

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2003

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township (Phase I and Phase II) - Continuance

Mr. Lamanna stated that the board previously closed the public comment portion of this application unless someone had factual information that was omitted from the record and only that will be allowed.

EXECUTIVE SESSION

Mr. Lamanna moved that the Bainbridge Township Board of Zoning Appeals go into executive session to discuss legal matters regarding this application.

Mr. Takacs seconded the motion.

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

The board of zoning appeals recessed the public hearing at 7:41 P.M. in order to go into executive session to discuss legal matters regarding this application.

The board of zoning appeals returned from executive session after discussing legal matters regarding this application and reconvened the public hearing at 8:12 P.M.

Mr. Lamanna stated that the board will move forward with consideration of this application on only the evidence that was presented at the hearings and the former application will not be considered. He continued by saying that this application represents a request for a conditional use permit for construction of a residential care facility with certain criteria required. He said a conditional use permit in a residential district is allowed in that district if it meets certain requirements and one requirement is that a residential care facility must border a Professional Office, Convenience Business or Commercial Recreation District to meet this use. He said the township has determined that this use is permitted in a residential district if it meets certain conditions. He said this parcel is divided by a strip of land owned by the Metroparks and as long as it is still owned by the Metroparks, it will prevent the property west of that line from being contiguous.

Mr. Lamanna said if the applicant acquires title to the right-of-way, it would qualify and this would be a condition that the applicant will have to acquire all of that strip. He said that the property will be served by public water and sewer and considering testimony presented, the applicant would require public services and other options would not be appropriate for this property. He said it has been the practice and policy of this board that sewer and water approval not be required prior to the board's approval. He explained that sewer and water entities do not want to give approval without prior zoning approval and until some sort of configuration and layout is provided there is no way to determine what kind of services will be required. He said the issue was raised as to whether or not this property abuts a LIR District, but the board carefully examined the zoning maps regarding that and determined that this property is separated by a strip of property that is zoned R-3A and we had discussions regarding what residential care facilities meant and looked carefully at the briefs and the prior hearings on the other application and we have a substantially more complete record in this case on what the definition means and a better understanding of how this proposal will be owned and operated by Judson. He said in the board's consideration in looking at the definition provided in the ORC, they found that residential care facilities can be made up of an institution of 17 or more people of which three or more people need residential care services and after the board reviewed what the word institution meant, it means a multi-building purpose. He said the board looked at contractual agreements and the operations and it appears that what is proposed will be a single facility. He said those are the basic points that will be addressed and noted that there were also a number of other concerns raised during the hearings by the other members of the board that will be discussed.

Mr. Olivier stated that relative to the location of the proposed facility, the vast majority of residents in close proximity are a much greater density and referred to Chagrin Falls Park, Cedar, Oak and Pine streets. He said the proposed access road is to provide additional safety to these residents in the facility and the residents of Chagrin Falls Park. He referred to the traffic concerns at Chagrin Road and Rt. 306 and said that the site is much further away. He said he would like to see the facility used only by the residents of that facility and not open to the public.

Mrs. Stanton stated that her concern was the independent stand alone units, but they will not be owned, there will be a service agreement. She said she also had a concern regarding the access road and would like to see some berming and landscaping for the residents that will be affected by the road.

Mr. Lewis stated that he initially struggled greatly with the dependent and independent units and the definition of residential care facilities and did not spend enough time on what Judson's offerings really were re: the whole package. He said he struggled more than most but has become comfortable with it. He said residents can move within the complex as their needs change rather than looking at two different complexes and a resident can move as the need arises. He said the type and nature, the impact on the adjacent properties, screening and mounding needs to be looked into with significant importance so there will be no surprises.

Mr. Lewis continued by saying he feels strongly that the additional services that will be offered be contained to the specific residents of the Judson complex so that it does not take on a form of retail services to the community. He said that the three story building will be nestled in a valley which will rather hide it and the lighting will be subdued. He said there needs to be a construction control plan for construction traffic and hours of operation for general contractors to conclude the project but not be intrusive to the adjacent neighbors. He said he would like to see a definite count between dependent and independent units and get a clear understanding of the 80/20 proposal. He said he wants an agreement that annexation will not take place on this property. He referred to the fire department and said it is real important that we see on the site plan, a drive or staging pads for the fire department vehicles for the proposed multi-story structures and would like an understanding of the payment in lieu of taxes. He said he would like to see the access road to Chagrin Road as proposed and any deviation to that, the applicant will have to come back and re-visit the board.

Mr. Takacs stated that he also had a problem with the residential care versus independent living, but after some research and reading the service agreement, it ties together. He said he is in agreement with the other members regarding their concern that the property has to be contiguous. He said a traffic study should be re-done and reevaluated after Phase I is concluded and with regards to the taxes, the percentage that is exempt versus non-exempt is a concern.

Mr. Lewis said with regards to the access road, it must be clearly understood that it will include the tie-in to Rocker.

Mr. Lamanna referred to the proposed height variance and said the board looked at the criteria for granting area variances with the practical difficulty standard and the number of factors to be considered and not all must apply or must there be any weight to each one. He said the primary one is whether the spirit and intent of the zoning will be observed and one principal reason for the height variance is the safety criteria and in this case, they (fire department) looked at this building and have the ability to service this building and can get there and because of building codes they are required to meet, they will be sprinklered. He said there have been a fair amount of buildings that exceed 35' in the township: residences, churches, community buildings and the CR – Commercial Recreation District allows three story buildings or 45'. He said it seems fairly evident that this building will not cause a problem with the height or how it will affect the adjacent property owners or be inconsistent with the styles of buildings in the area because it will give a more residential appearance than a movie theater and the residential area will be far removed from these buildings. He said it will not loom over or obstruct the view of these residences. He said there are major factors here, but not a strong reason not to grant this variance because the applicant has shown from the rendition and there was ample testimony from the fire department.

Since there were no additional comments, this application was closed.

Secretary's Note: The board of appeals, on July 17, 2003, amended the following motion for BZA 2003-9 therefore it was not adopted. The board will adopt the amended motion at the next regularly scheduled meeting to be held August 21, 2003.

Motion BZA 2003-9 - Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township (Phase I and Phase II)

Mr. Lamanna made a motion to grant the applicant a conditional use permit for the purposes of developing a residential care facility. The granting of this conditional use permit will be based on the following findings of fact and conclusions of law and will also be subject to the conditions and limitations described herein.

A beginning note: What the board is considering will include all of the filings that are in the official file of the application and such other documents that have been added from time to time as exhibits. The board will also include the briefs and reply briefs that have been filed by the applicant and the other interested parties including the exhibits thereto, the various traffic studies, the bound descriptive booklet on the Judson Retirement Community and everything else in the folder which will be marked as an Exhibit.

Based on the following findings of fact:

1. The proposed residential care facility will be bordered on at least one side by a professional office district, convenience business district or commercial recreation district.
2. The minimum lot size has been satisfied as it exceeds five acres.
3. The proposal meets the ratio of beds to resident bedrooms.
4. The proposal also meets the requirements on bedroom space, parking spaces, site plan and as shown complies with the other zoning requirements imposed by this resolution, but the board notes that that is a continuing condition of the application of the conditional use permit that they will continue to comply with such items.
5. It meets the area, yard and bulk requirements and the maximum lot coverage is not exceeded at 20%.

With the following conditions:

1. As shown, the POD screening regulations set forth in Chapter 141 (g) next to residential areas shall be complied with and those final plans will be subject to review to assure compliance with those requirements.
2. The board has had the appropriate review by the fire department and the board also notes that the other requirements set forth in sub-items 13, 14, 15, and 16 will be continuing conditions applicable to this conditional use permit.
3. With respect to the requirements as to connection to a public water system, the board finds, because of the nature of this facility, that it must be connected to a public water system, it cannot be served by a well system due to the existing water concerns in the area and the size of the facility and its layout.

4. The applicant, prior to receiving its zoning certificate, must demonstrate through satisfaction of the zoning inspector, that they have obtained a commitment to obtain such water.
5. Likewise, the board finds that this proposed facility must be connected to a public sewer system and no zoning permit will be issued until such time as the applicant has demonstrated to the zoning inspector that they have a binding legal commitment for that.
6. Finally, no zoning permit will be issued until such time as the applicant has demonstrated to the satisfaction of the zoning inspector and the county prosecutor that they have obtained legal title to some or all of the existing Metroparks land strip such that they will have two contiguous parcels and will be able to build where they have shown that they are planning on constructing their building.
7. The board finds that making those conditions is consistent with the past practices of the board and are reasonable and will assure that the applicant fully complies with all of the requirements for this conditional use.
8. In addition to the specific requirements of the conditional use, there are other general standards and specific requirements.

Also, regarding the findings of fact as proposed:

1. This facility will provide a good transitional use as intended for this particular conditional use from professional office district into a residential district.
2. This property is abutting areas of the township that are densely developed for historical reasons.
3. The lot coverage ranges from 40% - 50% in these areas.
4. This particular facility will have a lot coverage of 20% which will provide a good transition to the remainder of this residential district where lot coverage typically is 10% or less.
5. In reviewing the general standards for conditional uses, this is a specified conditional use for the reasons previously stated, and the board finds that it is harmonious with the purposes of the zoning regulation which permits this type of use and is also providing the transitional situation that this use is intended to promote and also the arrangement and design of the project are generally harmonious with the residential design and residential character.
6. The operation and design again is more primarily residential in nature and really does not change the essential character of the neighborhood.
7. It is not a hazardous type of operation or have other emissions or the like that could be disturbing.

8. The board has examined carefully, and in great detail, the provision of public services, and in examining that has found that while public services can be provided to this site in order to have them provided in an efficient and safe manner, there needs to be an access road from Chagrin Road providing access into the facility and into the adjacent areas of the township, principally Rocker Avenue and Franklin Street which will allow improved access to those areas as well and will allow a timely response to the facility.
9. The board also makes the finding that based upon the evidence that has been presented, that there will not be substantial increased demand on the services.
10. The board has looked also at the traffic situation and various traffic studies have been presented. None of the traffic studies have indicated that this facility will create excessive traffic problems.
11. The board also finds that by providing the access road, it should improve the flow of traffic on lower Chagrin Road and in the Cedar, Oak, Pine area and will reduce the need for emergency vehicles trying to reach areas off Franklin Street from having to use that part of the highway and that at least as proposed, none of the studies indicate a substantial traffic issue.
12. The board will however find that, in the future, it may need additional information with respect to the actual traffic flow generated by the facility and that there will be a need for a future study before the second phase of when this is actually built so that the board can determine, based upon traffic flow and uses whether additional modifications or conditions would be imposed to manage that traffic flow.
13. The board has examined the vehicular approaches to the property.
14. The board has been provided a set of pictures of the proposed entrance which will be added to the exhibit file.
15. The board also had testimony on site lines at that point of access and in looking at the pictures and testimony, finds that this is a suitable point of access that the site lines appear to be quite adequate and will not create any undue hazards on the property
16. The board would also note that there is a set of specific criteria regarding conditional uses set forth in Chapter 117.13 (b) that are operational in nature including such things as the 100' limit from property lines, certain restrictions on lighting, on access roads and the like and all of those specific requirements must be adhered to.

In the course of the testimony, numerous valid concerns have been raised by the residents concerning the potential impact of this facility upon their property, upon the use of Chagrin Road and upon the provision of township services to this area. Based upon that testimony, the board finds that a number of conditions need to be applied to this proposed facility in order to ensure that any adverse impact is ameliorated to the greatest extent possible. The board finds that these conditions are necessary to ameliorate the adverse effect and we also would find that absent these ameliorating conditions that these adverse effects could be such as to otherwise cause this board to deny this application. Therefore the board finds that satisfaction of these conditions is mandatory in order for this application to have satisfied the requirements for granting this conditional use.

Conditions according to categories:

Access Road

1. The condition is that an access road be provided to appropriate county standards for the type of use of the road.
2. The access be available to emergency and non-emergency vehicles and that access be available to Rocker Avenue and/or Franklin Street.
3. Any lighting on this road will be done in a way so it does not adversely impact the neighboring properties. The lighting on the road will be subject to review by the zoning inspector to assure that there is minimal light pollution.
4. Where the road goes upon the so called Begy property and approaches Chagrin Road, berming, fencing and/or landscaping will be provided to provide a buffer between the road and the adjacent property owner to the east so as to reduce the amount of noise and also to prevent headlights from shining into the properties at night. The applicant will provide appropriate design of that for review and approval by the zoning inspector.

Lighting

1. Generally with respect to lighting the facility, there is planned street lighting on the independent free-standing units. That lighting will be such so that it will have minimal upward spillage to reduce the overall light pollution and to prevent this facility from becoming a light island in the middle of the existing residential areas.

Signage

1. The applicant will meet all of the existing requirements and limitations on signage applicable to the district and this particular facility.

Construction of the Facility

1. The applicant will take appropriate measures to regulate the flow of construction vehicles.
2. Construction will take place during reasonable hours, not sooner than 7:30 A.M. nor later than 8:00 P.M. and not on Sundays.
3. All construction will be done in a way to minimize dust and dirt and contractors will be required to keep any of the adjacent roads being used clear of mud and other debris from the construction of the facility.
4. The access road will be improved and maintained so as to minimize dust coming from the access road which could be an annoyance to the neighbors.

Taxes

1. The board specifically finds that if this facility does not fully pay its taxes to the County of Geauga and the Township of Bainbridge, that it would be an undue burden upon the amount of public services required for those taxes, therefore to the extent that all or any part of this facility becomes exempt from taxes, the applicant will be required to pay to the county and to the township in lieu of taxes an amount that would otherwise be equal to the taxes that would be collected on that part that is determined to be exempt to those jurisdictions for the purposes of defraying the expenses incurred by those jurisdictions in providing services that benefit generally or specifically this facility including but not limited to police, fire, road, general administration, library, health services and the like.

Traffic Study Prior to Phase II

1. Prior to commencement of Phase II, the township will require that a traffic study be done in order to determine actual traffic patterns on the property to examine whether additional conditions or signage or directional devices or limitations are needed to prevent adverse traffic consequences.

Residential Care Facility

1. This facility will actually be operated in the way it has been represented to be operated as a residential care facility, namely that it is run as a unified complex.
2. The residents will require no ownership or similar rights in any of the living facilities.

3. The applicant will continue to use this service agreement substantially similar to the one that is submitted with this application and brief and the people who are residing here are those who have a reasonable expectation within a reasonable time of using the specialized services that are being provided by the RCF by reason of age or physical or mental impairment.
4. With respect to any services being provided, the services shall be provided only for residents and their bona fide guests.
5. No outside persons will be allowed to receive services on any type of fee or commercial basis.
6. With respect to non-commercial activities that may be open to the public such as meetings or speakers and the like, the applicant will be limited to no more than two such events per week and will use all reasonable efforts to control the number of outside unrelated parties, non-family members of the residents to no more than 25 people for each such event.
7. The board notes that this condition is subject to future amendments based upon review of actual issues regarding traffic, parking, impacts, to determine whether or not these are creating any undue burden and whether or not a more flexible approach is warranted on those considerations.

Annexation

1. A further condition is that the applicant will provide an agreement that they will not seek annexation of the facility and its property to the Village of Chagrin Falls.

Ratio Between Assisted Living and Independent Units

1. Because of the service and traffic consideration, there will be a condition limiting the ratio between independent and assisted living situations where the board will consider the assisted living ones are those that are receiving a substantial amount of the personal care services, that they be no more than 25% of the total units.

2. The board notes that this is subject to the future adjustments based upon a review of what the actual experience is with respect to emergency calls and other situations to determine that it is not creating an adverse impact either on the township or on the local residents if it were to go to a much higher ratio of very dependent people. At this point in time, the board is fairly comfortable with what the applicant has represented in terms of the ratio and what the impact would be in terms of traffic, staffing and staffing coming and going and if it went to a much higher level the board believes it would have to revisit those issues to determine what the impact would be and to ensure ourselves that it would not be substantially adverse.

The board notes that the decision will not become final until these minutes are approved so the board may review these minutes and reconsider certain items and may add additional conditions that are determined to be inadvertently omitted.

Mr. Lamanna made a motion to grant the variance for the purpose of constructing a three story building as shown on the plans submitted by the applicant and grant a height variance of 9' for a total of 44' for the height of the building.

Based on the following findings of fact:

1. This variance is based upon an examination of the purpose of the height limitation and one of the primary purposes of the height limitation is that of safety considerations. The board finds that the testimony of the fire department is that they are able to adequately serve with their current equipment and current configurations and structure of this building and that they will be able to serve it adequately.
2. The board notes that the building will be sprinklered which reduces the hazard substantially from that of other buildings in the township.
3. The board also looks at the other impact of the three story, 44' high structures, and considers that they look like residential buildings, they are located in most cases, substantially distant from the residential areas and therefore will not create site or bulk impediment to those areas.
4. The location of the large buildings is in a location where they will set down and not be extremely visible from, for example, the Chagrin Road area.

5. The board does not believe the variance is substantial based on the fact that certain other areas of the township permit buildings to be three stories or 45' and this is a similar type of use to that which might be permitted in that area.
6. The board does not believe by adding the additional height that it is going to change the character of the neighborhood to any greater extent than would a two story building.
7. An additional story will not impact the delivery of services. Any additional time required to go from a second to third floor, one flight of stairs will be minimal in terms of the overall time of response by the fire department.
8. The board also finds that the spirit and intent of this particular provision would still be observed with this higher building and it would give substantial justice to the applicant.
9. The board also finds that the variance would not derogate from the purposes of the zoning regulations in as much as it permits this type of use in this area and given the high density of the adjacent property development would not be detrimental to the overall development in the area.

With the following conditions:

1. The applicant must satisfy any fire department concerns concerning hard surface access or pads to be able to serve the building so that they meet that requirement.

Mr. Takacs seconded the motion.

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

Application 2003-18 by Thomas Coneglio for property at 8062 Chagrin Road -
Continuance

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

Mr. Lamanna noted that this application is a continuance from the May 15, 2003 meeting.

Mr. Coneglio testified that he had applied for a detached garage but now he is asking for an attached structure.

Mr. Takacs asked Mr. Coneglio if he has reviewed this with the Lake Lucerne Architectural Review Board.

Mr. Coneglio said he did talk to them and this is not an issue because he is only requiring an 8' variance.

The board discussed this application.

Mr. Jeff Wright of 8048 Chagrin Road and next door neighbor told the board to make sure he has applied to the Lake Lucerne Architectural Review Board, other than that it is OK.

Mr. Lamanna asked Mr. Congeglio how he measured for the setbacks.

Mr. Coneglio said he is still looking at 40'.

The board discussed the property line.

Mr. Takacs asked if the asphalt will be left.

Mr. Coneglio said more than likely it will all get torn up.

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

Motion BZA 2003-18 – 8062 Chagrin Road

Mr. Lamanna made a motion to grant the applicant a variance of 10' for the side yard requirement from the required 50' providing a distance of 40' as shown on the plans provided by the applicant and entered as an exhibit for this hearing.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a difficult shaped lot with an angled side yard and there is no other reasonable location in which to locate a garage without encroaching into the side yard width.
2. The board notes that the applicant still must obtain the approval of the Lake Lucerne Homeowners Association as the approval of the board of zoning appeals does not in any way limit the obligation to do that.

Mr. Takacs seconded the motion.

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

Application 2003-25 by Benjamin & Deadra Wilson for property at 16671 Medina Street

The applicants are requesting area variances for the purpose of constructing a deck and shed. The property is located in a R-3A District.

The zoning inspector's letter dated June 13, 2003 was read and photos of the site were submitted.

Ms. Deadra Wilson was present to represent this application.

Mr. Lamanna asked Ms. Wilson if she had five lots that totaled 100' x 100'.

Ms. Wilson testified by saying that is correct.

Mr. Lamanna said the proposed deck and shed will be in the back of the house.

The board reviewed the requested setbacks.

Ms. Wilson said the house is four years old.

Mr. Lewis said the proposed distance from the shed to the rear property line is 5'.

Mr. Lamanna said the board would like it to be 10' off of the line.

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

Motion BZA 2003-25 – 16671 Medina Street

Mr. Lamanna made a motion to grant the following variances for the purposes of constructing a deck attached to the house and for the purpose of constructing a 10' x 12' accessory building:

Deck

1. A variance from the required side yard setback of 50' to 20' for a variance of 30'.
2. A variance from the required rear yard setback of 90' to 50' for a variance of 40'.

Accessory Building

1. A variance from the required side yard setback of 50' to 15' for a variance of 35'.
2. A variance from the required rear yard setback of 90' to 10' for a variance of 80'.

Motion BZA 2003-25 – 16671 Medina Street - Continued

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a 100' x 100' lot which is consistent with lot sizes in this neighborhood by keeping the deck within the side limits of the house.
2. The 20' setback is consistent with other properties in the neighborhood and will not adversely affect the neighbors.
3. Likewise with respect to accessory buildings, due to the small size of these lots there is a limited location to place accessory buildings and this variance would be consistent with other such structures in this area.
4. The board also notes that the adjacent rear property line abuts a currently undeveloped area, a much greater substantial lot size so it would not possibly affect the use or enjoyment of that lot.

Mr. Takacs seconded the motion

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

Application 2003-21 by Hemlock Landscapes, Inc. c/o Dennis Barriball for The Federated Church Family Life Center for property at 16349 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of installing walking paths, labyrinth, landscaping and gardens and establishing recreational facilities. The property is located in a R-5A District.

The zoning inspector's letter dated June 13, 2003 was read and photos of the site were submitted.

Mr. Dennis Barriball, President of Hemlock Landscapes, Mr. Steve Thomas, Attorney, representing the Federated Church Family Life Center, Pastor Norling, Mr. Bill Mason and Mr. John Bourisseau were present to represent this application. A court reporter was in attendance for the applicant.

Mr. Thomas testified that it is his client's understanding that they already had permission to do what they are doing (ball fields in the rear of the property) and they had already given testimony at a previous hearing with regards to this. He said there are two issues before the board this evening, the landscaping and the baseball field in the back of the property. He said the baseball field and the backstop were granted in 2001 but the church recently received a notice from Mr. McIntyre but he had only 20 days to revoke the permit and a year has passed.

Mr. Thomas continued by saying when the church came to the board, there was a reference made to the landscaping and the representative from the church stated that there will be more fields and a storage facility would be built and added that the application was made in December of 2001. He stated that Mr. Bill Mason has prepared a schematic of the nature trails, memorial gardens, current backstop and ball fields and added that a retention pond had to be installed so the soccer fields in the front were less than desirable.

Mr. Dennis Barriball testified that he was asked, by the church and family life center committee for the memorial gardens, two years ago to prepare a memorial garden and he was to install trees, shrubs, etc. and said he presumes that the board would consider that the trees have been an improvement.

Reverend David Norley testified that he has been one of the pastors of the Federated Church for 15 years and they built the family life center in 2000 not only for the church but for the community. He said there are 896 children including infants and we have a sizable ministry from children to adults. He said the sports and recreation ministry is how you do a church now and they have done that with their gymnasium and their fields to meet kids where they are and sports is one crucial way. He said Parkside Church will be expanding again with three basketball courts and a running track and in 1928, the Federated Church built a small gym and on Route 306 it is an extension of that that we are trying to create, a peaceful place of solitude with a labyrinth. He said they will not have parties with tents, it is a prayer walk to do meditation and they also have a playground for the kids. He continued by saying that they are there to serve the community and they invite all ages to walk the trail and they also have vacation bible school. He said they have 60-80 kids running all over the place and they think that is part of the mission the church is. He added that he lives next to St. Joan's parish and they hear children's voices and to his and his wife's thinking it is a beautiful sound. He said they are learning values and if you don't want to hear noise that is one thing, but we are trying to be good neighbors.

Mr. Bourisseau testified that he has encouraged the neighbors to contact him and express their concerns and through that feedback and other feedback, there is a misconception of the whole idea of why the field was created back there, but it was mentioned in the minutes of 1998 and was always part of their plan to create that field. He said things are done when funds become available and we began leveling and seeding that field in 2001 and we were visited several times by the township offices and met with Mr. Orłowski and I asked him some questions and told him the field in the back would need a permit and I put it on the site plan and turned it in. He said they were using the field for over a year and rumor was that we were sneaking back there, but that was never our intent. He said he also wanted to clarify the field use and said it was used for a seven week period for grades one through five and explained that it was used a few Sundays for a total of 15 hours, four Thursday evenings for six hours and two Wednesday evenings for three hours and the primary use is for second and third graders and we used it six Saturday mornings from 8:30 – 12:30 for 30 hours. He said those were times the residents said they heard whistles blowing and added that it was also used for practice. He said that people have said that the church makes money from this field but we have made no money from this field.

Mr. Lamanna said the board would like to hear from the zoning inspector.

Mr. McIntyre testified that on the prints provided in 1998 for a conditional use permit, the actual prints showed future development in the rear and a soccer field in the front so we issued the permit on those prints and added that they were asked to pull the building to the front, then we started getting complaints.

Mr. Lamanna asked about the proposed prayer garden.

Mr. McIntyre said according to the print, it was tucked in an alcove 300' – 350' further back with an earthen mound on the north side.

Mr. Lamanna asked if the backstop was shown on the original print.

Mr. McIntyre said yes and they used it for a year with no complaint. He said the complaints came when the soccer league started and added that he had a meeting with them on how to handle this issue.

Mr. Lamanna said that a conditional use permit is fairly restrictive and if it does not say you can do it, then you can't do it and the township has a right to control these activities and if it was not approved in the conditional use especially, the board needs to address the concerns with the neighbors. He asked the representatives for the church what they would like to do.

Mr. Thomas testified that there is a memorial garden located on the schematic with a water feature set back 122' from the side yard property line and they need to have a conditional use permit to have a labyrinth garden at grade level and a water feature (fountain) 5' and asked the board to grant the conditional use permit to do this.

Mr. McIntyre said the lot coverage would amount to 0.5%.

Mr. Lamanna said it is an appropriate use so there is no issue.

Mr. Thomas said the field was leveled in the back in the southeast quadrant and the backstop was on the schematic submitted in 2001. He said they required a conditional use permit to have a baseball field in that location and if we need to move the backstop 45' to 100' we will but it was approved by Mr. McIntyre as a fence with 12' timbers with chicken wire and said it is a primitive backstop. He said it can be easily moved if need be and if we need to get a conditional use permit to use this area, we would like to use the rear field for other activities including soccer.

Mr. Lamanna asked if they had an area in the back to keep a free flowing activity area.

Mr. Thomas said yes, for old-time baseball.

Mr. Lamanna asked if the edge of the property line is treed.

Mr. Thomas said some areas are treed, some are not.

The board reviewed the data submitted by Mr. McIntyre.

Mr. Thomas submitted photos and exhibits 5, 6 and 7 to the board.

Mr. Lamanna asked how wide the lot is.

Mr. McIntyre said it is 680' in the back and 440' in the front.

The board reviewed the site plan.

Mrs. Stanton asked why the front cannot be used.

Mr. Thomas said a retention basin had to be installed and it affected the topography.

Mr. Bourisseau said the sanitary sewer clean-out drains are at grade and we would have to top dress the whole field.

Mr. Lamanna asked about the nature trails.

Mr. Thomas said they are in the rear with the trees.

Mr. Bourisseau said there is an existing trail that was done for an Eagle Scout project and the trail goes around the perimeter.

Ms. Shannon Wood of 16370 Misty Lake Glen testified that she is concerned about how often it will be used and said she does not want her house to be on a walking trail.

Mr. Lamanna stated that people have a right to use their property and the trail is outside the property line.

Ms. Konny Schantz of 53 Fairfax Drive, S. Russell, testified that there is no problem with using the trail, but they use her yard and they walk their dogs through her yard and they ride their bikes through her yard and said they passed over her yard so often, she had to put some grass seed down. She said they play Monday through Sunday and referred to the reverend saying he bought his house next to St. Joans, and said she bought her property when it was quiet.

Mr. Lamanna said he is not unsympathetic to these problems and maybe the board can ask the church to tell their people to please stay on the trail.

Mr. Dale Polk of 8700 Lake in the Woods Trail testified that people will come off the path and walk through the woods and said an older couple walked through his woods and he has two dogs.

Mr. Lamanna said that the residents have an option to put up private property signs and it is a two way street and the easiest way is to put up demarcations that the property ends here and as far as the nature trails go, the church should at least put up signs and the adjacent property owners can deal with their own signs or white stakes indicating where the property line is. He continued by saying that he certainly thinks that the athletic fields are incidental to the activities of the church and are not appropriate with respect to other groups that are not part of the church which are more problematic. He said the board needs to think about how it can control or limit them to a more reasonable time of day to not be objectionable to the adjacent neighbors. He said that Sunday morning is probably a bad time and one of the principal problems is the kids wandering off into the adjacent properties and we need to have a peaceful coexistence among the neighbors if we can figure out a way to decrease the sound.

Mr. Jose Feliciano testified that he lives at 46 Wolfpen Drive in S. Russell and he has a lot of good friends here and he thinks it is important to put this into perspective. He stated that he is a lawyer and will express his concerns and said quite frankly that the church has a history of being a problem and will be a problem in the future. He said the lighting should have been corrected and the mound is not big enough and when the building was shifted, the mound stayed the same, it was just angled different. He said the noise has been woefully understated and the most fundamental right of any land owner is the right to enjoy his property. He said the building is 200 yards from him and the kids play in a band and he can feel the vibrations of the drums in his house. He said he works 5-1/2 days per week and does not want to be disturbed when he takes a nap. He said this is the proverbial not in my back yard and part of the sensitivity is when the athletic fields were designed because they were to be in front. He said it has created a problem for them and the reverend said he would like to be good neighbors, maybe he can explain from the pulpit that the noise is a huge issue.

Mr. Joe Franzese of 45 Wolfpen Drive in S. Russell testified that when the church was first proposed, he supported it and he still supports it but said the building is 800' from Rt. 306 and we were promised a mound to obscure the building but when the mound was finished, the building was shifted so the mound does not obscure the building. He said they have lights shining into their houses every night since the building was built and he has the sound of kids but it is the parents berating the kids 200' from his house that he does not like. He said he has had kids walk onto his property and there is no doubt about where the property line is because there is a ditch. He said that he asks the board to compel them to finish the mound and landscape it and fix the lights so they will not shine in his house.

Mr. Lamanna said the board will have the zoning inspector look at the previous conditions and is hopeful that any deficiencies will be corrected.

Ms. Susan Dippel of 8672 Lake in the Woods Trail testified that when the soccer goal went up, it was five nights a week and all day on Saturday and on Sunday afternoons. She said the noise was loud enough to hear over traffic and music and the kids went into their property three times to retrieve a ball. She said they cannot sit outside or cook out.

Mr. Bill Koons of 61 Potomac Drive in S. Russell testified that they moved into the development behind Chismar's farm and he knows Chagrin Falls needs fields but we don't want this expansive thing in our back yards.

Ms. Joyce Body of 8656 Lake in the Woods asked if children come into our yards, will we be liable because two year old children cannot read signs.

Mr. Lamanna said the board cannot be held to render an opinion on liability.

Mr. Robert Dippel of 8672 Lake in the Woods Trail asked what other plans or games they will be using the fields for.

Ms. Molly Feliciano of 46 Wolfpen Drive in S. Russell testified that she is a teacher and is used to the constant noise everyday from them but someone was playing a boom box one day so loud and she said she is deaf in one ear and she could even hear it. She said it was a quarter to twelve on a Sunday night when the house was vibrating and there is no noise ordinance in Bainbridge Township. She said we have received no communication from the church until last week and the map only shows their property line, not ours. She said they should have put the neighboring streets on the map. She added that during spring break, she looked out her kitchen window and heard bulldozers and did not know what they were doing.

Mr. Tim Hogan, resident of Kensington Green, and president, testified that the Chagrin Valley Soccer League has a shortage of fields so we called the church and asked to use it and they were mostly second and third graders. He said they would love to use the fields in the fall and the church has been extremely cooperative and the playground is great. He said they talked to them about insurance, garbage and we brought in a porta-potty and we scheduled games so they would not be held when other activities are at the church. He said the noise issue is a surprise to him. Note: It was mentioned by someone in the audience that he does not live near the church.

Mr. Bourisseau said that one-half of the people speaking live near the soccer field and said he offered his support about the use of the property, noise and lighting and said he lives in the same area and the sound is not an issue.

Mr. Franzese said he lives further away than we do.

Mr. Lamanna asked what kind of noise level it is.

Mr. Dippel said it can be heard over an 18 horsepower twin-engine lawn tractor.

Ms. Feliciano stated that lighting is a problem because the lights shine in their windows for six months when there are no leaves on the trees.

Mr. Lamanna said the board will look into that and no new lights are proposed.

Mr. Thomas said they welcome the opportunity for the zoning inspector to check to see that the lighting and berm is installed correctly.

Mr. Lamanna said the board has become more sophisticated in the last five years on lighting issues and we need to look at those things. He said we have three more applicants that have to be heard and asked the applicant if they would like to table this until the next meeting and said he would like the church to go back and take a look at this area, the hours of operation what it can do to control egress onto adjoining properties ie. fencing, natural plantings, evergreens, tree lined barriers, berms etc. and to take a look at those types of situations and provide an overlay to see where the adjacent houses are. He said the board will do some thinking about the issue as well and we will ask you (applicant) to put some markers on the trail.

Mr. Takacs asked why the athletic fields cannot be in the front as originally decided.

Mr. Olivier said the board needs more information on the structures (sewer clean-outs) in the front.

Mr. Thomas replied by saying yes.

Mr. Lamanna said the board will also look into compliance on the previous conditional use permit and will approve the landscaping tonight.

Ms. Dippel asked if they can assume that the athletic fields will remain quiet until they are approved.

Mr. Lamanna asked if there are any organized activities scheduled in the next day or so.

Mr. Bourisseau replied no.

Mr. Lamanna said the fields will be used for casual use, there will be no organized teams, leagues or practices.

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

Motion BZA 2003-21 – 16349 Chillicothe Road (Federated Church Family Life Center)

Mr. Lamanna made a motion to modify the applicant's existing conditional use permit in order to establish an outdoor worship garden and labyrinth including the structures and plantings that are shown on the applicant's drawing.

Mr. Lamanna also made a motion to postpone, until the next meeting, consideration of the request to amend the conditional use permit with respect to the outdoor activities for consideration at that meeting. The applicant will provide additional information at that meeting as previously requested.

Mr. Takacs seconded the motion that passed unanimously.

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

Application 2003-22 by Joyce Taylor for property at 9125 Taylor May Road

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

The zoning inspector's letter dated June 13, 2003 was read and photos of the sited were submitted.

Mr. and Mrs. Tim Taylor were present to represent this application.

Mr. Taylor testified that when they built the house they had a garage, in the front, on their original application, but since they did not build, the laws changed. He said they dug out the foundation but never built the garage. He said there is an 85' walkway that goes from where the garage would have been to the house.

Mrs. Taylor testified that they would have to extend the driveway.

Mr. Taylor explained the area of the driveway and the proposed area for the garage.

Mr. Lamanna asked how big the garage will be.

Mr. Taylor said it will be 24' x 24'.

Mr. Lewis asked if there was a previous permit for the pole barn.

Mrs. Taylor said yes but it is 20 years old.

Mr. Taylor said the garage will be stained to match the house.

Mr. Charles Taylor, neighbor, was present.

Mr. Taylor explained per the site plan where the garage will go and said they already put a foundation of stone in.

The board reviewed the aerial photograph of the property.

Mr. Charles Taylor said he has no objection to this variance request.

Mr. Taylor explained the location of the driveway and said they just want to put it where it was originally decided and said the front of the house faces east.

Mrs. Taylor said they will stain the garage the same color as their cedar house.

Mr. Taylor said the house overlooks a big valley and indicated per the site plan, the property that his brother owns.

Mrs. Taylor explained the peaks and said the house goes in one direction and the garage will go in another.

Mrs. Stanton asked if the garage will be seen from the road.

Mr. Taylor replied no.

Mr. Lewis asked if it will have a block foundation.

Mr. Taylor said no, it will have a 12" base of stone and added that they have been parking cars there. He said they would have to extend the driveway 50' and explained the location the wellhead and secondary area for the septic system per the county.

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

Motion BZA 2003-22 – 9125 Taylor May Road

Mr. Lamanna made a motion to grant the variance for the purposes of constructing a garage in what is considered the front yard of the premises as is otherwise an impermissible yard encroachment.

Based on the following findings of fact:

1. A practical difficulty exists because of the interior layout of this property. When the house was built originally, the property was laid out and set up for having a garage in the front yard of the house by approximately 50'.

2. The driveway was constructed and a gravel area was put down for that purpose. This was done prior to the adoption of the existing restriction.
3. The existing encroachment will be 134' from the street so it will not impede upon the front yard of the adjacent property owner who is also 82 feet from the side property line and is substantially screened by existing vegetation so it will not be visible from the adjacent property.
4. The distance from the street will not appear to be great in front of the house.
5. The pole barn will also be finished in a manner to be similar to the house so that it will not stand out and to move it back beyond the front line of the house would require substantial extension of paved area on the property as well as also possibly encroaching on an existing well field and secondary sanitary field.

Mr. Takacs seconded the motion that passed unanimously.

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

Application 2003-23 by Michael Miller for property at 8336 Summit Drive

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

Mr. John Giles was present to represent this application.

Mr. Lamanna asked Mr. Giles if he has a letter from the applicant giving him permission to be the representative.

Mr. Giles replied no.

Ms. Anne Patram of 8337 Tulip Lane testified by stating the following:

“My husband’s and my property borders the Miller’s rear property line, which is on the north side of the Miller home. We were aware last year that Mike Miller wanted to build a garden shed on his property. I believe current zoning states that such a structure needs to be 90’ from the rear property line and 50’ from the side property line. We are also aware that a request for a variance has been made, so the 10’ x 12’ garden shed can be built 10’ (possibly 5’) from the rear property line and 20’ from the side property line. We are not in opposition to a garden shed being built, but we would like to express our opposition to the request of the 80’ – 85’ variance, placing the shed within 10’ (if not 5’) of our property line. Our backyard property is enclosed with a three bar, split rail fence with mesh lining. The fence was installed one foot in from the property line. Because of the closeness of the proposed shed to our property line and fence, leaves and branches will have a tendency to naturally gather in such a narrow gap, and such blind pockets become a convenient area to intentionally place garden remnants, making fence maintenance and repair for us difficult.

Behind sheds, also have a tendency to become a hiding place for debris and rubbish the owner doesn't want to see, but is in full view of the homeowner behind the shed. Additionally, if repair is required on the garden shed and any repairperson should fall from the rear of the shed, they would land on top of our fence. I am concerned about possible personal legal ramifications. We also believe, should any fire happen, that fire fighters would have a challenging time getting to the back side of the shed with only a 5' – 10' clearance between the garden shed and our fence. We would want the safety of our yard to be able to be protected easily, as well. During the winter months when the foliage is gone, the view of this shed right on top of the property line is esthetically obtrusive. We are requesting at least a 20' distance from our property line to the rear of the shed, which makes this a 70' variance. The 20' courtesy is offered to the Miller's eastside neighbors, per the submitted drawing, but not to us. The Lake Lucerne Club Company Architectural Review Board signed an architectural approval of the garden shed. The proposed distances from the Miller's property lines, for the shed, was on the drawing. If the Lake Lucerne board feels a 10' distance is an appropriate distance for such a structure, to be placed by a neighboring property, in their community, then perhaps I have an alternate suggestion. And that is the design could be reversed, hence, making the shed, 5-10 feet from the eastern property line, a Lake Lucerne property, and 20' from the rear property line, a non-Lake Lucerne property. Every homeowner in this room is here to improve and/or protect their properties – functionally and esthetically and most importantly they want to preserve their property value. We are no different and we hope you think our concerns are fair and worthy of your consideration and evaluation. Thank you.”

Mr. Lamanna said the board needs a better detailed drawing of the proposed shed.

Mr. Giles agreed.

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

Motion BZA -2003-23 – 8336 Summit Drive

Mr. Lamanna made a motion to postpone consideration of this application until the next regularly scheduled meeting to be held July 17, 2003.

Mr. Takacs seconded the motion that passed unanimously.

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

Application 2003-24 by Eric Gifford for property at 7188 Chagrin Road

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

The zoning inspector's letter dated June 13, 2003 was read and photos of the property were submitted.

Mr. Eric Gifford was present to represent this application.

Mr. Frank McIntyre explained the variance request for a lot split per the site plan.

Mr. Gifford testified by explaining that he owns seven or eight parcels and the main parcels are sublots 58 and 59, there is a small little strip and a separate lot. He continued by saying there is a house on one lot and a house on another lot.

The board reviewed the location of the existing and surrounding properties and building.

Mr. Gifford said there is the original farm house and he added a garage in 1991 and his intention is to rebuild it and turn it into a much better structure. He said that Mr. McIntyre said that it has not been occupied for over two years so he lost his grandfathering. He said he has had the property re-surveyed and came to realize that the original structure with the house and garage expands three of his lots so he came up with a solution and that is to decide to do a lot split to create a large odd shaped lot for a house to sit on. He said the six acre lot is the main lot with a 22' wide strip cut out of it and added that he is taxed on the free-standing lot. He said he owns sublots 58 and 59, not 57, the 20' wide strip and the ones they divided when they did the road and added that he is trying to come up with the best possible solution.

Mr. Takacs asked if Mr. Gifford can take the strip and add it to the other ones.

Mr. Gifford said he would.

The board discussed the parcels.

Mr. McIntyre explained the lots and the ones that front on Ober Lane.

Mr. Lamanna asked Mr. Gifford what his plans are for the future with these lots.

Mr. Gifford said he has no plans for the big lot.

Mr. McIntyre said it fronts on Ober Lane and explained the drive and said it has an Ober Lane address.

Mr. Gifford said the driveway was existing when he bought the property.

The board discussed the parcels and the possibility of moving the lot lines to make more regular lots.

Mr. Lamanna suggested that the lot lines be evened off and an easement can be made for a common drive.

Mr. Gifford asked what the board concluded.

Mr. Lamanna explained, per the site plan, that the properties will share a common drive with respective easements.

Mr. Takacs suggested to Mr. Gifford that he get the legal descriptions.

Mr. Gifford said he thinks the width of that strip is 20'.

Mr. McIntyre said the side yard will be 35 feet, plus or minus, for a 12' variance.

Mr. Gifford asked the board if they want him to re-draw the lots and re-do the legal descriptions.

Mr. Lamanna said the board will approve it right now.

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

Motion BZA 2003-24 -7188 Chagrin Road

Mr. Lamanna made a motion to grant the applicant a variance for purposes of conducting a lot split of the existing lot at 7290 Ober Lane and dividing up an un-named 20' strip that runs to the north of 7188 Chagrin Road. The applicant has submitted a drawing which will be modified so that the piece of 7290 Ober Lane extending from Chagrin Road along the south side of 7180 Chagrin Road will be extended back along that line to a point where it intersects the line going north/south at a right angle in passing through and north 12 degrees, 20 minutes, 51 seconds west and then goes south to the existing property line of 7188 Chagrin Road. In addition, the piece of the 20' strip going back to that line will also be split and added to 7188 Chagrin Road. The remaining part of the 20' wide strip to the east will be split and added to 7290 Ober Lane, 7180 and 7188 Chagrin Road and will then maintain a common drive for the services of each of those properties and will grant a variance for the purposes of having that driveway and a variance of the 2' requirement so it will allow the driveway to be on the lot line as necessary. In addition the applicant will need a side yard setback variance from 50' to 37' for a variance of 13' on the side yard setback on the north side of 7188 Chagrin Road.

Motion BZA 2003-24 -7188 Chagrin Road - Continued

Based on the following findings of fact:

1. A practical difficulty exists because there is a pre-existing lot that is sub-standard and a partial existing house to be removed and re-built that was encroaching on the adjacent property.
2. By adding this additional property it will reduce the non-conformity of 7188 Chagrin Road.
3. Because of the unusual shape of the property as configured in the limitations of the existing property line, and the narrowness of the lot, it is a reason for granting the variance.
4. The adjacent property at 7180 Chagrin Road is also a very small lot so the building on it would have limited side yard setbacks so the variance requested is consistent with the adjacent property and that is the only property owner that would be affected by the situation, which the lot is incidentally owned by the applicant hereto.

Mr. Takacs seconded the motion that passed unanimously.

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

Since there was no further testimony the public hearing was closed at 11:46 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

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

Date: July 17, 2003

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2003

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 11:46 by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the May 15, 2003 meeting as written except with respect to application 2003-19. With respect to that application, the board will reconsider that application at the next regularly scheduled meeting to be held July 17, 2003, based on the letter from the prosecutor's office and determine whether or not the board will make any changes to its decision.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2003-19 by Paul Dennis, Agent for property at 16860 Cats Den Road –
Reconsideration

The applicant is requesting a conditional use permit with variances for the purpose of establishing a cluster residential condominium development (former application BZA 2001-15). The property is located in a R-5A District.

Application 2003-21 by Hemlock Landscapes, Inc. c/o Dennis Barriball for The Federated Church Family Life Center for property at 16349 Chillicothe Road -
Continuance

The applicant is requesting a conditional use permit for the purpose of installing walking paths, labyrinth, landscaping and gardens and establishing recreational facilities. The property is located in a R-5A District.

Application 2003-23 by Michael Miller for property at 8336 Summit Drive -
Continuance

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

Application 2003-26 by Northcoast Cycles LLC dba BMW Motorcycles of Cleveland for property at 7309 – 7315 Aurora (Kent) Road

The applicant is requesting a conditional use permit with an area variance for the purpose of establishing retail sales and service of motorcycles. The property is located in a CR (Commercial Recreation) District.

Application 2003-27 by Mark and Donna Mueller for property at 18105 Snyder Road

The applicant is requesting an area variance for the purpose of constructing a storage building. The property is located in a R-5A District.

Application 2003-28 by Richard Kluchar for property at 18101 Snyder Road

The applicant is requesting an area variance for the purpose of constructing a storage shed. The property is located in a R-5A District.

Application 2003-29 by Gene Melen for property at 7466 Samuel Lord Drive

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

Application 2003-30 by Gutoskey & Associates, Inc. – Matt Bryant, P.E. for George Quay III for property at 17075 Savage Road

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

Application 2003-31 by Bainbridge Land Development , LLC for property at 7185 Kent (Aurora) Road

The applicant is requesting an area variance for the purpose of constructing a retail building at the Marketplace at Four Corners Shopping Center. The property is located in a CR (Commercial Recreation) District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for July 17, 2003 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 11:56 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

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

Date: July 17, 2003