the front is a big blob of stone.

Mr. Gutoskey said come off from the building and get some landscaping in there.

Mr. Gambino said and get rid of some of the gravel.

Mrs. Tracy Gambino testified that it needs sprucing up, it needs a big facelift.

Mr. Gambino said they are planning on doing things and they are not going to do it all at once but the first thing they will do is clean up the property, all the way around the perimeter.

Mr. Lamanna said it is as simple as scraping off the gravel and you have got the equipment to do it, it is not like the veterinary coming in that has to pay someone to do it all, you've got the option to do it.

Mr. Gambino said yes, they are not tearing out any asphalt. He said when they mound they are not putting trees on top of a mound, smaller plants would be on the mound, the mound would be 2' to 3', not something tall.

Mr. Lamanna said he is reviewing the prior use and restrictions previously put on the property and he thinks the landscape materials were up directly behind the building.

Mr. Gambino referred to a site plan and said this is the area you are talking about right here and added that they don't need all of that parking area.

Mr. Lamanna said the board would like to reduce down all of that, it is a lot of unused lot coverage and not put to any productive use.

Mr. Gutoskey asked Mr. Gambino if he saw what was approved for the vet clinic.

Mr. Gambino said he saw the site plan but did not look into the depth of it.

Mr. Gutoskey said the board would be looking into something like that because that would give you some room to do some mounding which would help hide some of the parking lot so when you drive through it would appear to be more residential.

Mr. Gambino said he agrees and if it makes a difference with the bins in the back he would definitely go in farther with them because that makes a big difference for them.

Mr. Murphy said the board is talking right now that the bins right up behind the garage may be a better deal because you are not then paving a new driveway halfway back into your yard and he thinks the board really needs to see septic plans and we don't actually have a site plan with everything on it right now.

Ms. Endres said she wants to comment too that the longer the driveway going back to access the bins it is more lot coverage and there would be much less lot coverage if you tuck those bins closer to the accessory building rather than pushing them back further on the lot. She said based on the numbers it is right at 40%.

Mr. Murphy said visually they might be better further back because of the fall and he appreciates that.

Mr. Gambino said that is why he wanted them there but again whatever works that is a huge part of this acquisition so he will work with whatever, if they have to figure something else out to move them closer.

Mr. Gutoskey said they will be tucked in behind the building, you won't see them from the street.

Mr. Gambino said and that is going to be the case no matter what with the buffers on the sides but that is the reason why he put them farther back so he could bury these when he saw the drop off.

Mr. Lewis said you will need space for the replacement septic fields to reside at so he thinks Mr. Murphy's point, before you can determine where the bins go and recalculate the lot coverage you have got to find out from Geauga County Health exactly what chunk of that space they have got dibs on for your septic system and then it is a work-around based on that.

Mr. Gambino said that makes sense.

Mr. Lamanna said if you want to have a couple of trailers parked outside.

Mr. Gambino said right, small ones.

Mr. Lamanna said between the buildings.

Mr. Gambino said that is an alternative, that wouldn't be a problem.

Mr. Lamanna said they would be tucked between the buildings and would not be seen from the street and even if you look from the side they will be in between two buildings and they are not going to be so noticeable.

Mr. Gambino said there will be nothing parked in the front unless we are parked for a second to go somewhere.

Mr. Lamanna asked how many employees will be there maximum.

Mr. Gambino said they have five employees and have had them for about 12 years now and we like it just like that, it is a nice small business, it is not overwhelming, it works well for all of us.

Mr. Lamanna said if you want to use the front as retail that will entail some additional people.

Mr. Gambino said yes if they did that down the road and that is why they wanted to talk to the board now and if they add another bathroom down the road if they have to. He said if they have to put in another septic system, he is going to put another bathroom in, it would be silly not to, there is only one bathroom on the property.

Mr. Murphy said it is a little difficult from his view to just give an unlimited approval to an imaginary retail business.

Mr. Lamanna asked if they saw the list of things they allowed before.

Mr. and Mrs. Gambino replied yes.

Mr. Lamanna asked if that would satisfy them.

Mrs. Gambino said yes and they have nothing set in stone of even doing anything but they thought just in case.

Mr. Gambino said his main goal was to go with exactly what the Artinos had, no more, no less, they were absolutely satisfied with that, that would definitely take care of anything they would ever want to do. He said he doesn't know if they are at that point and he will not sell Christmas trees.

Mr. Lewis said it would be a less intensive use.

Ms. Endres said the only additional thing is the tree service and it wasn't part of what the former landscapers had but what she understands is the equipment for the tree service portion of the business is minimal.

Mr. Gambino said yes they have a chipper, a standard size and a small stump grinder.

Ms. Endres said that is a big difference between what Mr. Artino was doing.

Mr. Gambino said they offer tree services as well but no bucket trucks, no cranes and if they need a crane they rent them, they won't be on the property.

Mr. Gutoskey asked Mr. Gambino if he will be selling firewood.

Mr. Gambino said no, he tried that once.

Mr. Lamanna asked Mr. Gambino if he wasn't actually interested in retail sales of shrubs.

Mr. Gambino said no.

Mr. Lamanna said you would only deal as a landscaper to sell and install.

Mr. Gambino said he is in a sense selling it.

Mr. Lamanna said nobody is coming in and buying it and taking it away.

Mr. Gambino said right.

Mr. Lamanna said when you do a landscape plan you would install them.

Mr. Gambino said that is correct, he would not have anybody come to the property and look around to buy some shrubbery ever.

Mr. Lamanna opened up the hearing for anyone who had questions, comments or concerns.

Mr. Norman Schultz of 7444 Chagrin Road asked if they plan to have anything out front to sell.

Mr. Gambino said absolutely not, he doesn't even plan on parking something out front except for a car ever, there is no reason to.

Mr. Gutoskey said any sales would be confined to inside the building.

Mr. Lewis said and we already have that carved in. He said if the applicant is compliant to the standards that have already been applied there shouldn't be anything in the front yard for sale ever, not even their personal car for parking or customer parking or employee parking however you allocate the spaces.

Mr. Gambino said the only thing they would ever have out front is a car or two parked out there and they would not be for sale.

Mr. Lamanna said what we do have to figure out is how the parking is going to work and where the employee parking is going to be because the previous parking situation was there were fewer people.

Mr. Gambino said right but his thoughts were with the vet clinic going in, that was approved, they had 15 spaces there they were anticipating a lot more cars being out front.

Mr. Lewis said we approved this site plan for parking.

Mr. Gutoskey said if we utilize that site plan for the front that would address, narrowing the driveway down, and pulling parking back from the right-of-way because he thinks the way that layout was all of the parking was tucked within the front of the building and they had a little driveway around the back.

Mr. Gambino said his employees are mostly Hispanic and they all drive together.

Mr. Lamanna said he thinks he would almost rather have the employee parking up here, he referred to the site plan, facing Rocker Avenue rather than back here.

Mr. Lewis said he agrees and also in the back if the bins got closer to the building, car parking is in the way of the access driveway.

Mr. Lamanna said it would make sense to move that bulk storage up closer.

Mr. Gambino said it would be easier for him to do that as well.

Mr. Lamanna said that would be ideal, the restriction would be we want it behind and beyond the sides of the building.

Mr. Artino said if they are pulled up closer they won't interfere with the septic system.

Mr. Lamanna said he thinks that is going to eliminate all of the issues.

Mr. Gambino said it is easier for them to construct and it is actually less time.

Mr. Lewis said the street view of the bins are still hidden by the building and because your bins are low profile and you are going to do some mounding around them anyway that is probably a pretty good fit.

Mr. Gambino said he probably won't put a buffer in between himself and the kennels if he doesn't put them back there or in the back area. He said those buffers were to block anybody from the kennel, from the dogs.

Mr. Murphy said you will still need a site plan.

The board worked on a suggested site plan for Mr. Gambino.

Mr. Lamanna said the board will want a more detailed site plan so this way the board can act on this and approve it subject to coming back with a detailed plan that shows all of that that the zoning inspector will review and approve to be sure it is consistent with what the board approved.

Mr. Gambino said it works for him. He asked if he has to go through this whole process again.

Mr. Lamanna replied no, the board will approve the non-conforming use subject to you (Mr. Gambino) before you get your zoning certificate, prepare a detailed site plan showing all of these modifications and show exactly where the bins will be placed, get it to the zoning inspector and she will review it and make sure it conforms with the board's approval here tonight and it falls within the limits of what the board approved.

Mr. Murphy asked if the board is going to allow for expanded lot coverage or is everything that is planned now has to fall within the same lot coverage that exists.

Mr. Gutoskey said he thinks it will fall within, if not be less.

Mr. Gambino said he thinks it will be less without that long drive to the back, definitely.

Mr. Murphy said the long driveway to the back was within the existing lot coverage now.

Mr. Gambino said it actually was, it was 160' x 14' and he made it a little wider to make sure it was a little more so they won't go over. He said it is 2,240 sq. ft. just for the drive itself.

Mr. Lamanna said the board would like to see at least over some period of time that driveway disappear, just let it overgrow.

Mr. Murphy said there is gravel in there but it has been mowed.

Mr. Gambino said he thinks it has been there for a long time because he was walking on it, you can see it when you are there but you can't, it is one of those things.

Mr. Lamanna said you can disk it so it breaks up and goes back to nature.

Mr. Gambino asked if the board wants him to eliminate that road.

Mr. Lamanna said yes.

Mr. Gambino said he thinks he will just let it grow up if that is okay.

Mr. Lamanna said he is not talking about taking it away, just go through it with something to break it up.

Mr. Murphy said if you mow it you don't know what is there.

Mr. Gambino said it is overgrown and you can't even see it now, it is grass covered.

Mr. Artino said it is grass covered.

Mr. Lamanna said if it is grass covered, then let the record reflect that it is no longer considered a driveway for the future.

Mr. Gambino asked if they could drive back there to put some shrubbery in down the road if they needed to, if they are growing something down the road.

Mr. Lamanna said you can drive back there but you can't establish a real driveway.

Mr. Schultz asked how long ago did Mr. Artino sell his business, the landscaping business there.

Mr. Artino said he still has the landscaping business.

Mr. Schultz said he doesn't have Briarhill, it is gone they sold it.

Mrs. Mary Ann Artino testified that they changed their name.

Mr. Artino said he still owns it, the guy is buying him out over a 10 year period.

Mr. Lamanna said as long as they are operating a business from that location.

Mr. Artino said he is, everyday.

Mr. Lewis said that takes away any of the questions that the use was abandoned for more than two years so that has been asked and answered. He said he doesn't have any more questions on this application but he wanted to delete selling Christmas trees as one of the criteria.

Mr. Gambino said you can gladly delete selling Christmas trees.

Mr. Chris Pfouts of 7393 Chagrin Road testified that he has the kennels next door and asked about the use of the garage.

Mr. Gambino said it is tight right now and added they are going to put trusses across and he plans on keeping everything inside.

The board discussed the proposed site plan with Mr. Gambino.

Mr. Murphy said there was a sign allowed for the original landscaping business and the veterinarian was going to come back but she never did. He said there is a pair of 4 x 4 posts in the ground out there.

Mr. Artino said there is a sign post there and he wants to say it is 3 x 4, they did whatever he board said was okay.

Mr. Lewis said we have to make sure he has enough room on the sign.

Mr. Gambino said it won't be illuminated, we don't need it to be illuminated, there is no reason to. He said the sign will be basically like their logo and maybe there will be something else down the road if his wife does crafts but we will make sure it is within the constraints of the sign.

Mr. Lewis asked if that is one-sided or two-sided.

Mr. Murphy said the existing was two and what the board approved in 2001 was a 3 x 4.

Ms. Endres said the size of the sign should be the same as a home occupation.

Mr. Murphy said a home occupation is supposed to be 4 sq. ft., a 2 x 2 sign.

Mr. Gutoskey said that is one side.

Mr. Gambino said he is hoping to be able to have a two-sided.

Mr. Murphy said if you have posts that are 4' apart it could be 1' high and 4' wide.

Mr. Gambino said they have an ornate wrought iron, it is a nice look, it is softer than the posts.

Mr. Murphy said he thinks that home occupation size is good for residential.

Ms. Endres said she normally allows home occupation signs 4 sq. ft. in size and 6' high.

Mr. Gambino asked if this is something the board is going to give him and is it going to be written down.

Mr. Lamanna said it will be documented.

Ms. Endres told Mr. Gambino when he is ready to put up the sign she will help him through it.

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

Motion BZA 2017-1 – 7395 Chagrin Road

Mr. Lamanna moved that the applicant be allowed a substitution of a non-conforming use for the purposes of operating a landscaping company including installation services and tree services and for the purposes of conducting certain limited retail sales as further described herein.

1. With respect to the landscaping business all of the equipment will be stored indoors and will be conducted to minimize any unnecessary vehicle noise.
2. Bulk storage of landscaping materials will be permitted behind the barn for which the applicant will install concrete blocks to retain those materials creating four areas for that purpose. The bulk storage for the landscaping materials will be limited to that space and it will not exceed a maximum of 3,000 sq. ft. and not extend beyond the sides of the main building. The height of any piles of bulk materials within the bins will not be higher than 3' above the top of the bin.
3. Reasonable precaution will be made to prevent run off of any materials onto adjacent properties.
4. With respect to parking the applicant may park open trailers in the space between the two buildings as the only business vehicles permitted outside the building.
5. In addition the applicant in accordance to Exhibit A, entered into the record, will reconfigure the parking area so that there are spaces for employees and potential retail customers totaling nine parking spots.
6. With respect to the retail sales, retail sales will be allowed of annuals, perennials, small consumer gardening supplies, floral arrangements and designs for fresh and dried flowers, artistic containers for floral arrangements, theme crafts and materials for holiday and calendar events, seasonal gift items, ornamental gift items and landscape design services. The retail sales will not include bulk materials or large items such as boulders, firewood or Christmas trees. All materials for retail sale will be stored inside the building except for living plants.
7. No materials will be stored within 25' of the property line on the east side of the property.

Motion BZA 2017-1 – 7395 Chagrin Road - Continued

8. With respect to hours of operation for the retail business they will be limited from 9:00 A.M. to 8:00 P.M. except Sundays where hours will be limited to 11:00 A.M. to 6:00 P.M.
9. With respect to signage the applicant will comply with the requirements for Home Occupation signs of 4 sq. ft. and will work with the Zoning Inspector in terms of qualifying the signage.
10. The signs will not be illuminated.
11. With respect to the general overall area lighting there will be no further area lighting on the property without specific applications back to the board with respect to any kind of non-incident lighting, low level ground lighting is permitted but no wall packs, halogen lighting, high pressure sodium lights, security lights, LED's or any high intensity lighting that is used for security including motion activated lights or anything like that will be permitted unless the applicant comes back to the board with a specific plan.
12. With respect to the bulk materials, this will be delivered only in small trucks, not large tractor trailers or large vehicles because there is not adequate room for maneuvering.
13. Additionally the existing driveway going back beyond where the bulk storage will be has effectively been abandoned and allowed to grow over and it will be left to go into a natural state and will not be considered an existing driveway or existing lot coverage for all future purposes with respect to this property.

Based on the following findings of fact:

1. The reason for granting this is the board finds that this property has been used continually for similar purposes for an extended number of years.
2. This particular business will be substantially the same as that and in fact with the modifications being made to the parking areas there will actually be a reduction in the overall lot coverage that exists on this property and will cause the property to take on a more residential look so it should actually decrease the amount of non-conformity that this property represents.

Motion BZA 2017-1 – 7395 Chagrin Road – Continued

3. It does not appear that since it will be a similar use that there will not be an increase in noise pollution or traffic in the area with this substitution of use.
4. The board notes that prior to the zoning certificate being issued the applicant will present a detailed site plan showing the revised parking area and the details of the location of the bulk storage bins and their access and location of septic area. It will be submitted to the Zoning Inspector for her approval and that such plans conform with the board's decision.

Mr. Gutoskey seconded the motion.

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

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic. The property is located in a R-3A District.

Motion BZA 2016-40 – 7170 Chagrin Road

Mr. Lamanna moved to continue this application to the February 16, 2017 meeting at the request of the applicant.

Mr. Lewis seconded the motion.

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

Application 2016-41 by Terry Markoff for property at 9514 Taylor May Road

The applicant is requesting area variance(s) for the purpose of constructing a garage addition. The property is located in a R-5A District.

Motion BZA 2016-41 – 9514 Taylor May Road

Mr. Lamanna moved to continue this application to the February 16, 2017 meeting at the request of the applicant.

Mr. Gutoskey seconded the motion.

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

Application 2016-26 by Federated Church by Sarah Northcraft Spann, Senior Director of Operations for property at 16349 Chillicothe Road (Family Life Center) - Continuance

The applicant is requesting a renewal and modification of a previously granted conditional use permit for the purpose of a church community center with short term lease for temporary use as a public school for the Chagrin Falls Exempted Village School District. The property is located in a R-5A District.

Motion BZA 2016-26 – 16349 Chillicothe Road

Mr. Lamanna moved to continue this application to the next regularly scheduled meeting to be held February 16, 2017 at the request of the applicant with a notation that with this application the board has been making requests of the school district when technically the board should be making the requests to the church so just to correct the record where the board has made reference to asking the school for documents that those requests actually be directed to the Federated Church as the proper applicant and at this point in time there is actually no signed lease in hand showing the school district has a formal interest in the property to be formally an applicant and the board had discussed previously the question of permitted use versus conditional use and the board will defer dealing with that at this point in time at least pending their submittal of a signed lease agreement so that they are properly an applicant, then the board can consider that.

Mr. Murphy seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:20 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: February 16, 2017

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2017

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:20 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

New Business

7168 and 7170 Chagrin Road

Mr. Ernest Mishne and his fiancé met with the board to discuss the shared driveway situation between his property and the property owned by Ms. Janis Evans (The Herald Building).

Minutes

Mr. Lewis moved to adopt the minutes of the December 15, 2016 meeting as written.

Mr. DeWater seconded the motion.

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

Organizational Session

Election of Chairman

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

Mr. Gutoskey seconded the motion.

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

Election of Vice Chairman

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

Mr. DeWater seconded the motion.

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

Sunshine Law

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

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, 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. DeWater seconded the motion.

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

Zoning Secretary

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

Mr. Murphy seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, 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. Murphy seconded the motion.

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

Applications for Next Month

Application 2016-26 by Federated Church by Sarah Northcraft Spann, Senior Director of Operations for property at 16349 Chillicothe Road (Family Life Center) - Continuance

The applicant is requesting a renewal and modification of a previously granted conditional use permit for the purpose of a church community center with short term lease for temporary use as a public school for the Chagrin Falls Exempted Village School District. The property is located in a R-5A District.

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic. The property is located in a R-3A District.

Application 2016-41 by Terry Markoff for property at 9514 Taylor May Road - Continuance

The applicant is requesting area variance(s) for the purpose of constructing a garage addition. The property is located in a R-5A District.

Application 2017-2 by Stephen Ciciretto for David and Jaime Stratton for property at 8462 Rockspring Drive

The applicant is requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Application 2017-3 by Stephen Ciciretto for Erik and Erin Lange for property at 8414 Summit Drive

The applicant is requesting area variance(s) for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

Application 2017-4 by Parkside Church for property at 7100 Pettibone Road

The applicant is requesting a modification of a current conditional use permit for the purpose of holding a preschool and school in the existing facility. The property is located in a R-5A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for February 16, 2017 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.

Since there was no further business, the meeting was adjourned at 9:06 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: February 16, 2017