

Bainbridge Township, Ohio
Board of Zoning Appeals
October 19, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:39 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. The following matters were then heard:

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 2006-26 by Janet Switzer for property at 7147 Rocker Avenue – continuance if needed

The applicant is requesting area variances for the purpose of constructing a garage. The property is located in a R-3A District.

Mr. Lamanna explained that this application was continued based on a decision of the board at the previous meeting to confirm certain aspects of the property by survey and as it turns out the applicant is requesting a significant change to the structure that they are proposing. He said that being the case, it is beyond the scope of a continuance and therefore it is going to have to be put off to another meeting so that appropriate notice can be given. The board will vacate the previous decision of the board and will continue this application open and the board will schedule it for a hearing which will probably be at a special meeting in two weeks.

Motion BZA 2006-26 – 7147 Rocker Avenue

Mr. Lamanna made a motion that the board vacate the decision of the board rendered at the September 21, 2006 meeting and continue this application until a special meeting which will be scheduled for that purpose.

Mr. Takacs seconded the motion.

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

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road

The applicant is requesting a conditional use permit with variances for the purpose of constructing 49 single family cluster homes. The property is located in a R-3A District.

Mr. Lamanna noted that the counsel for the applicant has requested that the board continue this application due to his illness and inability to appear. He said the board would like to continue this application to the next regularly scheduled meeting to be held November 16, 2006. He stated that the board will take all of the other matters that were scheduled for the regular November meeting and move them to a special meeting that will be held in two weeks so this will be the only matter on the docket for the regularly scheduled meeting in November. He also noted that since the various parties to this application intend to present experts at that hearing, the board will require that it has a written report on those experts in hand at least two weeks prior to the date of the hearing so the board can have those in advance.

Motion BZA 2006-33 – 16941 Savage Road

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held November 16, 2006.

Mr. Takacs seconded the motion.

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

Application 2006-30 by ROCA Properties, LLC for property at 16760 Park Circle Drive

The applicant is requesting area variances for the purpose of maintaining two portions of a previously installed concrete pad. The property is located in a LIR District.

The zoning inspector's letter dated October 12, 2006 was read and photos of the site were submitted.

Mr. Dale Markowitz and Ms. Carol Freebairn were present to represent this application.

Mr. Markowitz testified by referring to the Mylar that is displayed and on the application it was indicated that there was a cement block area that they wanted to retain from the old footer foundation floor from the metal storage building that they had for erosion protection. He explained the location of the man-door which has a small sidewalk and added that he had photos of it. He said the footer floor from the far west end is a little bit larger than the piece that goes up to the man-door and that piece extends to about one foot away from the property line which is where it was before and the other end was cut back about 10' so the one that goes out the man-door is about 10' away from the property line.

Mr. Takacs asked Mr. Markowitz to show the board what it now looks like on the Mylar (overhead).

Mr. Markowitz showed the board on the drawing (overhead) and explained the location and also showed them on the photograph.

Mr. Takacs asked if most of the pad was removed except for in front of the doors.

Mr. Markowitz said yes and there are two pieces left. He said this was the interior of the building, they had a 100' long by 16' wide interior and he was trying to get some pictures of the exterior to show the board. He said they had a block on the outside edge and a railing but the railing is gone and the structure is gone other than two pieces. He said they kept the one piece (the westerly block) and added that they were going to remove it, but the gentleman that was going to remove it said it would be better for storm water control and erosion control to keep it there because there is a stream running right next to it.

Mr. Markowitz continued by saying when they were there chopping the concrete away, they said a little bit of the cement pad should be kept as an emergency exit out the man-door on the east end of the building so they cut half of it back and the other half is what you see in the pictures and it is now parallel to where the equipment shed is for the generator and it is about 10' from the property line and it is designed simply to have a hard surface to walk out of the building in case of an emergency. He said those are the two limited variances they are asking for and they conditioned their application stating it will not be used for storage or for any other purpose besides erosion control and for an emergency exit, otherwise they removed all the drain pipes, the block and the structure. He said they have sufficient practical difficulties to ask for a variance on that condition because they will not use it for storage.

Mr. Takacs said he does not have a problem with what they have done except for the overhead, there should probably be a handrail because it looks like there is a 4' to 5' drop-off.

Mr. Markowitz said they took that off and asked Ms. Freebairn if she kept the railings.

Ms. Freebairn testified that the people that took the building, also took the railings.

Mr. Markowitz said the other thing he suggested is that they put some concrete on the exposed side of the block on the east side for appearance as well as longevity and Ms. Freebairn indicated that she is happy to do that. He said they don't want to use that overhead doorway as a means of exiting but certainly in case of an emergency.

Mr. Olivier asked if the pad ties into the retaining wall.

Mr. Markowitz said it is the retaining wall now and it is block at the bottom and they will fill in that area with cement.

Mr. Lewis asked if they had any intentions of using it as an employee patio, i.e. smoking section with the tables and umbrellas and chairs.

Mr. Markowitz replied no and said they had it in their old storage building and took it outside in the nice weather.

Mr. Lewis said so this is solely for use as a retaining wall and the secondary will provide a safe exit out of the building in case of emergency.

Mr. Markowitz said yes and they will stipulate that it will have no other uses other than specified.

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

Motion BZA 2006-30 – 16760 Park Circle Drive

Mr. Lamanna made a motion to grant the applicant the following variances:

1. A variance for the purpose of maintaining two portions of a concrete pad adjacent to their building that did not meet the minimum side yard requirements.
2. A variance from the side yard requirements to 1' for the purposes of maintaining those concrete pads which are not to be used for storage but solely for purposes of maintaining an area with safe egress from the building from two existing doors on the building.
3. The board also notes that it would appear that at least one of the pads at the end has a significant drop-off and the applicant should assure that it is appropriately guarded or marked to applicable safety standards.

Based on the following findings of fact:

1. As used, these pads are not being used for storage, they are only going to be used for in and out and much like a sidewalk and therefore would not adversely affect the neighboring properties and would not be inconsistent with the intent of the zoning ordinance.
2. It also provides additional erosion control for the drainage area between the properties.

Mr. Takacs seconded the motion.

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

Application 2006-32 by Bradford Remington for Anthony Massara for property at 8155 Woodberry Boulevard

The applicant is requesting an area variance 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 October 12, 2006 was read and photos of the site were submitted.

Mr. David Jansen of RSA Architects and Mr. Bradford Remington were present to represent this application.

Mr. Jansen testified that it is a corner lot and there is an identified stream that has a culvert coming through it and they feel that during the construction of this site and there is some previous silt fencing on the property, that there has been a drainage-way created that runs diagonally through the property. He showed the board the setbacks and with the setbacks required the house would have to be placed where the stream is. He said if anyone has been to the site, it is relatively a narrow ditch and he thinks that this situation might have been created while they were constructing the subdivision itself. He said they do have a culvert that runs the whole perimeter of the property that limits any site drainage from any abutting properties to enter onto this property so they are only dealing with the natural drainage of this property. He said they feel that by placing the house within the setbacks they could easily take the natural flow of the surface water and direct it around the house and reconnect the drain where it was already so they will not be creating anymore issues other than to maintain the original flow of the water on the site.

Mr. Olivier asked if the culvert is an outflow for the property.

Mr. Jansen said he thinks it comes from the adjacent property. He explained the location of the culvert and said it is a very shallow ditch.

Mr. Murphy asked if these are 1' contour lines.

Mr. Jansen replied yes

The board discussed the contour lines and fall of the property.

Mr. Jansen said there would have to be 3' of water to crest that.

Mr. Takacs asked where the 20' from the rear yard is and if that is where the retaining wall in the back is.

Mr. Jansen said this is a schematic idea and the size of the house they want to do and the retaining wall encroaches onto that point. He asked if the retaining wall falls into that side yard requirement.

Mr. Takacs said the required side yard is 20'.

Mr. Lamanna asked why this is a riparian.

Mr. Joe Orlowski, Assistant Zoning Inspector testified that it is carrying away water now.

Mr. Lamanna stated the definition of a designated water course according to the zoning resolution and asked if it has a defined bed and bank.

Mr. Orlowski said yes and added that Mr. McIntyre and Ms. Amy Holtshouse from the Chagrin River Watershed Partners both went up there and came to the same conclusion that it was basically created from the development as opposed to being there prior to the roads going in.

Mr. Lamanna said in looking at the photos, it was a little hard to tell because he does not see a defined bed and bank.

Mr. Jansen said it may have been created when they were developing the subdivision and because there is old silt fencing, there must have been drainage going across there and they were trying to control the erosion because it all would have been dumped in that stream and added that the silt fence is there even though it is down.

Mr. Lamanna said it is only affecting this piece of property and it originates on this property and the house will have gutters etc.

Mr. Jansen said we can drain the water around and to move the house out of that area would be a big mistake because it would not fit the context of the neighborhood.

Mr. Takacs said the driveway could be on the side and come in the other way.

Mr. Lamanna said it barely meets the definition of a riparian.

The board discussed the setbacks required.

Mr. Jansen said they were proposing a front porch.

Mr. Murphy asked if the corner was wooded back where the stream is.

Mr. Jansen replied yes.

Mr. Murphy said the whole lot has been shaped because of the drainage.

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

Motion BZA 2006-32 – 8155 Woodberry Boulevard

Mr. Lamanna made a motion to grant the applicant the following variance:

1. A variance for the purposes of constructing a dwelling and/or associated driveway in the riparian area as shown on the submitted drawing.

Based on the following findings of fact:

1. This riparian originates on this piece of property and the part that is being built upon only serves to drain this particular lot and primarily in the area where the structure will be built anyway.
2. The riparian barely meets the requirement for being a designated watercourse and looking at the intent of the riparian regulations it would appear that this would not contravene that intent or pose or present any issue or problem to any upstream properties if this was done.
3. The applicant will also be taking the drainage from the house and channeling it into the riparian beyond where the building occurred and will also take steps to make sure the other front yard drainage moves back into that area at the rear of the property as well.

Mr. Takacs seconded the motion.

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

Application 2006-29 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of adding a 21 bed skilled nursing facility. The property is located in a R-3A District.

The zoning inspector's letter dated October 12, 2006 was read and photos of the site were submitted.

Mr. Dale Markowitz, Attorney for applicant, Mr. Edward Gembka, Architect, Mr. Tom Ross, Traffic Engineer, Mr. Keith Meyers, CEO of Montefiore Corporation, Mr. Roger Newberry, Project Manager and Mr. Darrell Young, Montefiore Housing Corporation were present to represent this application.

Mr. Markowitz presented to the board a current aerial photograph of the property that shows the driveway and the current retention areas. He explained per the aerial, the location of the proposed addition and said Montefiore had the opportunity earlier this year to obtain some skilled nursing beds that will be transferred from Geauga Hospital and they decided to give up those beds so Montefiore decided they had a use for them. He explained that nursing home beds are very difficult to come by, you can't transfer them from one county to another but they can be transferred within the county, so they have filed for a certificate of need with the State Department of Health and the process is still pending because it takes awhile, but they expect that to be done before the end of this year. He said the hospital has to get that done before the end of this year or it could lapse so Montefiore came to the township and told them they would like some skilled nursing beds, but the zoning code did not specifically allow for it but after discussions with various officials in the township and county, we prepared an amendment to the zoning code to allow skilled nursing facilities as a conditional use. He said many of the provisions are similar to those that were in the residential care facility which was already a conditional use in the residential district. He said they added some more restrictions to the skilled nursing regulations as well as to the residential care facilities and in the legislation, there were a number of new conditions that we proposed and it went to the zoning commission and trustees and got approved. He said when they went through that process they had the opportunity to have a joint session with the zoning commission, township trustees and a representative of the fire department and it was very helpful to all of us to put together the legislation and gave us some idea of what we could expect when the fire department looked at our plans and also we got some idea of what their concerns were about existing conditions, not only with their residential care facility but about the water pressure issues in the facility. He said there is a waterline that comes up the street from Knowles Industrial Park and it comes up E. Washington to Chillicothe and there are some pressure problems, in some cases static and some cases residual and in their case when they were going through the zoning amendment process, the fire department said they want to make sure any new companies doing operations that come into that area have sufficient water pressure for firefighting, sprinklers etc. He said from their presentation tonight and the documents already submitted, there were some residual water pressure issues so they have dealt with that, they will have a whole room dedicated to a pump system that will provide for water pressure as needed, not only in the new structure, it will also serve the residential care facility. He said a lot of the services will be shared between the residential care facility and the skilled nursing facility. He said they talked with Mr. McIntyre to make sure with what they were doing at the residential care facility and he said there was one issue that had to do with a ditch, he thought it needed to be cleaned out and we did that. He said it was having some drainage issues on E. Craig and it has been cleaned out. He said that Mr. McIntyre said the residential care facility was in compliance with the conditional use permit that has already been issued. He said one other thing is we will overlap services, deliveries, etc. so there should be less additional traffic coming in because we will be able to share food deliveries, supply deliveries and laundry services as well as some of the skilled nursing personnel who will also be able to serve, when needed, the people in the residential care facility.

Mr. Markowitz continued by saying that the skilled nursing facility will also be used not only for nursing care but it will also be used as a rehabilitation facility where people who are coming out of the hospital from surgeries, injuries and illnesses will be able to rehab on a short term basis at the facility so this is something that will be available to the community that was not previously available in Bainbridge Township. He said people had to go to Heather Hill, Hillcrest Hospital, South Pointe etc. so this will provide the residents the opportunity to have that available. He said Geauga County Water Resources also confirmed that we have sewer and water already at the residential care facility and that could be extended to the nursing facility and the county confirmed that there is sufficient capacity for tying into sewer and water so we have that for our facility. He said as part of the legislation, a skilled nursing facility has to be either on the same parcel as a residential care facility or adjacent to a commercial or professional office district. He said they are not asking for any variances, everything is met including lot coverage requirements and the plans for the lighting will be presented tonight as well. He said the fire department did a study of our plans and wrote a letter that the board should have and they have a report from Traff-Pro. He said Traff-Pro did a report for this site and also did one for Mr. Frank Lanza's property so we had them go back and update that report and there are new traffic counts for this area. He said Mr. Tom Ross will present the report and the numbers are extremely conservative, they are talking about using estimates that will have substantial increases in traffic over the next two years, totally independent of our facility and the increase in traffic at the intersection of Rt. 306 and E. Washington will occur whether this facility is built or not and that increase in traffic is going to cause the level of service at this intersection to no longer meet the State of Ohio's own requirements. He said since it is partly owned by the state and partly owned by the county, they are going to have to deal with it and we think that the township should take the lead now and talk to the county and state about it so that when 2008 comes they can start planning for some improvements. He said Mr. Tom Ross will explain that there is one improvement that will be made as a result of this facility and they will only be adding four peak cars in the morning and five at night and you would not think that it would have any impact but it just took them seconds over the delay factors when going south bound and turning left. He said legislation states that if we create a non-acceptable level of service, it is our responsibility to make improvements and we will do that, the improvement on Rt. 306 and added that the problem at Rt. 306 and E. Washington Street has nothing to do with us. He said they were also required to do a storm water plan and Mr. Roger Newberry, Project Engineer is here to explain it. He said they have to meet the requirements of the county soil and water and they are also required to meet the riparian setbacks and there is one on the property and showed it on the aerial photo that requires a 25' buffer. He said one of the other requirements is the value of that building gets added to the tax duplicate that they have to pay to certain governmental agencies including the township, the taxes or equivalent to the amount of taxes they would pay if they were taxed. He said when they came in with the residential care facility, they were not sure if they would be tax exempt or not but decided to be tax exempt but do pay to the township in the amount we would have paid had we not been tax exempt and we are adding it as a condition to our permit and understand that we will pay in lieu of taxes.

Mr. Ed Gembka, of Dorsky Hodgson Parris & Yue testified that he is the architect for Montefiore on this project. He said he is going to talk about the existing site and the proposed addition and what they are doing to meet the conditional use requirements. He referred to the site plan and said it includes existing landscaping and in looking at the site it seems as though they can take advantage of the existing loop road in the back for the addition. He said their main concern was to try to connect it so the kitchen in the existing building will have a direct access to the new facility so they could share the kitchen services. He referred to the proposed site plan and said their existing site is 45.3 acres and the existing coverage is 4.05 and they are adding approximately .6 acres with the addition and the building is about 12,000 sq. ft., 12,000 sq. ft. of road and about 2,500 sq. ft. of pathway. He said the existing setbacks are 100' from front, side and rear, the building is 108' from the north property line and 677' from the rear. He said they are providing parking in the rear on the south side of the addition with 25 cars based on the calculation requirements for a conditional use, they are providing 21 beds so they need 21 cars and based on the square footage, they are providing four more cars. He said in order to do this addition, they are providing fire access to three sides of the facility. He referred to the proposed floor plans and elevations and said the landscaping plan shows the additional landscaping in the back corner to help conceal or buffer so they are proposing 5' evergreens and 10' high shade trees on top of the 10' berm. He displayed the proposed plan and said the gray part is the current wing on the addition and showed where the receiving area is right now and there is a transformer and generator and they are proposing that the existing transformer will be moved to the opposite side to provide access for the utility company and they are relocating the dumpster from the back to the front. He said in the addition itself they are providing a main entry drop-off that is going to have a 14' high canopy in order to allow fire truck access around the building. He said in the corridor, they have their main service areas, and areas directly off the corridor there will be ten 250 sq. ft. skilled care units in one wing separated by the kitchen that will function as a nursing/monitoring position and eleven units in the south wing with a small courtyard between and living and dining areas for each wing. He said also they are showing a diesel pump room for the sprinkler system and addition to what they have shown, the fire department has made a request to install a remote enunciator panel that will be coordinated with the fire department and also they requested a standpipe which they will install. He said their intent is to match the existing building and they are indicating the drop off will be 31' 4" to the ridge of the addition and the existing building is about 32' to the ridge. He said they are using the same materials, the same shingles and siding color, and the same brick as the current facility.

Mr. Markowitz asked Mr. Gembka to talk about the communication repeater.

Mr. Gembka said there was a request for a communication repeater based on the existing facility because evidently the existing facility has difficulty communicating back to the fire department when they are using their 800 megahertz system. He said the fire department has requested that they provide a booster signal to the facility and at this point we would request that there is an evaluation done after the addition is done to see if there is a problem in this addition only and if it is we will address it at that point.

Mr. Markowitz said there is also a dryer vent issue.

Mr. Gembka said the fire department requested that it be switched to the utility room which is next to the exterior of the building and we will switch the area so the dryer has a direct vent to the outside.

Mr. Markowitz asked about the proposed lighting.

Mr. Gembka said shown on the plan are small pole mounted lanterns and they will match the existing lanterns that are on the site right now, they will be shielded from areas so there will be no light trespass onto the adjacent properties and they will match the same fixtures and the same poles.

Mr. Takacs said the repeater was talked about just for the addition but the fire department's letter talks about it for the whole facility because right now when they are on calls, they do not have good communication back to their fire station.

Mr. Gembka said it would function for both provided it is needed.

Mr. Takacs said they are saying it is needed right now for the existing facility.

Mr. Keith Meyers said it is no problem.

Mr. Markowitz stated his client said they will plan on doing that.

Mr. Bill Lovell, Assistant Fire Chief and Fire Prevention Coordinator testified that he would like to clarify that. He said first he would like to say that this has been a very enjoyable experience going over this in advance as opposed to debating things afterwards and we have been involved from the very get go and appreciate that and there has been tremendous cooperation and understanding. He said the fire department's goal is to provide safety for the occupants aside from the investment of the structure and also for the firefighters that are going there to take care of any emergencies. He said the 800 megahertz radio system is a Geauga County system and there are five receiver sites currently in the county, they are adding some more, but not in the location that would serve this facility, it is going to more on the west end where we have some problems with valleys and it affects the radio signal. He said the radio signal is not just to talk to the fire station, but to the units outside and it requires access to a repeater that is in the center of the town at the road garage and once we get into the dense structure, even the second floor which has an elevation advantage, let alone the first floor we have either a scratchy message or we are unable to hit the repeater at all or it is a broken message which is unsafe for us in fire situations and it is unsafe for the occupants that we are trying to take care of in an EMS situation.

Assistant Chief Lovell continued by saying they currently exist and what ever study the applicant wants to do, he can give them examples of how it is not working already and the county can't be expected to address this one facility, they need to build their structure to work within the system that is already provided for the rest of the area and he thinks they appreciate that and have an understanding of that. He said now that they are adding another part to the building, 14% of the fire department's total calls for the service area currently are at this facility so we don't want to have an unsafe situation for 14% of our calls currently, we anticipate a slight increase but we will see when the new facility is there what the increase will be but we can assume that there may be an increase and we want to make sure it is safe and it is safe for the guys and it is the one part we can't get accomplished unless we have it in there. He said he hinted from the beginning that this might be a sizable investment but it is a necessary investment for us to be safe while we are doing our job and to also serve the community.

Mr. Markowitz said that Target put one in.

Assistant Chief Lovell said Target and Home Depot both did and the total cost for each was \$14,000.00 but they are a one-story shell and this will have two stories with several lengths of wings so he anticipates this being a more significant investment and he appreciates that it could cause a hardship, but again 14% of the current calls are at this facility with a possibility of a slight increase so we don't want anyone saying they wish they could have gotten one message out with their radio that would have made a difference in a timely situation. He said even with cellular phones they have a hardship getting out with them and it is the same with the 800 and 900 frequencies that they are operating. He said it does exist and the fire department really needs it. He asked if he understood that there is a commitment to do this.

Mr. Keith Meyers and Mr. Dale Markowitz replied yes.

Assistant Chief Lovell thanked the applicants and the board for their consideration.

Mr. Keith Meyers, President of Montefiore testified that he wanted to reiterate some of the points that have already been made by Mr. Markowitz. He said he wanted to continue to show why it is so important that they establish the nursing facility attached to the Weils. He said in the latter part of May, 2006 he received a phone call from Geauga Hospital asking if they were interested in purchasing 21 nursing home beds. He said he contacted Mr. Darrell Young and the housing corporation and we immediately processed their request with the board of directors. He said they have always wanted to expand or build a continuum of care here and adding nursing beds to an assisted living or residential care facility is the way to go because of the aging of the population so in June they filed a certificate of need with the Ohio Department of Health and in October he received information that it has been deemed complete and they are expecting to hear at the end of this year approval on their certificate of need.

Mr. Meyers continued by saying there is a lot of positive energy with having this nursing facility attached to the Weils because a lot of the residents who are aging in place may have to go and obtain hospitalization, they want to go back to their home, so they will be able to receive physical therapy, occupational therapy, speech therapy or skilled nursing right near their home because we have the ability to build this nursing facility and in addition they may have a loved one or a married couple that lives at the Weils and their loved one will be able to visit them while they are receiving rehabilitation at the planned nursing facility. He said in addition, residents of Bainbridge will also be able to take advantage of having a skilled nursing facility in their neighborhood because if there is an available bed, they will receive a phone call from a local hospital saying that this resident lives in Bainbridge and we will be able to provide rehabilitation or post-hospital care services at our new facility. He said another positive point about having the nursing facility attached to the residential care facility, the Weils, is that it will share an administrator, the same director of nursing of the Weils, the director of dietary, housekeeping and maintenance activities will oversee the operation of the nursing facility. He said both the Weils and the nursing home runs 24-7 so they will be adding a minimal of staff, probably 18-19 staff to that facility and the staff are spread over a 24 hour period, they have three different shifts from 7-3, 3-11 and 11-7 so that will not have a bearing on the traffic but it will be able to bring the opportunity of having professionals, like a registered nurse on the property for 24 hours a day. He said if there is a problem at the Weils on the 11-7 shift, they would summon a registered nurse to come over and do the assessment of that patient and hopefully we would not have to call an EMT, we would be able to call an order to a physician and that physician would be able to change the regiment of care and that person at the Weils would be able to remain there as well so having those facilities together would benefit the assisted living and the nursing facility. He said they work really great with the township and are willing to do anything to make it easier for the support services because we think it is definitely needed and with the aging of America and particularly in Ohio, Geauga County is the fastest growing county for the population of 65 and above and adding this nursing facility would be a way of enhancing the services here in Bainbridge and it definitely would be a way to further their continuum care at Montefiore. He asked if the board had any questions about the services or how they plan on caring for their residents.

Mr. Murphy asked how many people reside at the Weils.

Mr. Meyers said they have approximately 82 – 83, they have 75 units, and some are married couples.

Mr. Lewis asked what the current ambulatory service fee arrangements are now with reciprocity to the township.

Mr. Meyers said they pay quarterly or yearly in lieu of taxes.

Mr. Lewis asked if that embraces the emergency calls.

Mr. Markowitz said it covers what they pay the township, the same as any other resident.

Mr. Lewis said he wanted to make sure there was not an exemption.

Mr. Markowitz said no there is not and if the resident is charged, their insurance would cover it, the same as any other resident. He introduced Mr. Tom Ross of Traff-Pro to speak about his report.

Mr. Tom Ross of Traff-Pro Consultants testified that he was retained by Montefiore Housing Corporation to perform a Traffic Impact Study for the expansion of the existing Weils of Bainbridge for a 21 bed skilled nursing facility on Rt. 306 just north of Washington Street. He said the purpose of the traffic impact study is to assess the potential impact of the expanded skilled nursing facility on the surrounding area as well as the access site points on State Route 306. He said this impact will be determined by comparing the existing level of services to the anticipated intersection level of services after the additional care facility is constructed. He said the levels of service for the signalized intersections will be calculated using the computerized version of the Transportation Research Board's Highway Capacity Manual HCM 2000. He said nine-hour traffic counts were taken during the month of August at the intersection of Rt. 306 and Washington Street and at the Weils of Bainbridge driveway. He said the intersection of St. Rt. 306 is controlled by a traffic signal maintained by the Ohio Department of Transportation and the Weils of Bainbridge is controlled by a stop sign. He continued by saying the counts were adjusted to 24 hour counts and the peak hour periods are determined to be 8:00 A.M. to 9:00 A.M. and from 5:00 P.M. to 6:00 P.M. and were used for this analysis and the shift change for the east wing addition will not occur during any of these peak hours. He said the horizon year of 2008 was calculated using design factors of 1.27 for State Route 306 and 1.25 for Washington Street and was taken from the State Highway Access Management Manual. He said an additional factor known as the growth rate factor is 1.89 percent per year and using the ODOT short term AADT traffic counts for the year 2001 and 2004 at locations north and south of the study area. He said the intersection capacity analyses was performed at the study intersections using the procedures outlined in the computerized version of the Transportation Research Board's Highway Capacity Manual, HCM 2000. He said the level of service for an intersection is based upon the average delay per vehicle and the level of service values are from A – F with each having a specified range. He said with the range from A – F, levels A – D are acceptable and the level of service E & F are not acceptable. He said the following level of services were established for the current year 2006, no build condition, 2008 opening year no build condition and 2008 opening year full build condition. He said it should be emphasized that no build condition refers to the level of service that currently exists at any addition facilities being constructed at the Weils of Bainbridge and any improvements to the existing roadway facilities are the responsibility of any agency under a no build condition. He said the level of service for 2006 no build condition is currently acceptable at the intersection of St. Rt. 306 and which operates with a level of service E for both the AM and PM peak hour period. He said the level of service at the intersection of St. Rt. 306 and the Weils of Bainbridge driveway is also acceptable in a level of service ranging from A – C. He said the level of service for 2008 no build condition at the intersection of St. Rt. 306 and Washington Street is an acceptable level of service at E for AM peak hour but it is an unacceptable level of service E for PM peak hour area.

Mr. Ross continued by saying the level of service for the intersection for St. Rt. 306 and the Weils of Bainbridge driveway is at an acceptable level of service ranging from A – D and in order for the level of service for the intersection of St. Rt. 306 and Washington Street to be increased to an acceptable level, a widening of the southbound St. Rt. 306 approach and eastbound Washington Street approach will require an additional exclusive right turn lane on each of the respected approaches and these improvements are anticipated to increase the level of service on a signal light intersection to a level of C and decrease the delay by 38 seconds per vehicle for the overall intersection. He said the total number of trips attributed to the additional nursing facility is a total of 4 trips during the AM peak hour and 5 trips during the PM peak hour and with the implemented improvements of a right turn lane on southbound Rt. 306 and eastbound Washington Street, the level of service for 2008 full build condition will be a level of service C for a signalized intersection and level of service ranging from A – D for Rt. 306 and the Weils of Bainbridge. He said because Rt. 306 is a state highway, a site distance analysis was also performed using the State Highway Access Management Manual to determine if there were any necessary improvements needed for the development. He said the need for an auxiliary turn lane at the existing drive of the Weils of Bainbridge was analyzed using the Auxiliary Lane Graphs in Section 4.5 of the State Highway Access Management Manual and using Graph 1 and using the exclusive left turn lane, it was determined that a left turn lane into the site from southbound Rt. 306 is warranted and a northbound right turn lane into the development is not warranted and the developer will be responsible for providing a left turn lane, southbound on St. Rt. 306 for the traffic into the Weils of Bainbridge driveway and a 50 ft. and left turn storage and a 50 ft. taper is required. He added that the 4 additional vehicles in the AM peak hour and 5 additional vehicles in the PM peak hour for the proposed Weils of Bainbridge 21 bed skilled nursing facility does not reduce the existing level of service on St. Rt. 306 to an unacceptable level.

Mr. Markowitz said that we clearly have to put in a left turn lane into the Weils on Rt. 306, southbound, and we will need a right turn lane eventually going west on Washington Street and a right turn lane going from E Washington south on Rt. 306.

Mr. Lamanna asked where they are going to put it.

Mr. Markowitz said the state still has right-of-way left to do it.

Mr. Murphy asked what the frontage is of the Weils property.

Mr. Roger Newberry testified that it is 715' and explained the location of the proposed turn lane on Rt. 306 and where the lane will start to taper.

Mr. Markowitz said ODOT will control that.

Mr. Newberry said it is District 12.

Mr. Murphy asked about adjacent property across the street and if their first driveway is north of that turn lane.

Mr. Newberry said yes and explained the location of the driveways, Heinens etc. and they should be able to fit it in without much problem. He continued by saying his topic is on drainage and said it is nice to see everyone again and added that he was here the first time this was built and did a presentation before this board. He explained the location of the storm water per the site plan and said the biggest pond is southwest of the driveway and explained the pond that was designed to pickup another 75 bed unit facility. He explained the area that discharges into the existing creek on the east side and they slowed down the rate at which the water is discharged by making the area in the back of the unit flat with controlled outflow. He said he had not seen this facility since it has been built until they started on this project about a month ago and was impressed that this system seems to be working very well and there is an accumulation of wetlands grasses and weeds right by the outlet, the pipes themselves are well screened by the vegetation and the rocks that have been placed down there to control the erosion and slow the water down are doing their job. He said there is no evidence, that he has seen, of disturbance to this creek, in fact the silt fencing that was put up when this facility was built is still there, right at the edge of the woods and it is an indication that care was taken during construction and the systems are working and we are not knocking anything over by the amount of water that is released. He said the goal, when they do this addition on the back, is to maintain the release rate that is coming out of the east side of the facility to the same level or less than they are today and this is in line with the Geauga Soil and Water Conservation District's requirements for critical storm and the development of the discharges. He said they have analyzed what the discharges are from the existing depression facilities and feel that by broadening those out and not deepening them but making them wider and making the side slopes more pronounced we can get the volume that we need within the loop in front of the drop off and said they will make use of the swale that wraps around the back as a detention area and they want to bring everything off the roof onto the ground and hold it in shallow basins around wherever they can store water and release it to a swale and explained the location and how it will travel to the existing outlets and back into the creek. He said the Geauga Soil and Water Conservation District has agreed verbally to the concept, they have sent out the numbers two weeks ago, but have not yet heard back from them with regard to their approval of understanding of what is being planned so far. He said all of the utilities will be extended from the building, the fire department has commented that we need to look at additional or relocated hydrants in the back. He said the pump room they talked about is in the corner, the fire line is looped around the north side of the building and it will be passed under the corridor to get to the north side of the building and the power will all come from the existing service connections and extended to the building.

Mr. John Miller of 8621 Craig Drive testified that he has a concern about the flood waters because for multiple years, his yard gets flooded along with the neighbors, because the water can't leave their street to go through the Weils and the Weils can't seem to dispense the water fast enough. He showed the board photos of the flooding. He referred to the site plan and said this area is very severe for septic problems and if they add more non-permeable property, what will that do to the septic systems and added that some of the neighbors have had to put in these new concrete blocks in the front yard at \$15,000 a pop plus. He asked if this is made worse, what will happen then.

Mr. Lamanna said as far as he knows the septic is not being impacted by your neighbor's impervious cover.

Mr. Miller asked if the septic systems are not affected by the amount of water that is staying in one spot and not flowing away.

Mr. Newberry said the severe impacts indicated on the map don't have anything to do with surface soil, it has much more to do with clay soils under the surface which is why the septic system leach fields in that area have to be so large, it is not the impervious cover.

Mr. Miller said okay and he is glad to know that.

Mr. Lamanna said the coverage right now is 5% - 6% and it is below what residential dwellings are. He asked Mr. Miller where his lot is.

Mr. Miller showed the board on the map the location of his two properties and said the township just came in and dug a huge hole in the road and put in new pipes and explained the location of them and said he knows the ditch was recently cleaned out and he wanted to make sure the flooding does not continue to happen.

Mr. Olivier asked if there has been a heavy rain since the ditch was cleaned out.

Mr. Miller said no.

Mr. Murphy asked what effect that landscape berm has on those three lots.

Mr. Newberry said prior to the building being built, the area was lower and the rest was cut in and explained the berm and the swale was in bad shape and some work was done to clean it up and we did the rest of it within the past couple of weeks.

Mr. Lamanna said the water is actually coming off Craig Drive and draining onto the Weils property down to the stream.

Mr. Miller explained the water flow and said the parking lot is almost under water too.

Mr. Lamanna said unless somebody can say what it looked like before they built this, the same circumstance could have existed naturally and added that most of the area being talked about is not developed and they are taking most of their water off the other side anyway, so this new addition will not have any impact at all on whatever is happening in the front and hopefully with the addition of the pipes, it will correct the problem.

Mr. Markowitz said the ditch was cleaned out about two weeks ago and we have had some heavy rains in the last week and asked the people on E. Craig if it came into their yards.

Mr. Miller said the rains that caused this happen annually, it was 3 or 4 days straight and very heavy.

Mr. Markowitz said they went in there with a backhoe and made sure there were no obstructions at all so it should be good for a long time and if there is a problem again, we will clean it out again.

Mr. Lewis said several days ago, it rained about two inches and asked Mr. Miller if his yard flooded then.

Mr. Miller said not recently, it was 2005 and this spring.

The board discussed the recent rainfall and the drainage on E. Craig.

Mr. Lamanna said if anything, they have improved upon what was naturally there.

Mr. Newberry said he would be very concerned if the residents on E. Craig said the water was backing up.

Mr. Markowitz said they actually improved the downstream situation as well.

Mr. Lamanna said this whole facility drains to the east side and it looks like the issue was already addressed.

Mr. Markowitz said we are building the size of two houses.

Mr. Mark Vanek of 16646 Mohican Trail testified that he lives on the back side (corner) and showed the board and asked if there is any intent to build past this in the future.

Mr. Newberry said he would be hesitant to predict what is client would care to do in the future but one of the reasons the building was positioned where it was, is because it became astronomically more expensive to build to the east.

Mr. Vanek asked if there was some talk at one time to put a building there.

Mr. Newberry said yes but the terrain, trees and rocks become difficult.

Mr. Darrell Young testified that they would have to cross the creek then.

Mr. Lamanna said they have limited lot coverage on this property so the practicality of it is to build this way because of the economics of it, they would not have to put any more roads in and they will build out in this area so there would be no need for them be building there.

Mr. Markowitz said when they came in originally, they proposed 150 units, they have 75 and an addition of 21.

Mr. Young said the lot coverage is 20%, we are allowed nine acres and we have used approximately one-half of it with the first facility and explained what they have left to build on.

Mr. Vanek asked if this will be a single floor.

Mr. Newberry said yes and there is a lot of room under the eaves for the repeater.

Mr. Murphy asked Mr. Vanek if his life has been drastically impacted by the Weils of Bainbridge.

Mr. Vanek said no, but he gets up around 5:30 A.M., goes out jogging and they are not too affected by it but there is something goofy about emptying trash dumpsters at 6:00 A.M. and he thinks that is wrong and people are trying to sleep and you hear these trash dumpsters and he does not know where it is coming from but it is very annoying.

Mr. Markowitz said they are moving the trash dumpsters so they will be blocked by the building.

Mr. Young told the residents that if they have a problem with anything over there, to please call them.

Mr. Vanek said it might not be the Weils but somebody is picking up the trash at 6:00 A.M.

Mr. Young said he would be shocked if anybody at that building is doing anything at 6:00 A.M. and added that if something is going on that is affecting anyone, they can contact Mr. Frank McIntyre and he calls us and we will take care of it.

Mr. Miller asked Assistant Chief Lovell if the fire department needs to have the sirens going when they go down the driveway.

Assistant Chief Lovell said they most likely don't have the sirens on going down the driveway, you would certainly hear them approaching the driveway because there is an intersection right before that.

Mr. Miller said he understands but they do go down the driveway because he does not hear anything from Rt. 306 and wondered if that was required.

Assistant Chief Lovell said no and added that they do not want to cause too much commotion when they arrive because everybody's friends are there and if one of them is injured or of concern, it causes a lot more commotion so we use the silent approach on a regular basis but he will make mention of that.

Mr. Vanek asked if one-half of the buildable area on the property is consumed already.

Mr. Young replied yes.

Mr. Terry McBrady of 16620 Mohican Trail said he found it very alarming that 14% of our emergency services are going in there now and asked what percentage of that facility is to our population and is it fair to the rest of the residents and he does not know what impact Judson will have on the emergency services. He said he guarantees it that nobody else in the community knows that 14% of the calls are going into this facility. He asked Mr. Keith Meyers if there is any plan to build in the back at all.

Mr. Meyers said the cost factor was mentioned so if they are going to build, it will be to the west.

Mr. Lamanna said the application before the board is for this specific building at a specific location and we not here to speculate on what they might build in the future and if they want to build something in the future, they have to come back to this board and it will be addressed at that time.

Mr. McBrady said he does not think the community knows that 14% of the calls go to this facility and he does not know what the impact of Judson will be either.

Mr. Lamanna said Judson is a separate facility.

Mr. McBrady asked if it is in Bainbridge.

Mr. Lamanna said it is in Bainbridge but it is not germane to this application.

Mr. McBrady said this type of facility tends to have more calls.

Mr. Lamanna said they also pay taxes too and one of things the board considers is the amount of services they require and the amount of taxes that they pay.

Mr. Markowitz said this township has been a beneficiary of inheritance taxes and one of the benefits of having a nursing home in a community is that usually it is the last residence of people who pass on and so the inheritance taxes are more likely to come to the township and they are going to pay in lieu of taxes as well.

Mr. Lamanna asked Assistant Chief Lovell how many calls are made there.

Assistant Chief Lovell said there were close to 100 calls made this year and we are close to 1,050 calls and added that the percentage he quoted did not include September. He added that they are concerned about Judson but there is a difference between this and what they dealt with 10 years ago with Geauga Lake and at least these people are residents of Bainbridge and they pay taxes and with Geauga Lake, 96% of the people were not even associated with the same county or state sometimes so we are a lot more comfortable with the residential care facility providing service to them as opposed to the amusement park. He said they are going to be impacted by the people who have elderly parents that turn into the elderly and it is going to impact not just us, but everyone nationwide and that is something we will have to deal with as a fire service and added that he appreciates the concern.

Mr. Murphy said there is the possibility of 150 beds on the property, and asked if this is 21 out of that second 75 so 54 more could be built to the west.

Mr. Young said they honestly don't know.

Mr. Markowitz said they don't expect to pick up any more nursing beds.

The board discussed the lot coverage for this site.

Mr. Lewis said the total coverage will be at 10.41% and the cap is set at 20% so there is a lot of elbow room left.

Mr. Murphy asked Mr. Miller how he feels about this.

Mr. Miller said it is a nice looking place and since they are talking about having the nursing home, it might reduce the calls because a certain type of nurse could potentially take care of a call, so it might reduce it from 14% down to 12% potentially and added that his concerns about the septic systems were answered.

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

Motion BZA 2006-29 – 16695 Chillicothe Road

Mr. Lamanna made a motion to grant a conditional use permit under Section 135.07 for a Skilled Nursing Facility to an existing residential care facility subject to the following conditions:

1. All of the conditions listed in Section 135.07 are satisfied by the project.
2. All of the conditions set forth in Section 117.13(b) will be met by the project.
3. The applicant agreed that it will pay in lieu of taxes on the additions and additional improvements of this facility like amounts as would have applied under the original decision with respect to the residential care facility in conformance with the principles in their current agreement with Bainbridge Township with respect to the existing facility.
4. The applicant will satisfy the requirements of the Bainbridge Fire Department as set forth in their letter.
5. The applicant will provide the turn lane on southbound State Route 306 as defined in their traffic study subject to the approval of the Ohio Department of Transportation.
6. The project will meet all of the requirements relating to wetlands and all requirements relating to storm water run-off and soil and water conservation.
7. There will be no increase in the rate of discharge from that which exists from the current facility.
8. All of the lighting will meet the current township zoning requirements and will be directed onto the facility and downward so that no lights are shining outward toward the adjacent properties or creating excessive lighting to impact the adjacent residents.

Based on the following findings of fact:

1. With the respect to the conditions previously described, these conditions are a fundamental basis to support the findings of fact and the absence of these conditions would cause these findings to not to be made.
2. The applicant has shown that the proposal meets the requirements under Section 135.07 and it is harmonious with the provisions of that section and is consistent with the transition being provided by the residential care facility from business to residential.
3. The height of the facility and its construction is consistent with residential buildings so it will not adversely affect the neighboring properties.
4. This small addition will not significantly change the use of this property or affect the neighbors.
5. The burden on public facilities will not be excessively increased.
6. Traffic has been shown to be an almost insignificant impact and the addition of a turn lane will probably improve traffic flow into the facility.

Motion BZA 2006-29 – 16695 Chillicothe Road - Continued

7. The facility will be placed and constructed in a way that will continue to preserve the natural features including the wetlands and not result in the destruction of those features.
8. It will also help to preserve the rural quality of the landscape because this building will not significantly increase the covered area.

Mr. Takacs seconded the motion.

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

Application 2006-31 by Jon Manke for property at 8451 Summit Drive

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

Secretary's Note: This application was withdrawn at the request of the applicant.

Since there was no further testimony, the public hearing was closed at 9:27 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: December 21, 2006

AUDIO RECORDING ON FILE

BZA PH 10/19/2006

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Bainbridge Township, Ohio
Board of Zoning Appeals
October 19, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:27 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs.

Minutes

Mr. Takacs made a motion to adopt the minutes of the September 21, 2006 meeting as written.

Mr. Olivier seconded the motion.

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

Meeting Schedule

Mr. Lamanna made a motion to hold a special meeting on November 9, 2006 at 7:30 P.M. to consider additional applications for November and to hear BZA application 2006-33 for property at 16941 Savage Road at the regularly scheduled meeting to be held November 16, 2006.

Mr. Takacs seconded the motion.

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

Applications for November 9, 2006

Application 2006-18 by Billie Erickson, Lifespan Learning Communities/Frank Lanza Omni Lanza Bainbridge, LLC for property at 16716 Chillicothe Road - Continuance

The applicants are requesting a conditional use permit for the purpose of establishing a school/day program. The property is located in a PO District.

Application 2006-26 by Janet Switzer for property at 7147 Rocker Avenue

The applicant is requesting area variances for the purpose of constructing a garage. The property is located in a R-3A District.

Application 2006-34 by Mazzulo's Market for property at 16745 Chillicothe Road

The applicant is requesting area variances for the purpose of installing signage. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set a special public hearing on the above applications for November 9, 2006 at 7:30 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.

Application for November 16, 2006

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road

The applicant is requesting a conditional use permit with variances for the purpose of constructing 49 single family cluster homes. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above application for November 16, 2006 at 7:30 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 9:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: December 21, 2006

AUDIO RECORDING ON FILE

BZA R 10/19/2006

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