

Bainbridge Township, Ohio
Board of Zoning Appeals
April 16, 2015

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

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

He announced that the agenda items will be taken out of order.

Application 2015-6 by James & Jennifer Heiman for property at 17106 Sunset Drive

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

Mr. James Heiman, property owner and Ms. Katherine Cahalane, architect were present to represent this application.

Mr. Heiman testified that they are extending the existing structure out 10' and putting in a new bedroom and bathroom above the existing garage. He said it is pretty straight forward, basically the two variances they are seeking is one, the area variance and two the distance from the street. He said the ARB has signed and approved this and the lot area variance and the distance from the street is actually not different from the neighborhood and none of the lots meet the Bainbridge zoning requirements so they have approved what they have so far.

Ms. Katherine Cahalane testified that Lake Lucerne has requested that they maintain 50' from the property line to the front of the structure with the addition and they will maintain the 13-1/2' buffer zone between the property line to the edge of the street.

Mr. Heiman stated they are requesting lot coverage from 33% to 35%.

Ms. Cahalane said it is 200 sq. ft. on the main floor and 600 sq. ft. overall for the master suite so the addition is only projecting on the first floor 10' from the existing garage.

Mr. Lamanna asked if it will be no wider.

Ms. Cahalane replied no.

Mr. Lamanna asked if the deck is new.

Ms. Cahalane said no the deck is existing.

Mr. Lamanna asked if the porch is new.

Ms. Cahalane said the porch is existing but it has been extended.

Mr. Heiman said it is an existing porch but it will be reconstructed to match the architecture.

Ms. Cahalane said the porch carries into what the garage side was right now.

Mr. Murphy asked if the architect is here, are you the architect.

Ms. Cahalane replied yes.

Mr. Murphy asked about the front elevation.

Ms. Cahalane said that is just showing the depth.

Mr. Murphy said there is not enough fall on that lot to have a retaining wall.

Ms. Cahalane said no, not at all and they have not changed the height of the existing wall.

Mr. Lamanna asked what the real lot coverage increase on this is since it looks like most of the drive addition is going to be over what was originally a driveway anyway.

Ms. Cahalane said from 33% to 35%.

Mr. Lamanna said that much additional.

Ms. Cahalane said because she calculated also that there is the sidewalk going down to the side so there is a door and a little bit of the patio so she just ran the numbers herself.

Mr. Lamanna said that is about 300 sq. ft.

Ms. Karen Endres, Zoning Inspector testified that it is a relatively minor increase.

Mr. Lamanna said it is probably 30 sq. ft. – 40 sq. ft. for the walkway going back to the door so it is really an insignificant increase.

Mr. Lewis asked if the board has the Lake Lucerne ARB approval.

Mr. Heiman showed the board the site plan with the Lake Lucerne ARB seal on it.

Ms. Endres said at the time they made their application, the ARB hearing happened after they provided all of the documentation for this hearing but between the time their documentation was submitted they have had their ARB hearing and she understands the ARB approved their plans.

Ms. Cahalane said the structural engineer also signed off so the sign off for the ARB was after the structural engineer signed off.

Mr. Lewis said we need a file document that has their seal and signature on it.

Mr. Lamanna asked how much higher is the new garage at its peak above the existing garage.

Ms. Cahalane said the existing garage is still higher.

Mr. Lamanna said in looking at this the addition is going to be higher than the existing in looking at the side elevation.

Mr. Murphy said from grade it says 26 and 1/2.

Ms. Cahalane said unfortunately she did not have the existing plans to know what the existing height was.

Mr. Lamanna asked if there will be 10 additional feet in front.

Ms. Cahalane said correct.

Mr. Lamanna said in looking at the other houses on the street and most of which are all lined up with the existing projection at least until you get down to 17122 which looks like it sticks out a little bit.

Ms. Cahalane said just based on her drive through of the area on the north side there are quite a few homes that have irregular shaping so there seems to be a pattern from that direction towards their residence of homes that are situated just a little bit more forward back or angled so she thinks it will be a nice continuation of what is there.

The board viewed the aerial photo of the area.

Mr. Lamanna said there are two houses south and asked for an estimate of how far back that is sitting in (17122).

Ms. Endres said roughly 45'.

Mr. Gutoskey asked what the dimension for the front setback is off of.

Ms. Cahalane said the survey and she actually provided Ms. Endres with a copy of the survey.

Mr. Gutoskey asked the 48'-3" is what.

Ms. Cahalane explained the setback from the side and from the road.

Mr. Gutoskey said the board received the mortgage survey from Ms. Endres.

Ms. Cahalane said the concern is on Sunset Drive there is actually another 13.5' buffer zone from the property line to the edge of the road so she measured and actually someone from ARB measured.

Mr. Gutoskey said the setback is from the right-of-way not the pavement and based on this you are actually going to be at 51' not 48'-3".

Ms. Cahalane said 51' and it changed after it was surveyed.

Mr. Lamanna asked if there is anyone else present that is interested in this application.

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

Motion BZA 2015-6 – 17106 Sunset Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an addition as proposed in the application.

1. A variance from the minimum front yard to 51'.
2. A variance to the total lot coverage to 35%.
3. Variances to maintain the existing side setbacks of 10'.

Based on the following findings of fact:

1. A practical difficulty exists because it is a pre-existing lot of record of 75' x 200'.
2. The application was approved by the Lake Lucerne Architectural Review Board.
3. The additions as shown are consistent with the character of the neighborhood and will not create any undue burden on the adjacent properties.
4. The 51' setback, although is a little closer than some of the adjacent properties, is consistent with others and will still provide sufficient front yard space so that it will not alter the character of the neighborhood.

Motion BZA 2015-6 – 17106 Sunset Drive (Continued)

Mr. Lewis seconded the motion.

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

Application 2015-8 by Gary Schmidt for property at 18846 Rivers Edge Drive West

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

Mr. Gary Schmidt was present to represent this application.

Mr. Schmidt testified that because of the topography of his property there is very little place to put a shed and it will have basically the same setbacks from the side that as the house would have. He said his neighbor also signed the paper saying they are all for this and it will be built with the same similar materials to match the house.

Mr. Gutoskey asked Mr. Schmidt how much room he has from the top of the bank.

Mr. Schmidt said maybe 5' before it starts to go down and it has a fall between 18" and 12'.

Mr. Lamanna said the house next door is rather large.

Mr. Schmidt said their shed happens to be 5' from the top.

Mr. Gutoskey asked Mr. Schmidt if he has a shed now.

Mr. Schmidt replied no.

Mr. Lamanna said it is a small shed and asked if anybody else is interested in this application.

Mr. Murphy asked where the neighbor's driveway is.

Mr. Schmidt said it is about 30' from his driveway.

The board viewed an aerial of the property.

Ms. Endres brought up the 2010 aerial and said it is a little better. She said there are some riparian areas on the property but this shed is not in the riparian area.

Mr. Lamanna said the way the property drops off this is the only area it can be placed. He said at 28' it is only 1' beyond the corner of his house and it is certainly not adversely affecting the neighbor with this size shed.

Mr. Gutoskey said it looks like it will be 12' lower than the road.

Mr. Schmidt said the driveway probably only drops 5' to 6' and the drop-off for the whole property is 90' down to the water. He added that he has a water view in the wintertime.

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

Motion BZA 2015-8 – 18846 Rivers Edge Drive West

Mr. Lamanna made a motion to grant the applicant a variance for the purposes of constructing a 9' x 12' x 9' high shed as shown on the application.

1. A variance to the side yard setback on the north side from 50' to 28'.

Based on the following findings of fact:

1. A practical difficulty exists because of the large ravine on the property, there is a very limited area to place the shed.
2. The existing house has a lot width that starts at 148' and is only 29' from the adjacent property line anyway so this location will barely be beyond the edge of the house.
3. The adjacent house is set substantially forward so it will be minimally impacted by this location and therefore will not be adversely affected.
4. The size of this shed and this location is consistent with the other development in this neighborhood.

Mr. Lewis seconded the motion.

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

Application 2015-7 by Cicogna Electric Sign Company (George Dragon) for property at 7045 Market Place Drive

The applicant is requesting area variance(s) for the purpose of signage. The property is located in a CR District.

Mr. George Dragon of Cicogna Electric Sign Company and Mr. Matt McGill, property owner were present to represent this application.

Mr. Lewis asked Mr. Dragon if he has a document authorizing him to enter into an agreement on behalf of the property.

Mr. Dragon testified that Mr. McGill, property owner is present.

Ms. Karen Endres, Zoning Inspector testified that we have all of the property owners here tonight.

Mr. Dragon stated that he represented Maurices and their wall signage and what they are proposing tonight is they want to put a set of letters on their building, LED, individual illuminated letters on the front of the building and they have a 41' frontage and they also want to replace two ten panels on the existing sign out front, the sign is existing. He said the letters they are proposing are 39" tall by 29'-11" long, they are 97.4 sq. ft. and they are asking for a variance on those letters of 47.26 sq. ft. and they are bringing the whole shopping center in together so we can be easier on Ms. Endres. He said the shopping center currently is 980 sq. ft. and the signage they are requesting is 1,090.14 sq. ft. and that is including all of the existing signage that is on the building. He said the board has a spreadsheet showing the square footage of each individual tenant and then the former Radio Shack store unit of 60 sq. ft. so basically they want to try to get approval for a total variance request of 110.14 sq. ft. which would cover the whole shopping center and now that there is documentation in a spreadsheet the square footages can be figured out pretty easily. He said they started out with 42" letters for Maurices and Mr. McGill wanted to make sure the letters were 75% of the frontage so they dropped them down to the next set of letters that fit within the 75% of the frontage so that is with the 39" letters, that is how they came about with that, that was their next step down.

Mr. Lamanna asked what the front is on this particular unit.

Mr. Dragon replied 41'.

Mr. Murphy said besides the empty Radio Shack this finishes up this entire building.

Mr. Matt McGill said that is correct.

Mr. Murphy said the lineal footage of this portion of the shopping center and Maurices is 41 lineal feet of frontage and the lineal frontage of Radio Shack.

Mr. McGill said 27' lineal feet.

Mr. Murphy said and you are proposing that should we approve this 97.4 sq. ft. that Radio Shack will be good, you are putting in now for a 60 sq. ft. sign.

Mr. McGill said that is correct, it will prevent having to come back and just covers it in the future. He said he thinks at the request of Ms. Endres, she just wanted to get one variance that will solve the matter once and for all from the strip from Kohl's to Marshalls and they would not have to come back unless they exceed the variance but he feels that based on those estimates they should be covered for anything in the future unless they start chopping up some of the larger tenants.

Mr. Murphy said it is hard to imagine we tell everyone to cut one letter off of their sign, everything about it over there seems to have worked well. He asked if there is anyone here interested in this signage. He said it seems to be in line with other things and asked if the letters are taller than anybody else's letters.

Ms. Endres said it looks like it conforms and in line with most of the other signage on that building. She showed the Pictometry view of the other signs on the building.

Mr. Murphy said everybody else is 37 so he hates to give away 39.

Mr. McGill said Kohl's is much bigger and smaller tenants are going to have 24" lettering so Maurices is kind of a mix between smaller and mid box.

Ms. Endres said that is why she included the sign diagrams in the BZA packets.

Mr. Lewis said so we have the age-old problem, your previous tenants have used up the lion's share of the allotment for signage, you are stranded at the end and you watched them use it up.

Mr. McGill said unfortunately it was done under the old zoning code.

Mr. Lewis said let's see how far we are over, you are looking for 1,090 and we are 980 so are we grossing 10% to 12% over.

Mr. Gutoskey said 11%.

Mr. Lamanna asked if there is a standard size of letters and what the next one down below 39" is.

Mr. Dragon said it is 36".

Mr. Gutoskey asked what the length is.

Mr. Dragon said it is 29' 11".

Mr. McGill said Maurices' stroke on the letter is most like Kohl's, these are more of a thin line stroke on their letters to keep the conformity of their logo and their advertising etc.

Mr. Murphy said there is no apostrophe.

Mr. Dragon replied no.

Mr. Gutoskey said that would have added to the square footage.

Mr. Lamanna said the sign is consistent with the space and it is not unduly large for the architectural feature it is going in or what else is already there.

Mr. Murphy said it is still more slender.

Mr. Lamanna said it is not directly facing the street so there is no impact on the adjacent property.

Mr. Lewis said so this takes care of the empty Radio Shack.

Mr. McGill said that is correct.

Mr. Lewis asked if they can get a 60 sq. ft. sign on that space okay.

Mr. McGill replied yes and it is probably a little bit larger than what he would approve anyway, he would not want a gigantic sign there anyway, they usually push us and we push back on signage.

Mr. Lamanna said you want some consistency on the signage of the look along there.

Ms. Endres said she did not count any of the directory signs into the calculations and the current sign regulations do not work with this development that is already in place.

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

Motion BZA 2015-7 – 7045 Market Place Drive (Maurices)

Mr. Lamanna made a motion to grant the applicant a variance from the existing 980 sq. ft. permitted for the entire building to 1,091 sq. ft. for the signage.

Based on the following findings of fact:

1. This is a large shopping center building that does not actually face the street.
2. It is a small increase to the total signage allowed for that building.
3. There is a practical difficulty in that a lot of the previous signs were granted under a prior zoning ordinance and certain variances were granted with respect to those signs and now there is insufficient space left.
4. The situation before the board represents a reasonable sign based upon the architectural features and the existing signage and the addition of that sign plus an allowance for the one remaining unused space, at the moment, of a similar proportional size sign or similar sign proportional to the actual frontage of the space would take it to a higher limit.
5. The board does not believe that this is inconsistent with the intent of the signage regulations and will not have an adverse effect on the neighboring properties.
6. It is consistent with the overall previously in place signage plan for that building.

Mr. Murphy seconded the motion.

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

Application 2015-9 by V & V Lakeshore, Ltd. for property at 7040 Aurora Road

The applicant is requesting area variance(s) for the purpose of signage. The property is located in a CR District.

Mr. Vince Fond, Jr. and Mr. Vince Fond, III of V & V Lakeshore, Ltd. were present to represent this application.

Mr. Fond, III testified that he has a power point presentation he would like to show along with a brief overview. He stated that he is the applicant for the sign package at Market Place Commons which as they were just here recently, this is Sublot 3A at the Shops at Marketplace and they are looking at basically an overall sign package for the two tenant building they are currently constructing in addition to the adjacent proposed Aldi building that will hopefully be constructed shortly. He gave a brief overview on Sublot 3A and the site plan shows Phase I and Phase II. He said Phase I is the Market Place Commons building with the Mattress Firm and they are looking for an adjacent proposed tenant which they are also requesting sign area for in a package variance so that way everything will be consistent. He said in Phase II you can see the footprint for the future Aldi building. He said the next slide shows the pylon sign that will be constructed and this is a similar theme and similar size panel to what is consistent with the rest of the development, they will have one panel for Mattress Firm and below that one larger panel for Aldi being basically a junior anchor of the center giving them a little more sign exposure. He said the next line starts at the Mattress Firm building and we will be consistent with both sides on the building having 30" letters on the front of the building and 24" letters on the side of the building so looking at Mattress Firm, the front will have 30" x 22' 8" and the side sign is 24" high and 18' 2" wide. He referred to the next slide and said basically we are looking at something similar, just planning ahead for the 7044 Aurora Road future tenant, a 12' wide area with up to 30 inch lettering proposed for the front and up to 24" letters for the side so that is the square footage for that one. He said the next slide is a prototypical Aldi building that will be constructed on this site so Aldi has what they call a tower sign which is the main feature that has the store name and in addition there is the food market sign, so two elevations have signage on the building and also there is a small cart return sign, you can see it there, and basically it is showing that you put a quarter in the cart to take it but the reason he is showing it here, the sign is large enough because it is outside, to be per the zoning, basically it is an informational sign for shoppers and it is not really off-site advertising in any means. He said in general they are requesting a total variance for an additional 96 sq. ft. of signage between the three suites and the power sign on Aldi is eight-tenths of a foot over the 22 ft. in the zoning.

Mr. Fond, Jr. testified he is also with V & V Lakeshore, Ltd. and they do have the two signs for the shopping cart, they do total 32 sq. ft. so the two identification signs for the shopping carts which are included are 32 sq. ft. of that.

Mr. Fond, III said they are visible on two sides and is basically a third request.

Mr. Murphy asked if there is a guarantee that Aldi is going to build.

Mr. Fond, Jr. stated that they are projecting they will probably and are pretty comfortable that they will have an executed lease in the next thirty days, the final draft is in everyone's hands, but it is not guaranteed until you sign on the dotted lines.

Mr. Fond, III said it is extremely likely.

Mr. Murphy asked if it will only be two separate lots.

Mr. Fond, Jr. said they really haven't made that call yet on the language, it is not contingent on the lot split, they drafted everything but they plan on retaining both buildings.

Mr. Lamanna asked if the ground sign is okay size wise.

Ms. Karen Endres, Zoning Inspector testified that the ground sign is fine size wise but they are looking at the whole package.

Mr. Lamanna asked if the ground sign is added into the total signage.

Ms. Endres said it counts toward the total aggregate signage for the property. She said on the second page of her staff letter she tried to split things out and explain where all of the signage comes from, where it is going and all of the numbers.

Mr. Lamanna said so basically any small size building is going to eat up its entire signage on the ground sign and asked if that was the actual intent.

Ms. Endres said she was not consulted when drafting that language.

Mr. Lamanna said he wondered if anyone looked back when the language was drafted.

Mr. Murphy said the variance is pretty much all ground sign and the cart return, 42 and 32 and 31.

Ms. Endres said it inflates the signage square footage when you have to count both sides of the sign face too so the actual sign face of the ground sign is 31.5 sq. ft.

Mr. Lamanna said he wonders how well thought through the amendment was and he is not sure what the intent was because by adding ground signs back in you are cutting down allowable signage by almost half especially if you look at what is typically in the township other than the big stores, it actually affects them less which is a bizarre approach to it, the really big stores doesn't cause a problem.

Ms. Endres said they have massive frontage.

Mr. Lamanna said it is a lot easier for them to deal with it and asked how much space will there be between buildings.

Ms. Endres said a little over 100'.

Mr. Fond, Jr. said 108' roughly.

Mr. Lamanna asked if there is an argument if they are facing two streets and asked if they want on top of 30%.

Mr. Lewis said if it is on the side of the building half of the people going on Aurora Road won't see it until they are by it.

Mr. Lamanna said they will have a ground sign.

Mr. Fond, Jr. said it is a reduced height as far as on that east side, those are 24" letters versus 30" so it is a reduced height and if you look at the elevation they do have four display windows.

Mr. Lamanna said you can't see it from the other side obviously.

Mr. Lewis said if it was for visibility why wouldn't you have it on the back of the building so you would see it going both directions.

Mr. Fond, Jr. said since it is not direct access off of Rt. 43 they thought it was more important to get the exposure facing Rt. 43, once you are on North Market Place you are pretty much.

Mr. Fond, III past it one way or the other.

Mr. Fond, Jr. said correct.

Mr. Lamanna said the smarter thing to be on the internal road would be to put smaller signs because when somebody gets in there, they will see right where to go and you don't use up a whole lot of signage doing that. He said he understands that there are certain signs that tell people what to do and how to proceed that may be bigger than the normal in or out, exit, enter type of sign and we really have to figure out how to deal with those and maybe they can only be dealt with on an ad hoc basis. The board would have to look at what is the sign doing, where is it placed, how is it being used and allow some relief on that but on the other side of it, he is less inclined to say if they decided that you are only going to have this much signage somebody better have a real good reason and tell him why that is not the case. He said this is different from the previous application because they were talking about a huge building that does not face really anything else, any adjacent properties. He said they are all contained facing into the middle of their property.

Mr. Fond, Jr. said if you look at our coverage versus the previous, the coverage on the signage on that was almost the whole front where ours is probably 50%.

Mr. Lamanna said but they have a different ground sign situation, they have one ground sign that covers everybody.

Mr. Fond, Jr. said they are penalized between the pylon sign and others.

Mr. Lamanna said this set up is far more typical of what there is in the rest of the township such as E. Washington Street.

Mr. Fond, Jr. said we are talking 30" letters versus 39" letters so we are almost talking 60% as far as the height too.

Mr. Lamanna said you can have two small signs and one bigger sign or wall signs and no ground sign or a big ground sign and a small wall sign. He said basically what this is you have got your choice, you can decide what is best for you.

Mr. Fond, Jr. said they have already eliminated one panel of the proposed Suite B or 7044.

Mr. Lamanna said we are already being somewhat generous in giving you 30% so his inclination is if you were a few feet over because of the way your sign was, yes okay but frankly his inclination is that at least as far as the Mattress Firm and other stores along side of it. He said we ought to be living within the permitted signage if there is much reason here to grant relief from that, you just have to decide into what form you want to put your signage.

Mr. Gutoskey said the one you looked at, the two different parcels, if you take the monument sign out of all of these it would be over 5 sq. ft. from what they are allowed but if you take the 21 sq. ft. of the monument sign out of the Mattress Firm and that other tenant they are 29 sq. ft. over still so a sign has to get smaller.

Mr. Lamanna said the question is if they need the monument sign and if they decide to make the choice that they want this two-sided sign sticking up there.

Mr. Fond, Jr. said they are a national tenant and they are not going to go without a pylon sign.

Mr. Lamanna said they could have a smaller sign.

Mr. DeWater asked if they absolutely have to have the sign on the side of the building.

Mr. Fond, III said it is a quarter entrance feature.

Mr. Fond, Jr. said he has never seen an Aldi with just a sign on the front.

Mr. Gutoskey said the board had a situation like that last year, the same thing, the building owner had to choose between having a ground sign or having the sign above his building and he chose the building versus the ground sign.

Mr. Fond, III said it is pretty consistent with the original development of both Market Place centers and he knows Four Corners, many things have been chopped up and they have been dividing monument signs smaller but the same one 9 x 6 panel that we are showing here as a standard sign was at one point the typical sign over there.

Mr. Lamanna said there has been a change in the ordinance and he can't sit here and say because other people have these signs that were allowed under a prior ordinance and now the legislative side of the house has decided no that was too much because of the way it was interpreted in the past, there was too much signage, we are reducing the total amount of signage. He said it is not the board's prerogative to sit and say because those already have signs we are going to ignore all of that and let people continue to do what they want to do, it would not be appropriate for us to do, that would be exceeding our authority.

Mr. Fond, Jr. said he realizes that.

Mr. Lamanna said this is totally different than what we had before and in the previous application, because they now have an overall limit, they are actually worse off than they were before.

Mr. Fond, Jr. said they are at their overall limit though.

Mr. Lamanna said because of the amount that they already had allowed under the old code this actually restricts them more than they previously were so we have actually pushed them back from where they were so we have improved the situation so the fact that they do have "more" the reason they have more is because they had more under the old ordinance but now they have less than they had under the old ordinance so they are much closer now to being in compliance to the new ordinance than they were before. He said plus you already got an extra 30%.

Mr. Fond, III said 30% over something that we already said was way less than what was originally intended. He said the standards for the monument signs were put in under the old regulations.

Mr. Gutoskey said but this is a new building, this isn't one that has been there with signage under the old requirements so we have to follow what we were given by the zoning commission.

Mr. Lamanna said until somebody gets them to change it. He said the board can address the cart signs and asked if there are some specific renderings of those.

Mr. Fond III said they were small on the main renderings so he did provide a pro-typical photo, it is the last line on the power point.

Mr. Lamanna said we need to look at it to see what it exactly says.

Mr. Fond III said it says “Quarters Save You Dollars” and then there is a smaller paragraph.

Ms. Endres said she knows what they look like.

Mr. Lamanna said he thinks the problem is because it is an advertisement, if it just said return shopping carts here then maybe the board could say it is really more of a directional sign. He said they kind of created a hybrid here, go back and look to see if there is a way to make the sign, if you don't want to count it, turn it into truly an instructional sign and not have quasi-advertising associated with it. He said he thinks the sense of this is it ought to be a lot closer, if you need a couple of extra square feet because of the configuration of the sign or whatever, fine, we will look at it to see exactly what is on those Aldi signs as to whether or not they can be reclassified as more of a directional sign or modify them to make them pretty much confined to instructional and not using them also as incidental advertising.

Ms. Endres said you have to make sure there is no branding on it.

Mr. Lamanna said if it has branding on them that certainly is a problem. He said if it is conveying a message other than this is where this is located and this is the location, function and direction but if it gets beyond that. He advised the applicants to go back and look at that. He said the board will look at the Aldi specifics on that because that is a pretty significant amount of square footage and it is a big chunk of the overage.

Mr. Fond, Jr. said they will have to look at the parameters and work it backwards.

Mr. Fond, III said they don't want to be coming in with a third tenant like they did and so we will try to plan it out.

Mr. Fond, Jr. asked the board if they could be given a parameter as far as square footage like 10% over etc.

Mr. Lamanna said not even 10%.

Mr. Fond III said they are up to ten sided polygons, they square them off because personally he didn't think there was going to be this situation here so they will recalculate those tighter so that will be the first thing they will do.

Mr. Lewis said it looks like on the monument sign that Mattress Firm is using 21 sq. ft. and on the two building signs, 93 sq. ft. so they are entitled roughly 119 but that doesn't include the signage you would need for your second small shop tenant so Mattress Firm has pretty much essentially used up the entire allotment on that building and their proportionate share of ground sign before you add your next tenant.

Mr. Fond, Jr. said once again the name is longer.

Mr. Fond, III said if it was just "Firm".

Mr. Fond, Jr. said the second suite will not have any identification on the pylon sign.

Mr. Fond, III said for planning purposes they are counting the entire 30" x the entire amount because we don't know the tenant.

Mr. Lewis said he is not so sure that these businesses get a whole bunch of drive-by traffic, they tend to serve a geographic area and once people have made it there the first time we all know where it is.

Mr. Fond, Jr. said that is true in most cases.

Mr. Lewis said he does not think the majority of their business is just drive-by traffic.

Mr. Lamanna said in the end what it comes down to it you have to decide what is most important whether the ground sign is the way people are going to see it. He said to him the way Aldi is set up with the sign sticking up what do they need a ground sign for, that is what people are going to see and it is such an obvious structure, both the coloring and the shape and the size, what do you need a ground sign for, you are wasting your money on it. He said other places where you drive by the building and if you looked at it you wouldn't see the building but if they have a nice ground sign up and that is very effective to see that ground sign right away and they may have a building that doesn't have anything to tell what it is such as Dunkin Donuts or McDonalds, they wouldn't need any signs and you would know what it is, they always have signs but it really is unnecessary. He stated that the board will put this off until the next meeting.

Motion BZA 2015 – 9 – 7040 Aurora Road (V & V Lakeshore, Ltd.)

Mr. Gutoskey made a motion to table this application to the next regularly scheduled meeting to be held May 21, 2015 for the purpose of obtaining additional information.

Mr. DeWater seconded the motion.

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

Application 2015-10 by Cynthia Cooke, James Cooke and Lee Jones for properties at 8377, 8379 and 8381 Washington Street

The applicants are requesting area variance(s) for the purpose of lot splits and consolidations. The properties are located in a CB District.

Mr. James Cooke, Ms. Lee Jones and Mr. Kerry Jones were present to represent this application.

Mr. Cooke testified that he and two of his sisters inherited these three commercial properties with non-conforming structures, encroachments and a shared driveway and are in the process of trying to transfer the properties out of the trust and into their individual ownerships, they would like to try to eliminate the encroachments, eliminate the shared drive and try to bring everything more into compliance and we hired a surveyor to draw up the proposed lot splits and that is where they are at and acquire several variances to do that.

Mr. Lamanna said so at the end of the day you want to have three free-standing parcels that each can stand on its own.

Mr. Cooke replied exactly.

Mr. Lamanna said so in the future if you want to transfer it off they wouldn't have to be going back dealing with them.

Mr. Murphy said as of right now they are three separate lots.

Mr. Kerry Jones testified by saying yes.

Mr. Murphy said we are not creating new lots of any sort.

Mr. Jones said correct.

Ms. Karen Endres, Zoning Inspector testified that that is the proposed plan.

Mr. Murphy asked if there will be a center driveway to the back property, it has to jog around the lube station.

Mr. Lamanna asked if they are going to split off pieces and combine them into the new lots.

Mr. Cooke said correct.

Mr. Jones said overall he thinks it would be more in compliance than we are currently.

Mr. Lewis said the center driveway belongs to the rear parcel.

Mr. Jones said correct.

Mr. Murphy said it is a proposed center driveway because right now the existing comes in off the lube station.

Mr. Jones said it goes through the lube station.

Mr. Murphy said you have to pass the back side of the lube station so that back parcel doesn't really have a driveway.

Ms. Endres said the part of the parking lot for the restaurant is on the mini storage property.

Mr. Murphy said part of the storage parcels are in the lube station.

Mr. Lewis said this will end up with each of these three parcels having frontage on E. Washington Street, we are going to have three entry/exit points all within 50 feet of each other.

Mr. Endres said that would be about 280' of frontage.

Mr. Lewis said there are a lot of curb cuts in a short span and it would be nice to have some green frontage with these parking lots not going all the way to the street and while we are doing that, bring these into conformity with some of the other Washington Street initiatives. He asked if there is a turning lane on that part of Washington Street.

Mr. Gutoskey said there is a center turning lane.

Mr. Lamanna said normally you are supposed to have 60' of frontage and that could be accommodated without too much trouble by just kind of taking a little jog there and cutting back a little bit.

Mr. Lewis said he is thinking about the nature of the business back there where you have folks coming in maybe with a trailer or a small U-Haul or something, that is a really tough right-hand turn to make with a truck so anything that can be done to straighten it out.

The board discussed how the driveway could be reconfigured to access the buildings.

Ms. Endres said in the CB district there is 150' of road frontage to be compliant and 60' for residential so they will not be in compliance with the road frontage for the three lots.

Mr. Gutoskey asked Ms. Endres about the original variance from 1987 that stated they needed 36 parking spaces for the restaurant and asked if that will be the same now.

Ms. Endres said she did not know.

Mr. Jones said the parking lot needs to be restriped.

Mr. Gutoskey said he asked because of the reconfiguration, and there is a little bit of gravel in the back, he doesn't know that there are 36 spaces in the front and on the side. He said that is something that should be checked to bring that into compliance on the parking.

Ms. Endres said she hasn't heard of any problems with parking there and added they are not changing the use and they are not taking away parking.

Mr. Gutoskey said we should make sure that what is going to be there is in compliance.

Mr. Lamanna asked if all of the parking there on the east side of the restaurant is all going to be in their lot now, the lot line is going to run down the edge of the green.

Ms. Endres said right.

Mr. Gutoskey said when you get to the rear corner of the building, the center piece starts to come and if it meets the current zoning for parking.

Mr. Jones asked if you have to have so many spaces for parking.

Ms. Endres said parking is based on the number of seats and usable floor space in the restaurant, whichever is greater.

Mr. Gutoskey said he went out there last night, with the map, to look around and the cars are basically parked on that side pretty much to the back of the building.

Ms. Endres said it is one for every 200 sq. ft. of usable floor area or one for every four seats whichever is greater. She added that she doesn't know how many seats are in the restaurant.

Mr. Lamanna said it is not a huge restaurant. He said if there are 36 tables of four you would need 36 parking spaces and you have to have some for the employees.

Mr. Murphy said there seems to be a proposal on here to leave some green space on all three of the lots.

Mr. Lewis said the restaurant could end up with 80% lot coverage. He asked about the parking in the back area.

Mr. Lamanna asked about the size of the driveway that is going to be put in.

Mr. Gutoskey said the question he had, you are going to have a 12' drive which is basically wide enough for maybe a car and a quarter so if you have somebody coming in and out at the same time, it is about 400' from Washington to where it starts to open up to get into the mini storage, if somebody is trying to get in and out at the same time, somebody is going to have to pull on the grass. He said he thinks the driveway needs to be wider at 16' or 18' or 20'.

Mr. Lewis said if you get two U-Haul trucks there at the same time with the side mirrors out.

Mr. Gutoskey said it has got to be something but he doesn't know what it is.

Mr. Lamanna said it definitely has to be wider for the last 20' or so feet when you reach E. Washington so you don't have somebody turning in and realize there is somebody coming the other way and there is not room for everybody.

Mr. Gutoskey said especially in the winter with all of the snow, then what do you do, it is not like you can pull over on the grass to go by.

Mr. Lamanna said he thinks there needs to be some width.

The board discussed having some pull-off spots and the potential width of the driveway.

Mr. Jones said a lot of people go around both ways but he doesn't know what the future plans are going to be for it but they want to keep that option open.

Mr. Murphy asked how much room is between the northeast corner of the lube building and the property line.

Ms. Endres said she asked Mr. Schwartz to put it on the plans.

Mr. Jones said a truck actually goes through there.

Ms. Endres said she scaled it at about 10'.

Mr. Gutoskey asked if the mini storage sign will come down and come back at a later date.

Mr. Cooke replied yes.

Mr. Murphy said almost nobody is giving up any parking or any driveway, we are using all of the lawn in the triangle.

Ms. Endres said they are requesting encroachments and eliminating the shared driveway situation.

Mr. Gutoskey said the only green space is in the front.

Mr. Murphy asked why the easements are a hardship, you have had these easements for thirty or fifty years.

Mr. Lamanna said he doesn't know if they really are easements.

Mr. Jones said the only easement is the Fifth Third Bank on the restaurant, that is the only actual easement.

Mr. Murphy said because all three properties were owned by one person.

Mrs. Jones testified by saying exactly.

Mr. Jones said they were just thinking about the future if they wanted to sell the lube station, we don't mind now because it is family but in the future it could get a little sticky.

Ms. Endres said they run into trouble too with bank financing, banks won't finance encroachments either.

Mr. Lamanna said he is sure that the restaurant has got a little bit of a problem there because it is actually encroaching onto the adjacent property.

Mr. Lewis said he would like to see 20' or 30' of green across the front of the other two properties, the Agave and the Lube Stop.

Mr. Jones said he doesn't know, they will have to ask Mr. Matt Lynch because he is helping them.

Mr. Dewater said with a transfer of ownership you might want to approach Fifth Third to make sure that easement is still valid.

Mr. Lamanna said the easement goes with that lot.

Mr. Lewis said the whole front of the Lube Stop property seems to be asphalt, there is no organized parking and people come in and get their car serviced.

Mr. Jones said it is a drive-through service with no parking.

Mr. Lewis asked if they can get rid of some of that asphalt and work it into a lane two cars wide rather than 115' of solid asphalt going down Washington Street and the whole front is paved and there is no organized parking. He said there is room for additional parking in the rear of that lot even when you re-square it, you have room in the back. He said he almost would like to see the same thing with Agave too, give 20' of green in the back, you have plenty of land in the back of it for additional parking and clean up the frontages on these at the same time.

Mr. Gutoskey said that would make up for taking out the triangle.

Mr. Lewis said you are taking out everything up front so what you are going to have right now is a tenth of a mile of solid asphalt.

Mr. Murphy said if there are going to be three separate properties he thinks they have to be separated and he agrees it is all asphalt, the restaurant is all asphalt, the Lube Stop is all asphalt there will be all asphalt for the driveway in the middle and at that point everything gets worse. He said he understands the desire to separate these into three lots but at that point he thinks it should be an improvement for the township as opposed to just more asphalt and just kind of more clutter. He said he gets why it is being split up and looking at this but we basically take the driveway back in the middle and kind of curve it through as if you can drive off of all three properties back and forth instead of the little strip of grass in the middle and asphalt from one wall to the other why bother to pave that center driveway.

Mr. Lamanna asked what the current lot coverage is, total, all three together.

Mr. Gutoskey said it is about 50% lot coverage.

Mr. Lewis said your parking space question becomes really interesting for the restaurant because based on that and how many parking spaces tells us what we actually do need to meet the requirement and then whether we can redeploy some of those parking spaces to behind the building and get some green space up front and still hit our parking space requirement and the Lube Stop doesn't have a parking space requirement per say but they have a square footage of building or chair count.

Mr. Jones said they are really only using one side of that building and we use the other side for another business and obviously couldn't be a business without parking.

Mr. Murphy said it is 4,200 sq. ft. and asked how many parking spaces would that need.

Ms. Endres said the use is similar to a service station or repair garage.

The board discussed the parking spaces for the Lube Stop.

Ms. Endres said the driveway crosses the lot line and one of the things the planning commission requires is that those driveways be disconnected, they don't allow for driveways crossing lot lines.

Mr. Gutoskey said get rid of the drive so there is a turn-around that will open up some green space there, you can leave room to pull in and back out of there to pull out for maintenance, etc. or truck.

Mr. Murphy said Mr. Schwartz probably already figured that.

Mr. Gutoskey said he just has it to be disconnected he doesn't know if they figured it in there.

Ms. Endres said he probably figured it in and he knew to figure in all of the green space.

Mr. Gutoskey said if it is cut out just past that turn-out where it goes in, that will offset a little bit of driveway in the front, not much, but some.

Ms. Endres said it is roughly 600 sq. ft. She said the particular lot doesn't really have a lot coverage issue, this is the one lot that was in compliance with lot coverage.

Mr. Gutoskey said it will probably get closer once you wind out the drive to Washington St. and put in some pull-off spots.

Mr. Murphy asked about the storage unit on the right, that skinny one that is only accessible from the one side.

Mr. Jones replied yes and there is additional property to the left of the storage units.

Mr. Gutoskey said on the west line, it slopes down from the far west building.

Mr. Murphy asked if that is all part of this as well.

Mr. Cooke said that is correct.

Ms. Endres said she doesn't think he included it.

Mr. Murphy said it is on the site plan.

Mr. Lamanna asked if the restaurant has two entrances at the moment.

Mr. Cooke replied yes.

The board discussed the drives and parking spaces.

Mr. Murphy said he is okay with understanding why they want to separate these things out but just to add more asphalt just doesn't seem to be the right thing to do here, it seems that we need a little more planning in terms of some green space, come in at the right angle and in the center property reduce all the asphalt going to the road and the two side properties it seems like both of the left and right properties have enough room for parking, there might be some more in the back of the building rather than in front of the building but at this point there is a ton of asphalt there now and just to give up the last bit of grass for the ease of this doesn't seem to be the right thing for the board to do.

Mr. Lamanna said there ought to be one driveway into each.

Mr. Jones asked how they would fix that in front.

Mr. Gutoskey offered to take a look at it and sketch something up to see what makes the most sense and try to get some green space there and try to get one driveway in and out per parcel.

Mr. Lewis said if you clean up the front on all three of them so they look nice there is no down side on your property value to go with that so before you start repaving parking lots etc. the board will try to work with you and develop a site plan that makes good sense and make all these properties attractive from the street.

Mr. Lewis suggested tabling this to the next meeting. He said he thinks the general consensus from the board is he doesn't think there will be a lot of push back on trying to develop a way to split them formally.

Mr. Lamanna said the concept of how it is being split makes sense. He said the issues that need to be addressed are the board would like to see a little more frontage where that middle driveway comes out so the driveway can be turned to go in perpendicular to E. Washington Street then the next step is the board would like to have a single driveway into the other two businesses, single defined driveway, and then a 25' green space buffer from the existing roadway to where the parking will begin. He said we need to make sure we are square on the parking requirements for those two other buildings and then we will get rid of that little driveway in the back and move as much green space from the back lot to those two front lots. He said that back lot cannot be further developed and the fact that the lot coverage on the other two lots is being allowed to be so high that that effectively precludes anybody ever coming back in and saying they want to go up to 45% on this back lot so whatever coverage is on the back lot, that is it forever. He said the applicant will have to understand that there is no further right to come in and petition further lot coverage because part of that lot coverage is the reason the other two lots are allowed to go to 50% and 60%. He said the next person will have to understand that they are buying this subject to this restriction.

Mr. DeWater asked if the office for the storage facility is run out of the Lube Stop.

Mr. Jones replied yes. There is an office in front of the storage units that has never been utilized, a 10' x 10' office.

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

Motion BZA 2015-10 – 8377, 8379 and 8381 Washington Street

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held May 21, 2015 for additional information.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:55 P.M.

Respectfully submitted,

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

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

Date: May 21, 2015

AUDIO RECORDING ON FILE

BZA PH 4/16/2015

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Bainbridge Township, Ohio
Board of Zoning Appeals
April 16, 2015

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:55 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Gutoskey made a motion to adopt the minutes of the March 19, 2015 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for Next Month

Application 2015-9 by V & V Lakeshore, Ltd. for property at 7040 Aurora Road - Continuance

The applicant is requesting area variance(s) for the purpose of signage. The property is located in a CR District.

Application 2015-10 by Cynthia Cooke, James Cooke and Lee Jones for properties at 8377, 8379 and 8381 Washington Street - Continuance

The applicants are requesting area variance(s) for the purpose of lot splits and consolidations. The properties are located in a CB District.

Application 2015-11 by James H. Smith for property at 17383 Snyder Road

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

Application 2015-12 by David & Catherine Horschler for property at 9380 E. Washington Street

The applicants are requesting a substitution of a non-conforming use for the purpose of an auto mechanical repair shop. The property is located in a R-5A District.

Application 2015-13 by Erin and Scott Ballantyne for property of 17425 Long Meadow Trail

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

Application 2015-14 by Joseph A. Bennett for property at 18762 Highpoint Road

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

OLD BUSINESS

South Franklin Circle

Ms. Mareen Wolfe of Chagrin Road met with the board to discuss South Franklin Circle's advertisements of the Radius Restaurant in the weekly Plain Dealer and on the sign at Chagrin & Rocker Roads. She submitted copies of the advertisements and a photo of the sign to the board.

The board was in agreement for Ms. Endres to send a letter to South Franklin Circle stating that there shall be no further advertising and the sign is to be removed within 30 days.

Since there was no further business, the meeting was adjourned at 10:12 P.M.

Respectfully submitted,

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

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

Date: May 21, 2015