

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 15, 2019

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Michael Corcoran; Mr. Ted DeWater and Mr. Joseph Gutoskey. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present. Mr. Barr arrived at 7:15 P.M.

The Board of Zoning Appeals welcomed new regular member Mr. Michael Corcoran.

Mr. Lewis welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in.

Application 2019-26 by Scott Weaver for the Geauga County Public Library for property at 17222 Snyder Road

The applicant is requesting a conditional use permit with area variance(s) for the purpose of constructing a new public library. The property is located in a R-5A District.

Mr. Scott Weaver, Architect with CBLH Design and Mr. Ed Worso, Director of the Geauga County Public Library were present to represent this application.

Mr. Weaver thanked everyone for helping them with the process and going through everything and said the board and Ms. Endres have been especially helpful to them and he thanked the board for having them here tonight. He testified that they are seeking a conditional use permit with variances. He said it is on the corner of Washington Street and Snyder Road. He presented a Power Point presentation and referred to the existing site plan and said the building is an X-shape. He said the existing parking lot currently has a one-way entry and a one-way exit on it and their new plan as you can see here, the library is approximately 10,000 sq. ft. and it will growing up to 27,000 sq. ft. on the first floor with an underground 3,000 sq. ft. mechanical level. He said the goal and intent is to remain operational through the entire step of the project as much as possible so their intent is they will construct the proposed library first and once that is completed the library will shut down and the existing library will be removed and the existing parking lot will be removed to make way for the new parking lot. He said they don't have an overlay of what the existing versus the new parking lot will look like but the boundaries are very similar, this top boundary here would still be the same and basically they will follow that line straight down and the bottom of the parking lot will be just above that lower part of the cross there. He said you will see as we bring the site plans forward how that plays out on the site. He said this is a color plan reference to give you a little bit more perspective so you can see the existing parking lot, the curb cut is moving just slightly to the north, we will have a central boulevard coming down, parking on the north and the south, the library is the large X-shape here. He said they will have a book drop area back here as well as a screened area around back. He said as part of these site features the big intent is previously the library just had this lot over here and when we submitted they have acquired both of these lots and since then they have also consolidated the lots so according to the auditor both of those lots are consolidated to one lot now. He said if you have ever driven by looking at this lot, it used to be very wooded but since they have removed some trees to make way and one of the reasons of the shape is they wanted to

keep as much greenery and existing tree line as they could there so you will see that the tree line will follow that building very close and they will have some landscaping plans here later. He said another site feature here is there is existing wetlands here, he referred to the site plan, existing wetlands here and we are not touching those at all, those are remaining as is, we would like to keep them intact and they will also have a wet detention pond here to the south which will treat all storm water run-off from both of these buildings and the parking lot before it is going into any city drainage at that point. He said on the site, he referred to the site plan, this is their main entrance and it is almost where the existing entry already is, they have this primary access boulevard going right in the middle at which point the tract will either go left or go right for parking and what is indicated in this blue color is the driveway through for the book drop and service window which loops around and comes out back there, again here is the screen enclosed dumpster and if you can see over here we have a secondary entrance which is strictly just for service and that would be just a gravel entry that we chained off to prevent anyone other than maintenance or fire access from coming in and around the back of the building which you see is actually screened by this, we will have a generator and this one right here is where their mechanical level is below. He said this is their site planting plan just to show again that they are really trying to keep as natural feeling on the site as possible, we really want to respect this edge of the woods here and really make it feel like you are looking into the woods. He said there will be about five or six trees between each parking aisle, they are providing some new trees around the building, on the south side they will be adding some more trees to provide some visual screening and again around this detention pond they will have some trees as well and the whole lot will be seeded afterwards. He said this orange icon right here is the community garden and what they found out through their investigations is that there is a really good community in Bainbridge that have community gardens and they really enjoy taking care of it so we want to give it back to them and make sure we relocate their garden as best as they could and this location here, just off the parking lot there is a walkway and make sure we provide the community with plenty of amenities for that area. He asked for questions from the board.

Mr. Gutoskey said so you will be screening the mechanicals.

Mr. Weaver referred to the site plan and said this is the generator and the chill water unit so their intent would be to use the natural plantings as well as the side of the building to screen it, most of their mechanical equipment is in the basement area and their fire pump and storage tank. He said you should not be able to see it and added that they have done some visual studies. He referred to the architectural drawings and showed the board some elevations and renderings.

Mr. Lewis asked if they are going to use a dumpster.

Mr. Weaver said it will be screened using masonry and 80% of the building is all masonry around it so they want to make sure whatever they put out that matched the architecture of the building. He said just to show you what the library is really going to be about, here is the main entry which is in direct line with the boulevard that he showed previously and as you walk in it is a pre-function area and this meeting room which is their public area so the library is able to be closed off so this can be used after hours if necessary with amenities such as toilets, drinking fountains, vending machines and if you turn to the right you will see a service area which they call the marketplace and that is where the primary circulation desk will be, the marketplace is reference to the new materials is what they are calling it so you see a lot of the materials featured so that is the first thing you will see when you walk in.

Mr. Weaver continued by saying as you continue on this axis back here is where we will have production such as printers, laser cutters yet to be determined. He said back there is the staff breakroom, work room, where the director's office is, where the drive-up service window is and their book drop as well. He said you can see there is a very large emphasis on children and they really want to focus on this part of the building so they have their normal children's collection, they have an interactive section for early learners and they have different story programs. He said in the adult area they will have a series of large and small meeting rooms that can be used by anyone in the community, it would be open for anyone's use. He said they also have their quiet reading room down here which is the core of the library, if you want that quiet reading area. He said going to elevations, the building is an X so the elevations can be a little bit challenging and they have some aerial renderings to help convey everything here. He started with the east elevation and said this is angled and goes up to 33-1/2' so we wanted to make a statement but didn't want it to feel too overbearing.

Mr. Gutoskey said that is the highest point and asked what is the average height of the building.

Mr. Weaver said the average height is about 16' to 18' and what you will see is this clerestory feature around it. He said here is our main entrance and this pattern is all a stone masonry, it is a very warm gray color, over here is masonry as well and you will see right here is what technically would be considered building signage but it is going to spell "Library" out using masonry so it is kind of a trick abstract sign but it is a really good statement. He said of this X shape so this side where the meeting room is over here by "Adults" and by "Children" all three of those facades will be glass, floor to ceiling so we are trying to harness that south light hoping to minimize their energy costs as much as possible with how much heat is coming into the building so this should be a very high performing building. He said right here, the community room, you can see there is full glass all the way up with metal panels and over here at the service window they are going to have masonry and a small canopy there, a small canopy for drop off. He said moving up to the top elevation this is wrapping around the building so as if you are standing over here looking back at the X so this is our children's wing where you see that glass floor to ceiling there, back here these are the children's program rooms if you remember that floor plan from that X so you see there is some glass there with a lot of masonry with the intent to be an outdoor programming space for the kids, outdoor story time and small programs. He said if we continue on the model as if you are wrapping around and you are on the west side of the building now so this is the side that is going to be embedded in the trees as much as they can so here they elected to go with a metal panel solution here, it won't be visible from the road, it is a little more cost effective system for them, a higher performing system, the metal will have more insulation behind it but still they are trying to get a lot of light here. He said moving around to the front which will be partially here, they will have a reading room, a small outdoor terrace area and the intent of that would be, there is full glass, you come out and there would be a railing, 700 sq. ft. or so, nothing large with some small tables and chairs but nothing of substantial scale there and as you can see on this bottom right image it is shaded on three sides. He asked if there are any questions so far.

Mr. Corcoran asked where the chiller and generator will be.

Mr. Weaver referred to the site plan and said they would be right here and you can see right here is where the mechanical level is so if you follow this line right here, down here is our mechanical room which houses our major area alert and it also has our fire pump down there and our water storage tank, this building is fully suppressed per the code and it is also on well water so because of that they have a 30,000 gallon water storage tank in the basement as well as a gravity fed water pump and also with the thought of service being in mind and getting the service gravel drive up here, this allows for a turn-around as well as for any equipment to be taken for service from any building companies that need to come out there.

Mr. Corcoran asked about the three boxes.

Mr. Weaver said the transformer.

Mr. Corcoran asked if there is an extra fuel tank for the generator.

Mr. Weaver said no, it is below, the box below the generator.

Mr. Gutoskey asked if it is diesel or natural gas.

Mr. Weaver said it is natural gas. He said the intent was to try to get service with this site and one of the biggest challenges we face so far is grading, if you have seen the site it is about a 30' elevation change, so trying to maintain this screening and not try to put anything right in the building, mechanical equipment wise, we try our best to tuck it back here to the point where you shouldn't be able to see it hopefully. He said he has a rendering shortly where we can discuss that. He said this has been one of their more challenging buildings to do but it has been fun. He referred to the renderings and said here is their main entrance, you can see the lantern, you can see the area that is their masonry so facing the parking lot is all masonry, facing the street out here is all masonry and as you wrap around the building there is that metal panel and you see some of those windows, here is their patio and then here is their generator and transformer and you can see there is a pretty dramatic grade change so there is a retaining wall but the design should match the slope of the elevation too so you don't see a big wall sticking out of the ground. He said the service drive is here and you have your upper equipment but you can see right down there how that retaining wall affects that. He said to try to dress it up a little bit here is a rendering of the X shape so this is looking straight to the entrance, you have your masonry up here, you have that sheltered canopy here, your drive-thru service window here with a canopy and here is that public meeting room, we will have a full glass there, back here are the small meeting rooms and with a lot of light those rooms should be a good place to study and one of the really nice features that he is sure many people will recognize is the clerestory going around the whole building, from the drive it will really light up the space and be a really great feature in there so this goes around the entire structure, it makes this boomerang shape so right under here is the adult collection and over here is the children's collection. He referred to another rendering and said this is coming up your main boulevard here and you see actually since this rendering has been produced we eliminated these lighted bollards, you will see in your packet that we are now switching to 100% cut-off street poles that are about 23' or so so it shall be well under the 30' regulations. He said they still do have some bollard protection but they are not lighted and you can see that saw tooth, that lantern with a pole made out of wood slat material, fairly modern but a really nice warm entry, really welcoming especially at night, you will see that warm glow coming out.

Mr. Weaver continued by saying here is a view coming up the sidewalk, this is from southeast coming up, here is that abstract "Library" sign he was talking about so it will all be a single field of masonry and then you can see where these lines are, that won't be a different color masonry, it will be the same style, it will be smooth as opposed to a rougher cut so up close you won't even notice it spells "Library" but as you get further away you will see the abstract. He said the existing library does have an existing street sign there and the plan for right now is to keep it until further study with the understanding that if we need to change it we will come in front of you and present that as well.

Mr. Lewis said he thinks most people know there is a library on the corner.

Mr. Gutoskey asked if there will be exterior up-lighting.

Mr. Weaver said there will be up-lighting just on this façade here.

Mr. Gutoskey asked if it will be on timers or will they be on all night.

Mr. Weaver said there is a built in automation system that will control the timing of the lights and he thinks the latest is 9:00 P.M. so there will be a small shut down period after that for staff so that they can exit.

Mr. Gutoskey said and there will be some security lights.

Mr. Weaver said there will be some security lights and some internal security lighting which typically is egress lighting but it is a safety feature, security feature as well.

Mr. Gutoskey said we like the dark out here.

Mr. Weaver said we do have after hour programs so that would be the one time that the lights could be on for longer but it would not be the typical occurrence but a very nice large bright meeting room so there will be additional meetings.

Mr. Gutoskey said it is not a problem but at midnight when there is nobody there you don't need to have the parking lot lit.

Mr. Weaver said and he doesn't think they need the bill for that either. He said there will just be that lighting here and there will be some down-lighting under this just to kind of break the front of that and that will be all controlled by the building automation system. He said there will just be that lighting here and there will be some down lighting under this, he referred to a rendering, just to kind of break the front of that and it will all be controlled by the building automation system. He said right over here is the generator, the chiller and the transformer so you can see even there is a dramatic grade change there so from a Sedan or an SUV you would probably see that a pool tower is required for it so it is just that chiller itself. He said the generator is a relatively small generator and then the electrical transformers are typical about three to four foot tall so without challenging this grading, how quickly it rises and also the existing wetlands we are protecting and we are providing some new trees and some new shrubbery to help hide it as the elevation goes up so we are hopeful with your blessing that landscaping and grade should be adequate enough for the screening of the mechanical equipment.

Mr. Weaver continued by saying the dumpster enclosure will be the same material as the stone material, that warm gray, one will be on the back of the building but it will also match it so as you are coming up and going through that drive-thru especially you will notice that it is there but it should match the building. He said that is all they have for right now, as he stated they are seeking a conditional use permit and a variance from double striping for single striping but that is all he has today and asked for questions from the board, he would love to answer any that they have.

Mr. Gutoskey asked about the slopes on the ponds.

Mr. Weaver said it is a 4 to 1 slope so it should not require any screening or any fence around it.

Mr. Gutoskey asked about the lot coverage.

Ms. Karen Endres, Zoning Inspector testified that she thinks a 4 to 1 would exempt it from being lot coverage and she is not sure if the 6 to 1 is calculated into lot coverage or not.

Mr. Weaver said he believes it is, they went from the perspective where they didn't have to put the screening up.

Mr. Gutoskey said he thought we wouldn't require it except maybe you need it because of who is going to be at the library and there is a section in our code that describes it.

Mr. Weaver said and whether it counts.

Ms. Endres said the library would be allowed 40% lot coverage.

Mr. Gutoskey said it wasn't even close.

Ms. Endres asked how many people will be there, what would be the biggest use.

Mr. Worso testified that according to the seating it appears 50 for seating but it is like 200 people standing.

Mr. Weaver said by code standard it is roughly 5 people per sq. ft. but they conform to the 15 person per sq. ft. with tables and chairs added so he doesn't have it right at the top of his head.

Ms. Endres said she was just wondering because our town hall is rented quite often.

Mr. Weaver said it should be about twice the size if not more and added they put in doors and an ample partition.

Ms. Endres said she had a comment for the board, she did not evaluate the application based on signage and she doesn't know if the word "Bainbridge" is on one wall and "Library" is on another is that just considered part of the building or if that is going to have to count as signage because they will probably need a variance on the signage if we actually count "Bainbridge" and "Library".

Mr. Weaver said to clarify that this is just a window film, the word "Bainbridge" across the front there, it is kind of gray, the signage, is it inside the building or outside the building kind of thing.

Mr. Gutoskey said we have run into this at shopping centers where they are putting stuff on the windows.

Ms. Endres said she felt the board needed to talk about it and if the board is okay with it just recognize it.

Mr. Lewis asked if they are changing the block, going with a block inlay.

Mr. Weaver said basically every other course of masonry and you see these dark lines there is a smooth face masonry and the rest is a texture face masonry so wherever "Library" occurs it would go back to that textured face so again, could it be signage.

Ms. Endres said she just wants clarification and if we are not going to count that as signage, it is just part of the building, so she does not have to do a sign permit and we don't have to assess how big it is and if it conforms to the zoning resolution. She said if the board is inclined to make a ruling that the words "Bainbridge" and "Library" are part of the building and are not going to be considered as signage.

Mr. Weaver said it is all the same materials so we are not trying to pull a quick one.

Mr. Gutoskey asked if the new parking lot is closer to the north line than the existing.

Mr. Weaver said no.

Mr. Gutoskey said it looked like it was.

Mr. Weaver said yes it is slightly, it is a little bit closer.

Ms. Endres said it shows 20' on her plans.

Mr. Gutoskey said he was just wondering because there is a residential house right there and he doesn't know with getting a little bit closer and if you look at the aerial it is pretty much grass right now but if you add a few more Pine trees in there.

Mr. Weaver said as part of this they are doing a swale here in the back so it will follow the natural line, they are upgrading around here, and it will also help keep everything on our site.

Mr. Lewis said he also sees what you are doing there, if you are doing some mounding or whatever. He asked if they are swaling or mounding.

Mr. Weaver said mounding.

Mr. Lewis said so if somebody pulls their car in at night, it is also blocking the headlights from shining six lots down.

Mr. Worso said it actually mounds right now.

Mr. Gutoskey said when he looks at the topo it looks like a swale to him.

Mr. Weaver said they will be intercepting the storm water coming through here and bringing it around.

Mr. Gutoskey asked if they could throw in a few more Pine trees just to isolate the parking lot from the house because it is a little closer.

Mr. Weaver said sure, we do have residents over here and over here so we are treating this by not removing as much as possible and he agrees it will be a good faith for the neighbors.

Mr. Worso said they have been good neighbors.

Mr. Lewis asked if that is a suggestion or did we just agree on something.

Mr. Weaver said whatever the board wants.

Mr. Gutoskey said look at the landscaping, they are planting something there.

Mr. Weaver referred to the landscape plan and said those are three deciduous trees there. He said they did account for some planting there, there are Pines and year-round screening, that certainly can be accommodated.

Mr. Lewis asked if they are leaning that way towards evergreens as opposed to leaf trees.

Mr. Gutoskey said in the corner that screens the dumpster, the dumpster is pretty well screened.

Mr. Lewis said yes it is, they did a nice job on that.

Mr. Weaver said they have new trees there and there is still some existing tree line there.

Mr. Gutoskey said it is somewhat wooded in there but in the winter there is not going to be any blockage and he doesn't know if these three switch out and add a couple of more down through there if that makes sense, switch those three out and add two or three more.

Mr. Weaver said they can switch them out and space them a little more appropriately and provide a special emphasis here where the drive-by was and we anticipate most people using these internal parking spaces, this is going to be staff back here which is the intent the staff will be right around back here.



Mr. Gutoskey said you can look at more where the house is so that we are screening it from headlights.

Mr. Weaver said on this project we do have a landscape architect as well consulting with us so he will make sure to at least speak with her and get that appropriately taken care of.

Mr. Gutoskey said he will compliment you (Mr. Weaver) on the parking lot with the island, he likes that just to break up all of the asphalt and we typically don't see it, we tried to do it out here when we re-did this.

Mr. Weaver said it is one of those nice things that makes it feel less like a parking lot.

Mr. Worso said people like to park their car under the shade of trees.

Mr. Weaver said this is the swale and we are working with Thompson Township as well.

Mr. Gutoskey asked if there is anybody in the audience that would like to make any comments on this application.

Mr. Worso said he has a Power Point on his computer from 1999 talking about the need for a new Bainbridge Library.

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

#### Motion BZA 2019-26 – 17222 Snyder Road – Geauga County Public Library

Mr. Lewis moved to grant a conditional use permit for the property for the purposes of building a new Geauga County Public Library.

1. In reviewing the criteria for conditional uses the applicant has satisfied all of the required criteria and the board also notes that along with this there is an existing library on the adjacent parcel.
2. They have purchased the parcel next to the existing library parcel and they have already completed a lot joining on those so it is one complete parcel.
3. It is consistent with what is already being used as far as the use goes on that property.
4. The board notes that once the new building is built the existing building will be demolished and of course library related materials will be moved into the premises.
5. At the same time the older existing parking lot will be demolished and a new parking lot will be installed, matching the site plan, with a modification at this point to the existing site plan for the new building and parking lot would be the switching out of the trees along the north border of the parking lot to evergreen trees and possibly adding several more as the intent is to screen that from the adjacent residential properties.

Motion BZA 2019-26 – 17222 Snyder Road – Geauga County Public Library - Continued

6. The board also makes note that on the structure itself on the new building that at this juncture the board will be regarding the word “Library” as a masonry patterned feature of the building and the word “Bainbridge” as a film on the glass and not designating them or treating them as signage.
7. At this time also the applicant has stated that they will continue to use the existing sign that is on the property as it is new and in good condition and at this point there is no reason to replace it.

With the following variance:

1. A variance to rescind the double stripe requirement and allow a single stripe requirement as the parking spaces still conform in size to what the requirement is. (With regards to the double striping criteria in the zoning code for the parking spaces, that section is in review right now by the Zoning Commission.)

Based on the following findings of fact:

1. It is consistent with the property with what it is already being used for.
2. This is a building refresh and the joining of two lots to do that.
3. There is no change in the operation or the function of the building or the services that it is offering.
4. With regards to granting the variance on the parking lot striping, the client has demonstrated that their site plan layout is adequate with parking spaces and that the double striping at this point is not a necessity.
5. The bollards along the driveway access are being removed and that full cut-off down-lighting parking lot lights not exceeding 30’ will be used to light the perimeter.
6. The board also notes that decorative building lighting will be automated and regulated so that when the building is not occupied at night after employees and patrons have been dismissed those will be turned off.

Mr. Gutoskey seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

Application 2019-27 by Maria Savransky for Kids Club Property, Inc. for property at 16700 Hilltop Park Place

The applicant is requesting a substitution of a non-conforming use with area variance(s) for the purpose of constructing an addition to the daycare facility. The property is located in a LIR District.

Ms. Maria Savransky, owner and Mr. Steve Ciciretto, architect were present to represent this application.

Mr. Steve Ciciretto testified that he is the architect and Ms. Maria Savransky is the owner of Kids Club, Inc. He said he is going to start with some history and Ms. Savransky's mother and father and their partners started Kids Club in Knowles Industrial Parkway and it was first permitted back in 1988, after that there was a consent judgment entry so Knowles Industrial Park is considered the old M-1 zoning so it is a little different than the LIR zoning that exists and in 1997 the consent judgment entry was entered in for that district. He said back in 1999 we did an addition, this western addition, he referred to the aerial display, and it was permitted and it never really came up that apparently at no time this entire daycare was a permitted use in LIR or the M-1 District although we have them in several other LIR districts over by the old railroad track by the Eagle's Club down there, there is a daycare in an LIR District but in this particular one although it was permitted several times, we are proposing to add on to add about 1,500 sq. ft. to the existing 5,000 sq. ft. building. He said the building itself is all within the setbacks and doesn't require any variances, it is to standards, the old M-1 so we just wanted to make sure the board is clear about that. He said what the real variance has to do with is the expansion of a non-conforming use, as Ms. Endres has outlined it. He said it is kind of a dilemma where we have been permitted twice as a standard zoning permit but in this case Ms. Endres rightfully questioned how it ever got built and is there an issue. He said there have never been any issues with the daycare being there or operating or any questions technically about the operation so the first thing that happened is we have these additions that don't really require variances but it does require a variance to be able to expand a non-conforming use. He said in doing the Knolls condominium project at one time the Knolls property is actually here (he referred to the aerial display) but they constructed a fence and a wall. He gave the board some photos.

Ms. Karen Endres, Zoning Inspector testified that she provided the color pictures to the board.

Mr. Ciciretto said when Ms. Endres was doing her history she asked how did this happen. He said the unusual thing is that Ms. Savransky's parents, the Werveys owned the building and until just very recently when Ms. Savransky purchased the building itself, within the last month actually, bought the building from her parents but has been operating the business for eight years so she has been operating the business but the building part was owned by her parents.

Ms. Savransky testified that she has owned the business for eight years and with that deal with her parents was to pay off the building.

Mr. Lewis said so you own the business, you were a tenant of your parents' building and a month ago you also became landlord and tenant.

Mr. Ciciretto said yes, that is exactly right. He said when the condos were built they put in a continuous board-on-board fence and there is a level spot to the west of her property and then the fence is there so assuming, she did not have a survey, that fence was on the border of the Knolls property she did expand with a sand beach so you see there is a sand beach encroachment and play areas there that are technically on the Knolls property.

Mr. Gutoskey said they are on the property.

Mr. Ciciretto said in an effort to iron that out as part of this process and what you have for the record, this letter is from the Chagrin Knolls Homeowners Association, Mr. Mark Consolo is the president, basically allowing Ms. Savransky to use that land as long as she provides a limited liability. He said the homeowners association has acknowledged that Ms. Savransky is using that property, there is not an easement or a legal claim to that land so if they ever ask her to remove it she would have to do that but at this point they are saying they have this and with the limited liability so she has had a limited liability waiver drawn up for them to sign and authorize and that is still in process but we actually have a form that indicates that she is going to do that. He said her insurance company is filing the proper paperwork to allow the homeowners association to be additionally insured.

Mr. Lewis said if there is an event on their property that they are not liable.

Mr. Ciciretto said they are protected and this is just another background piece for that that goes with that process. He said the big thing to remember is the fence is at the top of a mound, so it is level and then drops off to the homes, you can see the homes in the background so there are evergreens so we have a fence that obstructs the view and the people that actually live down below are grandparents so their kids attend Kids Club so they are very familiar with it.

Mr. Lewis said let's talk about the deck, the deck that went in in 2015 with no permits.

Mr. Ciciretto said yes.

Mr. Lewis said and it is intruding on the 25' rear setback substantially.

Mr. Ciciretto said correct.

Mr. Lewis said it is like 9' off the line.

Mr. Ciciretto said all Ms. Savransky can tell you about that is that she hired a contractor to come in and build the deck and she assumed that all the measurements and dimensions were clear, he thinks they likely did what everybody has done over time, saw the fence and considered it the property line, he doesn't know why they didn't technically come in and pull a permit for it.

Mr. Lewis said either way they should have pulled a building permit regardless of a survey or dimensioning.

Ms. Savransky said she knows that now.

Mr. Lewis asked if she hired them, you weren't the property owner.

Ms. Savransky said no and she has to figure out who that was.

Mr. Lewis asked if her parents hired them.

Ms. Savransky said yes because she didn't own the building.

Mr. Lewis said this is a history lesson.

Ms. Savransky said now she knows.

Mr. Lewis said so are you looking for a variance on that.

Mr. Ciciretto said yes, he guesses that that would be an area variance to make it right.

Mr. Lewis said there is only one of two things to do, tear half of it off or request a variance for the setback.

Mr. Ciciretto said yes and he thinks we have gone in under the variance and the issue is that as people run their business they unfortunately lost track of that whole permitting process and that is unfortunately Ms. Savransky's burden right now but the difference is that between the fence line which is technically acting as the boundary and they have acknowledged through that they don't have an issue with what is happening on the opposite side of the fence.

Mr. Lewis said we have been through enough of these so we kind of have to deal with each property on its own and each property has to conform on its own regardless of what is adjacent to it so whether that fence is 20' off your rear lot or six miles it makes no difference, what is going on on your property has to conform with the variance request.

Mr. Gutoskey said the other problem you have is in the consent entry, on the fourth page it says, and this is pretty technical for cluster developments, and it says "In the development of the Cluster Development for the Units, the Appellants shall retain a ninety (90) foot buffer zone from the rear of any lots at Hilltop Park Place, ..." and typically the way our code is it is 100' on cluster developments where it is undeveloped and open space and then the other thing there is another section here that says "The Cluster Development lot coverage shall not exceed twenty-three percent (23%)." He said so the other question is where are they at for lot coverage, he doesn't know and then that is adding lot coverage.

Mr. Ciciretto said that is not right. He said he doesn't think they are referencing this as a cluster development.

Mr. Gutoskey said he knows but the problem is you have a lot coverage in the cluster development.

Mr. Lewis said and there can be nothing in that buffer.

Mr. Gutoskey said just landscaping.

Mr. DeWater asked in that cluster development and those individual plats, are they platted to the owner of the home or as a whole development to the homeowners association.

Ms. Endres said that she believes that each condo type unit is owned by the owner.

Mr. Ciciretto said he doesn't think that is right.

Ms. Endres said she will check.

Mr. Ciciretto said when you click on it you will find that the unit and the land that it sits on is owned by the owner and everything else is the association.

Mr. Gutoskey asked Ms. Endres to click on one of the parcels.

Ms. Endres said those are owned by each individual person and then if you click on the area around it, it is owned by the association.

Mr. Lewis said so the association owns the land and the individual owns the structure.

Mr. Ciciretto said correct.

Mr. Gutoskey said we would have to look at the condominium plat.

The board reviewed the parcels on ReaLink.

Mr. Ciciretto said he talked to Mr. Dave English specifically about this because he was questioning who owns the fence because it actually runs to people's properties and he told him the homeowners' association and that is why they signed off on it.

Mr. Gutoskey said he is wondering if they changed the way they are transferring the parcels now from condominiums to townhouse fee simple. He said we will have to look at the plat.

Mr. Ciciretto said he would be surprised, he would think that condo owners wouldn't be happy about that deal.

Mr. Barr asked Ms. Endres to click on the one that is right behind the lot that we are looking at, where the beach goes in, that is the one we are really concerned with here.

Mr. DeWater said we need an answer to that on how that was actually done.

Mr. Lewis said yes, absolutely.

Mr. Gutoskey said the other question comes back into this judgment entry as far as the lot coverage on the condominiums of the cluster development and then if there is to be any type of development onto that 90' buffer.

Mr. Ciciretto said he would have to read through this a little more but those are the two things that stuck out to him.

Mr. Ciciretto said it is also not consistent because everything on the west side isn't 90' and asked who owns that large parcel, the triangle shape one.

Mr. Lewis asked the corner of the culdesac.

Mr. Ciciretto referred to the aerial display and said this one.

Ms. Endres said that is open space.

Mr. DeWater said that is actually a big wetlands, that is a swamp there.

Mr. Ciciretto said it is just a question of, is that in their 90'.

Mr. Gutoskey said it looks like it and it says there is supposed to be a 90' buffer from Hilltop and any parcels fronting on Savage and any property from E. Washington.

Mr. Barr asked what the change is in elevation on the back of that property.

Mr. Gutoskey said there is a big mound that goes out there.

Ms. Endres said she measured from the back.

Mr. Ciciretto said under planning there is hydrology.

Ms. Endres said in measuring to the building it is 90' and there is a deck on the back of that.

Mr. Ciciretto asked for the topos to be displayed. He said the red lines are 10' so you have a 10' hill and then the 6' board-on-board fence somewhat beyond that.

Mr. Lewis said we haven't gotten to your building addition if you want to talk about it.

Mr. Ciciretto said the building itself doesn't require any variances.

Mr. Lewis said these items we are talking about, the beach and the deck.

Mr. Gutoskey asked about parking as far as based on the building size, is there even enough parking there.

Mr. Ciciretto said there is actually, surprisingly, (he referred to the aerial display) it is a relatively small building even with the addition at 6,000 sq. ft. He referred to the site plan and said it is like a ranch house and just for the record he thinks there is a, it doesn't really show up on this drawing but, the paving goes slightly onto the neighbor to the south but there is some additional paving that showed up on the survey.

Ms. Savransky said they took part of that out.

Mr. Ciciretto said some of that paving has been removed so just to be up front about it.

Mr. Gutoskey said so you removed some of the asphalt.

Mr. Ciciretto said there is a little bit that is over the line still so Summit Steel, the owner of the adjacent property, Ross Bushman, signed off also. He said it is kind of like this building here (he referred to the aerial display) encroaches on her property so he thinks over time those lines have shifted, they are slightly on her property and she is slightly on the property to the south with some paving, you can see where it bubbles out there a little bit so Summit Steel signed that they don't have an issue. He referred to the aerial display and said we indicated that this is a severe slope when Knowles built out these buildings, there is a hill so it is unbuildable.

Mr. Lewis asked about the neighbor to the right.

Mr. Ciciretto said that is her encroachment to the south.

Mr. Lewis said he is saying it is okay.

Mr. Ciciretto said he is saying it is okay also.



Mr. Lewis said this is tough because he said it is okay, she said it is okay, it is almost like on three out of four borders on this property there are situations, you are over, you are under, you are a little on this side, you are too close in the back, you've got a deck that is way into a no go area, you've got a beach that is half into a homeowners' association's land and part of our responsibility is also to clean up a property which is to unravel ties and contingencies with adjacent properties. He said if some day you want to sell this it is kind of messy, you got this guy that says it is okay but the guy next to you sells and says you have a driveway on my property, you would have a week to make it go away so part of what he is trying to do without being crazy about it is housekeeping.

Mr. Barr asked Ms. Endres if the deck was inspected because there was no permit for it.

Ms. Endres said she doesn't know, she knows they didn't get a zoning permit so it would not have been inspected by the zoning inspector, she doesn't know if it got building permits or not.

Mr. Barr asked Ms. Savransky if there are building permits for this deck.

Ms. Savransky said she had no idea.

Mr. Barr said that would be for a safety concern with all of those kids on that deck to make sure, if the contractor did not get the proper building permits or proper inspections he may be setting you up for a massive issue, that is something he would want to look into.

Mr. Lewis asked Mr. Ciciretto if there is anything else he would like to present.

Mr. Ciciretto said it pretty much covers it. He said there is a 20' setback on the side yards so the addition kind of stair steps with that, none of the additions are in question this is just clean-up work we are talking about here.

Mr. Lewis asked if the board has any more questions.

Mr. Gutoskey said parking.

Mr. Savransky said there are four on the side there.

Mr. Gutoskey said he didn't see those because they are not striped.

Ms. Endres said it looks like there are 18 spaces.

Mr. Gutoskey said it looks like the one space in the front is actually in the right-of-way so he would say there are 17. He asked Ms. Endres, by code, what would the parking be.

Ms. Endres said it would require two for each classroom, plus one for each high school student, plus one for each two business or trade school students so it sounds like they would need two for each classroom.

Mr. Gutoskey asked if there is anything about employees.

Ms. Endres said she was looking at school.

Mr. Gutoskey asked what it has for daycares.

Ms. Endres said she is not seeing daycares, only Type B family daycare that are in homes she believes is one for each three children on the premises at any one time plus one for each provider, staff member or employee on duty at any one time. She said she doesn't believe that is what this is. She said there is really not a category specifically for daycare centers.

Mr. Ciciretto said everybody comes at once in the morning and everybody comes at once in the afternoon to pick up.

Mr. Gutoskey asked if they stage in the street.

Ms. Savransky said it works out every time, between 6:30 AM and 8:45 AM and then between 4:00 PM or 4:15 PM to 5:30 PM but other than that.

Mr. Barr asked if people park in the loop and are not in a spot. He said he did not know if that is a normal thing that they would park in the parking loop and just kind zip around but most of the parents park in the lot.

Ms. Savransky asked her loop or on the street.

Mr. Barr said in your loop.

Ms. Savransky said in her loop no.

Mr. Barr said it is not double wide where they can park and other people can sneak by them.

Ms. Savransky said if those cars aren't there, the ones on the right, those cars are employees so the ones that leave first they are parked there so there are more spots.

Mr. Barr said he has seen daycares where they have a big loop and it is like parallel parking where people shuffle in and out.

Ms. Savransky said no.

Mr. DeWater said he needs more information on whether the association actually can legally give her permission to use property for a structure that is not on her property but on somebody else's property for a daycare center, because it is a business using a residential lot, he needs more information on that so he can make a decision where he would stand comfortably so if something ever did happen that everybody is covered and not putting themselves out there.

Mr. Gutoskey asked Ms. Endres if this is something where we can get some advice from the prosecutor.

Ms. Endres said we can but she is not sure how long it will take to respond but she would say the board should draft questions for her and she can relay it.

Mr. Ciciretto said the building code classifies it as a Type E building, education building so if the zoning follows that understanding because it could be a business type building then it sounds to him like there should be two parking spaces for every classroom in which there are seven or 14 in which they have exceeded. He said there is also staff and as they talked about they are changing, a drop-off and then an empty lot all day and when we went there we never had an issue but he is sure that certain times of the day the lot gets full and people have to wait for a spot to open.

Mr. Lewis asked about the staffing.

Mr. Gutoskey asked how many full-time employees do they have.

Ms. Savransky said full-time she has 14.

Mr. Gutoskey asked if they are all at once.

Ms. Savransky said no, they are staggered, some are in the morning and leave early and there are ones who stay until 6:00 PM. but they stagger too.

Mr. Gutoskey asked at any one time how many employees are there.

Ms. Savransky said 10 to 12, they overlap each other.

Mr. Lewis said and you are right, we should be looking at the ratio, if you've got 10 to 12 staff and they each need a parking spot and then we need two for classroom.

Mr. Ciciretto said he doesn't know if that is what the code really says though.

Mr. Lewis said that is what we are trying to work through, if we've got to do some clean-up.

Mr. Ciciretto said if they have 18 spaces, they don't really encroach with the additions in any of the spaces.

Ms. Savransky referred to the aerial display and said those five, the one on the left of the building, that is her car, where the white one is and five over, those are the ones that are open and for the revolving of parents picking up and the left is where the staff park.

Mr. Ciciretto referred to the aerial display and said these are all staff cars and this is the five open here, people can come in.

Mr. Lewis said customer parking and then your employee parking is further left.

Ms. Savransky said the employees are at the top, over on the right and one on the side.

Mr. Gutoskey said the one at the top is kind of into the right-of-way.

Ms. Savransky said she is the first to leave so she is out of there every day by 3:00 PM. so before her pick-up time is.

Mr. Barr asked if that is a flower bed on the back side of that.

Ms. Savransky said yes and also the black car that was there, that one, so that opens it up even more.

Mr. Gutoskey said those cars parked on the one side on the south, can you get a rescue squad in and around there.

Mr. Ciciretto said yes, actually, he doesn't think they used to, he thinks that the issue is the lot was just repaved last summer or fall so now there is sort of a turning radius.

Mr. Gutoskey said with the cars parked on the one side if they can get in and out.

Mr. Ciciretto said because it is now encroaching on this southern property it is not an issue but you have an encroachment.

Ms. Savransky said see the three on the right, that black one also comes at 6:30 AM and leaves at 3:00 PM so it gives more room for when parents come to pick up.

Mr. DeWater asked where the garbage dumpster is.

Ms. Savransky said in this picture it is right there so this picture must have been taken right around the time the lot was done so that has been moved back behind the three cars there so it sits back.

Mr. DeWater said it appears to be up on the street in that picture.

Ms. Endres asked if it is on wheels.

Mr. Ciciretto said that is not where it is now and they don't wheel it out to the street, they come into the lot and down the driveway. He said that hasn't changed it has been the same since 1988, that is the basic layout.

Ms. Savransky said there used to be a big light pole right there that she got rid of.

Mr. Ciciretto said the beach is not a deck, just sand on the ground.

Mr. Lewis said it is still on somebody else's property.

Mr. Barr asked if someone is there at night when you aren't there who is liable but his concern is he would like to see before he makes a ruling, if the deck can get inspected to make sure it is up to code just for safety purposes.

Mr. Ciciretto said he thinks it should be.

Mr. Barr said that is something that he would like to see because they are running and jumping and so forth, for safety purposes.

Mr. Ciciretto said it may have been inspected. He referred to the deck and said this section gets removed now because it becomes part of the addition.

Mr. Barr asked if they will be able to build around and keep the existing as is.

Mr. Ciciretto said yes, obviously they will have to peel this back in order to get the walls on and this deck is rebuilt over here, that is part of the plan.

Mr. Barr asked if they will be digging a footer to put it in.

Mr. Ciciretto said yes, it will have a basement, the posts are back in so they will be attaching this part of it so he thinks what they should do is make that part of their building project, he can check the framing on that one.

Mr. Barr said it may have already been inspected but it was not zoned so we don't have a permit.

Mr. Ciciretto said if it was not zoned it is likely that he didn't pull a building permit, but then again, the owners just hire a contractor and tell them they need a deck.

Mr. Lewis asked Ms. Savransky if her parents built the building.

Ms. Savransky said yes and the other addition.

Mr. Lewis asked if anyone else on the board had any comments. He said the board concurs and added that the board has a lot of open-ended questions, we are going to table this and not rule on this tonight, part of the reason we wanted to get the full presentation was rather than chopping away at this nine different times let's try to get an idea with what you are doing and where we have got to put fixes in. He said because this was all done as a judgment entry and it was done three or four decades ago.

Ms. Savransky said the original.

Mr. Lewis said there is no real detailed stuff that this is reflected in this judgment entry and what we have here is we have an expansion of a non-conforming use per a consent judgment entry and that is about as legal as you can get on a situation so the board is going to request an opinion.

Ms. Savransky asked if that is for the addition part he is talking about.

Mr. Lewis said this is where it gets interesting, you have got a deck that was an expansion that wasn't permitted and it is encroaching in the rear yard setbacks, you want to rip out some deck, a section of it, and replace it with an expansion of your existing structure.

Mr. Ciciretto said the deck is already a structure per Bainbridge zoning.

Mr. Lewis said you are going to build another room, right.

Mr. Ciciretto said right.

Mr. Lewis said he doesn't want to rule on this and he doesn't want to make it our opinion, we want to get an opinion from legal to say here is what they are doing, they want to rip and replace one section, we've got the beach thing, we've got the deck thing, there is a judgment entry that was done 30 or 40 years ago, very vague, talks heavily about cluster developments but doesn't really talk about a daycare which was never permitted and he doesn't want to say go ahead and start doing something and you are in a bind or we find the township is in a bind so let's just put the brakes on this for ten minutes and he thinks the board can draft what we need clarification on and we can send that through Ms. Endres for an opinion and we have huge concerns collectively on this HOA pseudo permission.

Ms. Savransky said that is the homeowners. She said he wants to come tomorrow and have that signed, attorneys drew it up and sent it to them, so she should have them not come.

Mr. Lewis said just sit tight. He said our role is to try to work with you and also to make sure that when we are done everything you are doing is clean and it is protected and the lot is self-standing without a lot of contingencies with other parties that may also change ownership and you may find that now you've got even more headaches and as he said we have a very obscure 40 year old judgment entry that really never talked about this.

Mr. Gutoskey said this judgment entry from 20 years ago that was relative to the development of the cluster development and part of the requirements in there as far as the buffering and lot coverage.

Mr. Lewis said absolutely.

Mr. Gutoskey said we really have two different documents.

Mr. Ciciretto said the M-1 zoning which strictly applies to the industrial park.

Mr. Lewis said he is going to make a motion to table this application to the next regularly scheduled meeting and the board will work through our zoning department with our request for clarification and legal opinion and we will also advise the applicant of anything we need in prompt fashion.

Mr. Gutoskey said one other thing we need to look at are these lots and whether they were condos or fee simple lots.

Ms. Endres said she doesn't know why they are showing up the way they are because in the past they have always been individual.

Mr. Gutoskey said but he is wondering if for some reason either the map is wrong here or they recorded them as fee simple lots.

Ms. Endres said she will call the Auditor's office on that, it could be something as simple as a problem with that layer.

Mr. Gutoskey said that is just another thing.

Ms. Endres said she will call the Auditor's office tomorrow.

Mr. Lewis said that will give us clarification with the condo piece if the land is actually owned by the HOA, then the HOA can be the legal spokesperson to enter into an agreement even though at this point now we are into a really messy easement and where are the easement liabilities with that.

Ms. Savransky said they wanted her to add that and she thinks Mr. Consolo is an attorney, she is not sure.

Mr. Ciciretto said he is the homeowners' association president.

Ms. Savransky said he wanted her to add to her insurance which she is going to have to stop that because that was going to be added that they are not liable if anything happens on there.

Mr. Ciciretto said there were two different things, there was a statement about liability and then there is an additional buffer of adding additional insureds. He said if those are owned differently, when he clicked on it he just saw homeowners' association and said where did that come from all of a sudden.

Mr. Lewis said even somebody from the HOA, one their kids goes and plays on the part of the beach that is on the HOA property, falls and breaks his arm, who is getting sued, you or the HOA, he doesn't know the answer.

Mr. Ciciretto said nobody really has access from below because of the fence.

Ms. Savransky said they wanted her to add that to her insurance.

Mr. Ciciretto said what you are asking, Mr. Lewis, does that have to be a technical easement because these aren't really easements, these are just agreements.

Mr. Lewis said that becomes messy.

Mr. Gutoskey said but then again is it even allowed.

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

Motion BZA 2019-27 – 16700 Hilltop Park Place – Kids Club Property, Inc.

Mr. Lewis moved to table this application to the next regularly scheduled meeting to be held September 19, 2019.

Mr. Gutoskey seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.



Since there was no further testimony, the public hearing was closed at 8:50 P.M.

Respectfully submitted,

Brent Barr  
Michael Corcoran  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: September 19, 2019

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 15, 2019

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:50 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Michael Corcoran; Mr. Ted DeWater and Mr. Joseph Gutoskey. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the July 18, 2019 meeting as written.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lewis, aye.

APPLICATIONS FOR NEXT MONTH

Application 2019-27 by Maria Savransky for Kids Club Property, Inc. for property at 16700 Hilltop Park Place - Continuance

The applicant is requesting a substitution of a non-conforming use with area variance(s) for the purpose of constructing an addition to the daycare facility. The property is located in a LIR District.

Application 2019-28 by David A. Jackson & Michael T. Skolaris dba: JackAris, LLC for property at 8327 E. Washington Street

The applicants are requesting a review and renewal of an existing conditional use permit. The property is located in CB District.

Application 2019-29 by Mathew Cohen for property at 7372 Ober Lane

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

Application 2019-30 by Karen Marlowe for property at 16707 Akron Street

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

Application 2019-31 by James P. Kelvington for property at 7877 Bainbridge Road

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

Application 2019-32 by Don Watson for property at 16770 Medina Street

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

Application 2019-33 by Don Watson for property at 16770 Medina Street

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

Application 2019-34 by SDC III-OH, LLC for property at 7135 Aurora Road

The applicant is requesting a conditional use permit for the purpose of constructing a new multi-tenant building. The property is located in the MUP District.

Application 2019-35 by SDC III-OH, LLC for property at 7135 Aurora Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for September 19, 2019 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:34 P.M.

Respectfully submitted,

Brent Barr  
Michael Corcoran  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: September 19, 2019