

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:34 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna announced that due to the large crowd in attendance, the board would hear the first two applications and then recess the meeting and move to the front hall for the Judson application.

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

Application 2001-10 by Mark Schecter for property at 17457 Traymore Drive

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

Mr. Lamanna stated that this variance application was originally submitted for an 8' privacy fence, but based on a legal opinion from Mr. John Tremsyn, Assistant Geauga County Prosecutor, it was determined that because of the peculiar nature of this lot, the fence is permitted, therefore this application is moot.

Motion BZA 2001-10 - 17457 Traymore Drive

Mr. Lamanna made a motion to dismiss this application since it is moot according to the zoning resolution.

Mr. Takacs seconded the motion.

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

Application 2001-11 by Wald and Fisher, Inc. for property located at Bainbridge Road and Chillicothe Road

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

The zoning inspector's letter dated March 9, 2001 was read and photos of the site were submitted.

Mr. Eric Wald was present to represent this application.

Mr. Wald testified that he wants to install a temporary sign at the intersection of Rt. 306 and Rt. 422 eastbound that will be similar to the sign on the northerly side, but it is a different parcel. He said the sign will be L-shaped and will be visible from Rt. 306 and the exit ramp at the southwest quadrant of the intersection. He said the parcel consists of 10 acres and wraps around the Jaros parcel.

Mr. Takacs asked if the sign will be for the building on the north side.

Mr. Wald replied no and said it will be just for the vacant parcel and it requires an area variance.

Mr. Lamanna asked how far the sign will be from Rt. 306.

Mr. Wald said there is an elevation problem because of the big drop on the site at the exit ramp and it will be advantageous to have it visible from the exit ramp.

Mr. Lamanna asked how big of a sign is needed.

Mr. Wald said he would like a 4' x 8' L-shaped sign.

Mr. Takacs said that it seems big.

Mr. Wald said he could go with a 4' x 6' sign, similar to the other sign on the freeway, but it cannot be read from Rt. 306 and added that there is a large drop on the site.

Mr. Lamanna said if the sign is 400' - 500' away, the size of the sign could not look as big.

Mr. Wald said it is a pretty large sign on the Jaros parcel.

Mr. McIntyre said that sign is 4' x 6'.

Mr. Takacs asked if this proposed sign is for the Jaros parcel.

Mr. Wald said no, it is a different parcel.

Mr. Lamanna said he would like to see it scaled down by 25%.

The board discussed the variance request.

Mr. Wald said a 3' sign would squeeze the text together and added that this sign will be similar to the other sign.

Mr. Lamanna said that because of the proximity to the road, it will be easy to read.

Mr. Wald asked if the board was just concerned about the size of the sign and not the copy.

Mr. Lamanna said yes, just the size of the sign and not the text.

Mr. Wald said that he would appreciate it if the board would grant the variance for a year instead of six months.

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

Motion BZA 2001-11 - Wald & Fisher for Sign at Bainbridge and Chillicothe Roads

Mr. Lamanna made a motion to grant a variance for the purposes of erecting a two part "For Lease" sign on undeveloped property located on Chillicothe Road by the freeway right-of-way. The applicant has requested a two-part L-shaped sign. Each part of the sign will be 3' x 6'. General tenor of the sign is to advertise the property "For Lease".

Based on the following findings of fact:

1. This variance is granted for a period of six months based on a temporary need to advertise the property prior to a permanent facility being constructed on the property and a permanent use being established there and solely for such reason. Generally no sign is allowed prior to the time of a permanent use.
2. The board is granting this variance to assist the property owner in being able to advertise and establish such a permanent use on a temporary basis so that it will not have a continuing adverse effect on the township or the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2001-12 by Scott and Laura Jerpbak for property at 17075 Sunset Drive

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

The zoning inspector's letter dated March 9, 2001 was read and photos of the site were submitted.

Mr. Steve Ciciretto, Architect and Mr. Scott Jerpbak were present to represent this application.

Mr. McIntyre testified that a revised site plan was submitted so the variance requests have been reduced.

Mr. Lamanna swore in Mr. Ciciretto.

Mr. Scott Jerpak testified that he has been a resident of Lake Lucerne for 11 years and lives across the street from this site. He said he acquired this property in November 1997 and hoped to build a home on this site. He said he tried to lay the house out so only one house will be built instead of three and said there is a very large old Oak tree in the front and he does not want to damage it so the house will be shifted 10' to the rear to clear the root system.

Mr. Ciciretto testified that Mr. Jerpak has three lots with three sewer connections and an existing cottage. He said the community is very excited to get the existing house torn down and said that three houses could be built based on Lake Lucerne's regulations, but worked with Mr. Jerpak to build only one.

Mrs. Stanton asked if the proposed house will be set back further than Martha Hart's house.

Mr. Jerpak said it will be pretty close to the same setback.

Mr. Takacs asked about the ownership of the adjacent lot that is split in half.

Mr. Jerpak said that the Bohler's own that lot and said he does not think it will ever be put together with their lots.

Mr. Lamanna asked Mr. Jerpak if he looked into a lot merger.

Mr. Jerpak replied no.

The board discussed the total acreage of the lots.

Mr. Lamanna said that the lots are about 1/3 of an acre totalling about 1.2 acres when combined.

Mr. Ciciretto said that there is a similar situation down the street where there were two lots, two sanitary sewer connections, and two houses were built.

Mr. Lamanna asked about the lots behind these.

Mr. Jerpak said they are similar, but maybe a little deeper.

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

Motion BZA 2001-12 - 17075 Sunset Drive

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

1. A variance from the required rear yard setback of 90' to 70' for a variance of 20'.
2. A variance from the required front yard setback of 100' to 59' - 8" for a total variance of 40' - 4".
3. A variance in the total lot coverage from the maximum 10% to 13.29% for a variance of 3.29%.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has 3-1/2 pre-existing lots of record and each of these lots is approximately 200' deep.
2. In order to satisfy the rear and front yard setbacks, it would be virtually impossible to use the lot.
3. The applicant has placed the house near the center of the lot and has a front yard setback which is consistent with the other property owners on the street and still allows a substantial rear yard setback which will not unduly or adversely effect the rear yard neighbors.
4. With respect to lot coverage, the lot coverage of this particular house on this parcel is more than consistent with the typical lot coverage in the area.
5. The house is reasonably sized for the size of the lot and therefore because of practical difficulty of the overall size of this lot being only 1.16 acres, additional lot coverage is warranted of 3.29% which will again not adversely effect the neighboring properties.
6. It is noted that these variances in the findings herein are based on the fact that the property as presented to the board, comprises of four separate parcels of record and because of that is considered on the basis of those four parcels being treated as one single parcel so the conditions and restrictions will apply to those four parcels each individually.
7. The board also requests that the applicant look into the feasibility of merging these lots together if that is not an undue burden or unreasonably expensive, although the board will not require that as a specific condition but the board would like to see that they be merged together so that there is no future question that they are being treated as a single lot which is the way they have been considered for purposes of this variance.

Mr. Takacs seconded the motion.

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

The meeting was recessed at 8:04 P.M. and moved to the front hall.

The meeting was reconvened at 8:10 P.M.

Application 2001-13 by Judson Retirement Community for property located at the Northwest

corner of Washington Street and Haskins Road

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

Mr. Lamanna reviewed the board of appeals procedures and swore in all those who intended to testify.

The zoning inspector's letter dated March 9, 2001 was read and photos of the site were submitted.

The applicant has submitted the following documents for a Residential Care Facility as a Conditional Use Permit. Multiple variances are required and are as follows:

135.06 B, & C (1) The proposed Residential Care Facility shall be bordered on at least one side by a lot of record zoned Professional Office District (POD), Convenience Business (CB) or Commercial Recreation (CR) as shown on the official Bainbridge Township Zoning Map.

The proposed site is surrounded by Residential Three Acre (R-3A) and Residential Five Acre (R-5A). A variance is necessary.

135.06 C (3) The RCF must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources or an alternative on-lot system approved by the Ohio E.P.A.

Subject property is outside of the master plan for sewer connection as of inquiries to Geauga County offices on February 20, 2001 and no plans for an approved on-site system have been submitted to this office in support of the latter section of this requirement.

135.06 C.4. The RCF shall only be allowed in those areas of the township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of P.U.C.O. In addition, RCFs are permitted where sufficient ground water is available without adversely affecting wells drawing from the same aquifer to be used by the RCF as determined by a hydrologist hired by the township at the applicant's expense.

Subject property is not serviced by a public water supply and no plans/documentation or request has been submitted to this office in support of the latter section of this requirement.

Ms. Cynthia Dunn, President of Judson Retirement Community testified that she will be introducing the project that is being proposed in Bainbridge Township. She testified that the facility is inter-denominational and not for profit and they offer programs to older people, the people will be closer to their children and they will have a higher quality of life. She said the residents will not own the garden suites, and they will pay a monthly fee for maintenance, food nutrition and health and welfare programs. She added that if a person needs more help, they are committed to helping the people for life and they will have access to the skilled nursing care in University Heights.

A video was presented of the Judson Community whereby the Judson residents were shown doing physical therapy and exercise programs.

Ms. Dunn said that Judson has a national reputation of excellence and said they are really committed to integrating services.

Mr. Tony Coyne, Land Use Counsel, Mr. Jim Herman, Architect, Mr. Bill Fehrenback of the Pattie Group and Mr. Joe Pacchioni, Engineer were also present to represent this application.

Mr. Coyne testified that this is an introductory meeting and they are hopeful to secure feed back. He presented a revised elevation and referred to Chapter 135 of the zoning resolution. He said that they chose not only the location of Bainbridge Township but because the township has a specific code section that speaks to residential care facilities such as this. He said that Judson meets most of the 16 elements of Section 135 of the code but a variance is needed regarding the property not being adjacent to a CB or PO District, etc. to provide a buffer zone. He continued by saying that the use is compatible with residential or it would not have been a step down or buffer use. He said the site is next to Montefiore and Lake in the Woods Subdivision so it is compatible with those uses. He added that a variance may be needed from size and height and unit sizes. He said this development is not exempt from property taxes except for the assisted living facility and there will be no impact on the school system. He said depending upon the approval, we are looking at the year 2004 for occupancy. He said according to a report from Ernst & Young, the estimated amount of taxes the facility will pay is the following: In the year 2005 it will generate approximately \$411,000 - \$431,000 in taxes, and in the year 2012 it will generate \$547,000 - \$573,000 in taxes. He said the schools get 66%, the township 19% and the county 11% and said estate taxes will kick in. He said the Federal estate taxes will not affect the state and said 64% of estate taxes over \$500,000 comes back to the local community and 80% of revenues provided by the Ohio Estate taxes will come back to the township and at 160 units in the year 2005 - 2012 between \$600,000 - \$900,000 annually could go to Bainbridge Township. He continued by saying they are looking at water and sewer and how it will be provided and said they could secure easements for the water and are looking into tapping into the sewer system.

Mr. Lamanna said that with respect to the fact the property does not border on a commercial property, he asked Mr. Coyne if this is being considered as a use variance.

Mr. Coyne replied yes, but said a portion of Montefiore does about a commercial use and we are considering ourselves a continuing use. He added that the residential care facility zoning was created by this community and not all properties are suitable.

Mr. Lamanna stated that there are different standards whether an area or use variance is requested and said in his opinion, this is a use variance and explained that where this is proposed, it is a R-5A District and it is not a permitted use in this area. He said it is his opinion that this be treated under a use variance which has higher standards.

Mr. Coyne said that this is a conditionally permitted use in a R-5A District but said he can understand that interpretation and will have to study that a little further. He added that if the zoning changes, this will be in place as a buffer for Lake in the Woods.

Mr. Jim Herman, Architect testified that the overall site plan was re-done and submitted to the board. He identified on the site plan the main building and Haskins Road. He said that Lake in the Woods is to the north and the building will have two stories. He said it will have individual living suites, assisted living suites, enclosed garages, common areas, a wellness facility and will be divided into phases. He identified Phase I on the site plan and said that the land falls to the west and is also heavily treed in that area. He said the zoning code limits the height to 35' or 2-1/2 stories and said they want to be as close to the middle as possible. He said the views from the whole section of the building is heavily wooded with stream areas and a large wetland and said we have worked around those to determine how the building will sit on the site. He said some of the garden suites will be 1,800 sq. ft. with two car garages and the smallest will have two bedrooms and two baths and will be around 1,064 sq. ft. with the average size suite at about 1,500 sq. ft. He said they all will have balconies and will be all upscale, nice suites. He said that Phase I will have 100 individual suites, 30 assisted living suites, and 30 garden homes, and Phase II will have 80 independent suites, 30 assisted living suites and 18 garden homes.

Mr. Lamanna asked how the garden homes are classified as residential care facilities.

Ms. Dunn responded by saying it is an option and a lot of people prefer the garden home approach but all services are still in place for the residents. She said there will be no barriers, they will have wider doors and they will be designed for someone who needs care.

Mr. Herman testified that the main building will be two and three stories with the Haskins Road side being two stories (30' high) and the other side will be three stories (40' high). He presented a sketch of what the main building will look like and the architecture will blend with Bainbridge Township.

Mr. Bill Fehrenback, President of The Pattie Group, a landscape design firm, submitted an elevation site plan to the board.

Ms. Dunn said they wanted to keep with the rural atmosphere of Bainbridge Township and wanted to keep as much vegetation as possible.

Mr. Fehrenback testified that the proposed building was moved back 50' from the original site and the plan will not disturb the wetlands and they reduced the front parking spaces from 80 to 20 and there will be a 100' setback from all the property lines. He explained the location of the vegetation within the 100' setback and the proposed mounding by Haskins Road. He said they switched the drive to have more of a curve with a meandering pathway. He said both entryways were repositioned and the front has existing trees which will be untouched. He referred to the barn and outbuildings and said they recommended that Judson community keep those and preserve the barn and design the area to be farm-like with orchards where more natural plant material can be added and showed a rendering of what it would look like. He added that they will need a sign and an entry marker and said the view back to the main building will be somewhat screened. He showed another view of Haskins and Stafford and the proposed trees on the rendering to decorate the drive. He said the main emphasis is to create a campus but not a glaring evidence from Haskins Road that the building is back there.

Ms. Dunn said that what they are presenting is more than just putting in a building, this is a program different than just another developer putting in a project. She said they are excited about the barn and gardening is a popular activity. She said the health and wellness center will be a modest size and will serve not just residents but will serve other residents in the township that have arthritis, etc. and these people can use the pool. She said we don't just provide housing, but a program to aid and we want to work with the township in solving some problems in going forward with this campus.

Mr. Todd Lewis asked about the total maximum population with 180 potential individual suites and 60 assisted living suites.

Ms. Dunn said the assisted living suites will have one person per one suite and the independent living suites will have 1.5 persons between the garden homes and the suites.

Mr. Lewis asked if the population could reach 330 persons.

Ms. Dunn replied yes.

Mr. Takacs asked what the difference is between condominium facilities and independent living suites.

Ms. Dunn said that the people with a health history are automatically in a health and wellness program and there will be an array of services not typically found in a condominium concept. She said there will be a nurse on campus and the residents will be provided with recreational therapy.

Mr. Takacs asked about the number of employees that the facility will have.

Ms. Dunn said it is an estimate but there will be between 50 - 60 employees that will work seven days a week, 24 hours.

Mr. Takacs asked about the type of jobs.

Ms. Dunn said there will be health and welfare programs, they will probably have a maintenance contract for lawn services, there will be a nurse on campus, a dining staff, housekeeping services, transportation etc.

Mr. Kolesar referred to the tax projections and asked Ms. Dunn if she was familiar with the voting trends of senior citizens.

Ms. Dunn said that it is hard to compare these people with the average retired person because they do appreciate the schools. She said these people are retired professionals and they believe in taking care of the community.

Mr. Coyne said that these people are not homeowners and said some homeowners with high taxes vote with their pocketbooks but you will not find the same pattern as that and added that these people will be eligible to vote.

Ms. Dunn said that these people are already voters in the community and part of what this is about is that it is to keep the people in the area, not to bring in an influx, but to provide for the people already in the area.

Mr. Lewis said that there will be 330 seniors who will have a much higher occurrence for medical emergency care and asked if anyone has explored that with the fire department that the township will have to provide rescue squads to transport them to hospitals. He said that our rescue squads and police department will be impacted.

Ms. Dunn said that question did come up with the residents from Lake in the Woods and said that most of the ambulance traffic is pre-arranged to a nursing facility but said there may be an occasion for emergency calls but they are not excessive. She said that many have specified individual ambulance services, but in a true emergency situation, it would be appropriate to call 911. She said they provide them with a list of ambulance companies to take them wherever they want but she does not want her residents to not avail themselves to the Bainbridge Fire Department.

Mr. Lewis asked if this will be affordable to the average township resident.

Ms. Dunn said that when they looked at the area, they looked at the housing values and said they will be very consistent to the type of market in Bainbridge Township and will be more in the \$200,000 - \$300,000 range.

Mr. Lewis asked about the assisted and the unassisted suites and asked how long the people will have flexibility to maintain pre-Hospice or if Judson was planning on operating under Hospice services.

Ms. Dunn said that Hospice is for people who have less than six months to live. She said their residents will have access to the nursing facility in University Circle with 24 hour care.

Mr. Takacs asked if a marketing study was done regarding township residents versus people coming in from other communities.

Ms. Dunn said that they looked at the age and income of the residents in the area and said that there will be a 5% - 6% penetration of the market.

Mr. Randy Smith, President of Lake in the Woods Homeowners Association asked the residents of that subdivision to stand. He testified that he is opposed to any zoning changes near their neighborhood and said any changes will have a negative effect to their home values but said they have nothing against Judson. He asked the Judson group to speak about the property to the east and asked if they had any plans to develop it.

Ms. Dunn said there is an option on the 61 acres on the east side of the road but said she is not sure what is going on and if it would even work.

Mr. Smith asked how many potential homes will be on the 61 acres.

Ms. Dunn said there is a potential for 18 duplexes or 36 more units.

Mr. Smith said that is an additional 70 residents.

Ms. Dunn said they have first right of refusal on that property.

Mr. Smith asked if they will need to drill wells.

Mr. Joe Pacchioni testified that he is with Judson and he is a civil engineer but not a hydrologist, with an emphasis on the environment. He said that he read reports from the Ohio EPA and they said we could drill a well, but they are recommending tying into city water. He said they could drill a well, but they would have to hire a hydrologist, so at the present time, they are pushing for public water.

Mr. Smith asked how the wells will impact the residents of Lake in the Woods.

Mr. Coyne said they are looking at different options and said they need to address both of these things but the best source is city water.

Mr. Smith asked if they cannot tell him what the impact of additional wells will be.

Mr. Coyne said that an analysis has not been done.

Ms. Martha LaRocca of E. Washington Street testified that she owns the parcel on the opposite side of the street and said she bought the property in 1992 and enjoys the crickets chirping, no lights etc. She said she has horses and has a concern how this facility will effect the horse community and said her concern is what kind of impact this will have. She said they have put nine years of investments into their property and to change the zoning across the street is to ignore the people coming to the township in the first place. She said her family has retained legal counsel and is opposed to this facility right across the street from her barn and said this is unbelievable.

Mr. Gregory O'Brien, Attorney, testified that he has not been retained, but lives in the Lake in the Woods community. He said he agrees with Mr. Lewis regarding the concerns about how the government services will be affected and said this is a use variance and he has not heard any unnecessary hardship nor practical difficulty. He said with regards to an area variance, he has not seen any traffic nor water studies and said it is not zoned for this and the board should look into the elements it has to legally.

Ms. Jan Senter of Lake in the Woods subdivision testified that her property borders this proposed facility on the north side. She stated the following:

"First and foremost this proposed project does not meet the current zoning of five acre residential lots. It does not meet the township's requirement that a residential care facility must abut a commercial property. This regulation is meant to act as a buffer between a commercial or professional office district, and a residential property. The residential areas here do not need any buffer from other homes and beautiful farmlands. In fact, we could use a buffer from what is being planned in this project. Any number of uses would be far less intrusive than this facility which would be active 24 hours a day. The main structure proposed is far too close to the residential area of Lake in the Woods. If the Wellness Center were to be open to residents of Bainbridge, then it would seem that this property would take on a much more commercial status.

The traffic through Lake in the Woods, on Haskins Road, and all of Bainbridge would be greatly increased. The great majority of residents in this project would be in independent living and have cars, many would have more than one per unit. This could be from 228 to 450 vehicles belonging to residents alone. Add to this their visitors and employees which would include laundry service, cleaning service, cooks, dishwashers, servers, administrators, recreation personnel, health care personnel, maintenance,

landscaping, etc. This adds up to an enormous addition of vehicles on our roads. This would probably triple the traffic going through Lake in the Woods. Anyone going north on Rt. 306 would be going through Lake in the Woods, many going south on Rt. 306 would still be going through Lake in the Woods to avoid one of the most dangerous intersections of Bainbridge at Haskins and E. Washington and one of the most congested intersections of E. Washington and Rt. 306.

Anyone going to the freeway may also take this route or go on Haskins to Bainbridge Road which is probably the most dangerous intersection of Bainbridge. I personally would rather not have these seniors on our roads. The employees, would for the majority, probably come from outside our area, bringing in more traffic. The wellness center adds more cars to this area from all over Bainbridge. When Haskins is widened maybe a four-lane road should be considered because a mall in this area would probably be the next thing to come.

If the zoning is allowed to be broken in this area then all the surrounding land would be subject to a change or variance in the zoning. Surely someone will try to get adjacent land zoned commercial. The addition of the many residents will require and encourage additional commercial establishments to serve them, more medical services will be needed, and of course, we'll need at least three more banks to keep the banks per capita at what it is now. The Judson Company wants to be a part of a community with future growth but the people of Bainbridge have had enough growth. Most would agree that this area has grown as much or more than anyone wants. Our way of life, roads, township services, and natural resources cannot handle much more. Bainbridge's roads, police service, fire department, emergency services, and any number of other resources would be severely drained by such a large establishment.

The seniors that would come here would have no stake in our community. Most if not all would come from outside of Bainbridge, they would stay here until such time as they could no longer be cared for at this facility and then be moved to a nursing home in another community. Bainbridge would not even benefit from any significant amount of estate taxes since most would be moved to a nursing home before their deaths.

These people would not care about our schools, would probably vote against any levy needed to maintain them, and would be sufficient in number to significantly effect the outcome. The outcome would not matter to them since they have no investment or property values to be concerned with as the rest of us do.

It is a pretty widely held opinion that the Lake in the Woods development should not have been built on the small lots that it is. The ground in this area is not well suited to that many septic systems. Many systems have failed and at least one property abutting this land was not allowed to install an alternate leach field because the ground was not suitable. Instead, a "mini treatment plant" was installed in the front yard. It is a cement structure that stands several feet above ground. If this project is built, the ground coverage in this area alone may be enough that more land will be unsuitable due to the runoff, and many more people will require this in their front yards. This area and Lake in the Woods are not on the "master plan" for sewer

hookup, Lake in the Woods has already asked for sewer at one time and has been denied.

Most communities are trying to preserve their rural atmosphere and whatever undeveloped lands remains, some even buying it to insure this. This intersection is very unique because of the beautiful open space that is becoming so rare, but yet remains here. We should be very careful in its development if any at all. The land along Lake in the Woods may be considered wetlands and so should be preserved. The wildlife in this area must also be considered.

No matter what a pretty picture you paint, what this plan boils down to is a senior apartment building with some extra services, and condos, less than 19% would be assisted living. You can't really claim there is a need for this since most will be independent living, once a person is in need of care they would be moved to another facility. The Montefiore Assisted Living Home that is now under construction is fulfilling the need for assisted living in our community. Phase I of their plan includes 75 assisted living suites and Phase II includes another 75. They will open next June and as of this time do not have anyone even on a waiting list. The Alterra Home for persons with Alzheimer's disease and dementia has been open since September of 1999 and of their 56 units only 36 are filled. Surely the needs of Bainbridge for any senior needing assistance can already be filled. According to the latest census information available, there were only 810 people of 65 years or older living in our township. Over 40% of these people would have to need, and be able to afford your facility since independent and assisted living units are totally self-pay. I highly doubt that many people from our township would have the need or could afford to live in what you are proposing. Most of the residents will come from outside our community.

Clearly the people of the Judson Company would benefit much more than the people of Bainbridge. Since the job of the zoning board is to serve the needs and best interest of the people of Bainbridge, there is no reason why a variance to our zoning should be granted. As was quoted of one of Bainbridge's Trustees in regards to Chagrin Falls putting baseball fields here: "We subject ourselves to our own zoning in the township, so why should we allow Chagrin Falls to do what it wants in the township?" Certainly that philosophy should apply here.

Again, I will repeat, this land is zoned five acre residential lots. It does not abut a commercially zoned property, which is necessary for a zoning variance. The owner of this property cannot claim any hardship with maintaining the current zoning status. There is no reason why homes could not be built in such a lovely area. A better plan for this property would be 16 beautiful homes on five acre lots which would increase our property values instead of decreasing them, draining our services, increasing our traffic and commercial growth as what is proposed here would do."

Mr. Chris Cook of Lake in the Woods Subdivision asked if Judson owns the property.

Mr. Coyne responded by saying they have a purchase agreement.

Mr. Cook testified by saying that he was transferred from Miami, Florida and said this is a

wonderful place to live and wants to teach his daughter ecology, and said that 50 - 60 employees will generate a lot of cars.

Mr. Coyne said that they can get a more detailed traffic count.

Mr. Cook asked about the lot coverage for this facility.

Mr. Coyne said that there will be 13% lot coverage in the first phase and 18% lot coverage in the second phase and the zoning allows 10%.

Mr. Cook asked how the lot coverage will effect the wells in his subdivision.

Mr. Pacchioni, engineer, testified that the drainage will go to the roadside ditches, and the pond will be increased in size and they will protect the natural wetlands. He said they cannot increase the run-off after construction than what it was before the construction and said the development will be built around the wetland area.

Mr. Cook asked if the wetlands will be mitigated on site.

Mr. Pacchioni said that generally the state allows off-site mitigation.

Mr. Cook asked about the wellness center and how many people will be using it.

Ms. Dunn said 20% - 30% of the elderly population in the township have chronic health problems.

Mr. Coyne said they are looking at having it open to the seniors in the township. He added that the Jaros family has the right to remove the barn and structures elsewhere but we are interested in them.

Mr. Cook said it will be just like living back in Miami.

Mr. Gary Levine of Lake in the Woods subdivision testified that he lives behind the proposed facility and asked about the proposed lighting.

Mr. Herman said that the lighting has not been addressed for this presentation but said their intention is to use fixtures like residential lighting.

Mr. Levine asked about security lights.

Mr. Coyne said that if the board requests, they can follow-up with additional studies.

Mr. Levine asked about the gas and oil well easements.

Mr. Coyne said they were not intending to develop them. He continued by saying that they looked at a drive on E. Washington Street but the more practical approach was to come in off of Haskins Road. He said it is better for the traveling public and a traffic light may be needed.

Ms. Sue Radkowsky of Lake in the Woods subdivision testified that she already cannot get out of her development onto Rt. 306 and said this would be doing a disservice.

Mr. Ed Votypka of Lake in the Woods subdivision testified that the property is heavily wooded and asked if they made a study of how much woods that will have to be destroyed. He said this will eliminate the woods, deer etc.

Mr. Herman said that the square footage of existing trees to be removed is 841, 000 sq. ft. and they will add back in 242,000 sq. ft. of the 841,000 sq. ft. He said the current plan calls for 650 more trees to be added and after six years there will be 445,000 sq. ft. and after 15 years there will be over 600,000 sq. ft.

Mr. Votypka said he is not concerned about the number of trees being put in, only what is being taken out.

Ms. Carol Balascoe of Lake in the Woods subdivision asked if because Judson is a non-profit organization if they will be apply for property tax exemption.

Ms. Dunn explained their non-profit status.

Mr. Mark Vanek of Lake in the Woods subdivision referred to septic systems and testified that he lives next door to that structure that everyone has to look at everyday and asked if this facility affects his septic system if he will have to finance it himself.

Mr. Pacchioni said that they want to connect to the municipal sewer system and what they do here will have no effect on the septic systems in Lake in the Woods.

Mr. Vanek said that the little pond across the street is overflowing.

Mr. Pacchioni said that the water will not flow north, it will flow to the west, the direction the topography is going, which is going down to Lake Lucerne.

Mr. Vanek said the whole area is bad.

Mr. Pacchioni said that the township should talk to the county about getting sewers then.

Ms. Susan Dipple of Lake in the Woods subdivision testified that the neighborhood does not have sidewalks, and they all share the roads for walking etc.

Mr. Dick Hoopes of Lake in the Woods subdivision testified that the studies for this proposal have not been done regarding rescue, traffic, well water, and septic and said he does not want to see this happen.

Ms. Susan Shipitalo, owner of Milestones in Bainbridge Township testified that it took her a long time, through zoning, to get her facility started. She quoted Mr. Sam Desiderio, former zoning commission member as saying "We do not want one of these on every street corner".

Ms. Jan Dobre of Lake in the Woods subdivision testified that the proposed facility looks lovely but we have seen this before and when we don't want it to happen it goes ahead and happens anyway. She asked if the residents of Lake in the Woods subdivision are impacted, what Judson is going to do for those residents. She said if this development moves in here, we are stuck.

Mr. Coyne said that Judson is not here to ask the board to make a final decision tonight but said they meet most of the criteria of the residential care facility zoning and they will agree to have all of the conditional use criteria in writing. He added that the facility will be 400' from the subdivision which is a football field and said he believes their property values will not be affected.

Ms. Pat Howell of Lake in the Woods subdivision asked if the wellness center will have occupational therapists.

Ms. Dunn said it will be run by trained people.

Ms. Howell testified that there is a potential for an outpatient therapy business which the property is not zoned for.

Ms. Dunn said that the health and wellness aspect will not be an outpatient therapy business.

Mr. Malcom Cuning testified that he used to be a resident of Cleveland Heights and he could look out his windows and see Judson Park and said he retired and sold his house for almost eight times what he paid for it and the fact that Judson was there did not effect the value of his house. He said Judson was a strong quality for the neighborhood and you will get your money back.

Mr. John Hach of Bittersweet Trail testified that he is against this facility for some of the same reasons and said there are alternative sites in Bainbridge where they would not need a variance.

Mr. Coyne said that they looked at other sites but this is the best location in the Chagrin Valley.

He asked that the matter be tabled to answer all the questions that were asked by the board.

Mr. Lamanna asked that they provide the township with 30 days notice prior to being on the agenda.

Mr. Kolesar referred to Mr. Don Lannoch, former Director of Planning for the City of Solon and said that during his tenure in Solon there, he presided over the largest explosion of traffic.

Mr. Coyne stated that Mr. Lannoch also presided over the best shopping area and school system in the State of Ohio.

Mr. Don Lannoch testified that most of the traffic generated comes through Solon, Twinsburg, Aurora and Bainbridge and said it is the traffic going through the township, not what the township generates. He said he lives in Bainbridge Township and is fully aware of the traffic but would not have become involved with this project if it was not a good project. He referred to his report which he submitted to the board.

Mr. Lamanna said there are issues that need to be addressed such as contiguity, expansion of areas outside originally granted residential care facilities which the township specifically was trying to prevent leap-frogging across the township. He said the other issues that need to be addressed are water and sewer, drainage and traffic studies and said the board needs to go through and address each of the variances and if this is an area variance, why each would be justified. He continued by saying that they have a request for a variance and a conditional use permit and explained area variances and use variances. He said there is a set of standards the board applies to make a decision and a use variance requires a different set of criteria and it is a more difficult hurdle to jump over. He explained conditional uses and said that there are 15 specific criteria that have to be satisfied. He said the board has to look at the impact on traffic, neighbors and all of the issues have to be addressed as well. He said the most important question is what type of variance this is.

Mr. Coyne said that he still thinks it is an area variance. He asked Mr. Lamanna who will be advising the board.

Mr. Lamanna said the assistant county prosecutor will advise the board and added that the applicant has seen issues raised by the neighbors tonight.

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

Motion BZA 2001-13 - PP# 02 - 178-900 - corner of Washington Street and Haskins Road (Judson)

Mr. Lamanna made a motion to table this particular application, to be tabled until such time as the

applicant returns with at least 30 days notice and advises the board that they would like to get back on the agenda for the next regularly scheduled meeting thereafter.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 10:25 P.M.

Respectfully submitted,

John Kolesar
Michael Lamanna, Chairman
Todd Lewis
Ellen Stanton
Donald Takacs, Vice Chairman

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

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:25 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to approve the minutes of the February 15, 2001 and February 28, 2001 meetings as written.

Mr. Takacs seconded the motion which passed unanimously.

Applications for next meeting

Application 2001-14 by Jack Kellogg for BP Amoco for property at 17644 Chillicothe Road

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

Application 2001-15 by Charles Fazio & Associates, Inc. for property at Lot #41 Cats Den Road

The applicant is requesting a conditional use permit for the purpose of establishing a cluster housing subdivision. The property is located in a R-5A District.

Application 2001-16 by Cynthia J. Craig for property at 7395 Chagrin Road

The applicant is requesting a variance for the purpose of the substitution of a non-conforming use.

The property is located in a R-3A District.

Application 2001-17 by RDL Architects, Inc. for Tanglewood Partners for property at 8505, 8535, 8555 and 8575 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purposes of a lot split. The property is located in a CB District.

Application 2001-18 by RDL Architects, Inc. for Tanglewood Partners for property at 8505, 8535, 8555 and 8575 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purposes of a lot split. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for April 19, 2001 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:00 P.M.

Respectfully submitted,

John Kolesar
Michael Lamanna, Chairman
Todd Lewis
Ellen Stanton
Donald Takacs, Vice Chairman

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

