

Bainbridge Township, Ohio
Board of Zoning Appeals
September 19, 2013

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Mr. Todd Hicks of Thrasher, Dinsmore and Dolan was present for Mr. Dale Markowitz who is representing the neighboring property owners.

Mr. Lamanna stated that BZA applications 2013-22 and 2013-23 have been postponed to the next regular meeting to be held October 17, 2013 and noted that the applicant for application 2013-24 is not present so he suggested that the board proceed with addressing the minutes from the August 15, 2013 hearing regarding application 2013-7 by Dr. Caleb Chou, The Church in Solon for property at 7765 Country Lane. He stated that the board has reviewed the minutes and he also received some comments on the minutes from the counsel for the other interested parties and he took those comments into consideration but he didn't think any of them resulted in a substantive change to what the board had decided but he tried to include it as much as possible, other than that most of the changes to the actual dictated minutes were grammar etc. and some reorganization so that the minutes flowed more logically. He noted that there were some requirements that were rolled into one rather than repeating them throughout the minutes and for the applicant to submit a final plan to the zoning inspector to make sure the application was in compliance with the conditions that were listed and things were clarified that were fuzzy in the first draft.

Mr. Hicks stated that there are two things he wanted to bring to the attention of the board for its consideration. He said in looking at the motion and listed conditions, the first one would be #2. He said there is the limitation of the number of people, that he believes at the initial meeting, the property owners gave some indication as to the frequency with which the property would be used, for instance there would be one service on Sunday and perhaps a meeting on Wednesday evenings. He said as this motion is presently drafted there is absolutely no limitation on the frequency with which the property can be used for this purpose and he would simply ask that in trying to harmonize this use in the middle of a residential neighborhood there should be some limitation on the frequency with which there could be services, in other words, there can't be two, three or four services on Sundays.

Mr. Lamanna said he understands that and there was a lot of discussion about it but it was not something the board chose to put in and at this point in time it would be a pretty substantive change and to make that kind of change the board would have to reopen this application and he is not sure for that kind of change he is willing to do that. He said there is a short time frame for reopening this conditional use and he thinks that would be an appropriate time to look at it and let the board see how it is actually being used, if the frequency of use is creating an issue, he thinks that would be a better time to try to address it. He said frequency of use is not going to be an issue in a real short term, but he thinks it is an appropriate thing to address when it comes back up again.

Mr. Hicks said he understands but representations were made by the property owners regarding the frequency of use and he thought that it was agreed what the frequency of use should be.

Mr. Lamanna said trying to regulate it is going to be a very difficult thing, to try to regulate in terms of what is and is not a meeting and how many of them the board is going to allow and what if somebody comes another day of the week with five people, will that really make a difference. He said let us see what happens in two years if there is a problem or if it looks like it is moving to a problem, if it looks like they are having bigger meetings and it is now five or six days a week, let us address it then and see what happens.

Mr. Hicks said he thinks he has stated their points and added that two years is a long period of time. He said the only other point is item #11 regarding the landscaping plan and other requirements, they would like the opportunity for the neighboring residents to have the opportunity to review those and comment on them before it is approved, so he asks that the board consider having the board approval of that or some other mechanism in place so they have a chance to review the plans and offer any comments before a permit is issued. He asked if his office can be notified when the plans come in.

Mr. Lamanna said we will send it to counsel for the interested parties and then we will give them a reasonable opportunity to comment on that before the zoning inspector renders a final approval.

Ms. Endres said she will forward it to counsel and comments can be sent back to her.

Dr. Beth Minzter said the concern is they could easily go over the septic limitation and if they have multiple meetings then clearly they will overuse the septic and asked how that will be addressed.

Mr. Gutoskey said if they are overusing it there will be an issue with the septic and the EPA will step in.

Mr. Donald Sheehy stated there will be a monthly report and daily monitoring and added that it was discussed and he realizes that it may not be in this motion but there was a concern with the 80 number for one service if they do have multiple services or they could have a single service and have everybody there for 10 hours so we are going to have to watch the EPA monitoring more than anything.

Mr. Murphy said that is right because #2 wouldn't help anything from what you are looking at if in fact they have 10 hour services with 80 people all day long.

Mr. Hicks said they agree on that point, it is the coming and going and the traffic.

The discussion regarding BZA 2013-7 was concluded.

MINUTES

Mr. Lamanna made a motion to adopt the minutes of the August 15, 2013 meeting as they have been modified.

Mr. Lewis seconded the motion.

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

OLD BUSINESS

Zoning Resolution Re-write

The board discussed the Zoning Resolution Re-write by Kendig Keast Collaborative.

OTHER BUSINESS

Application 2013-24 by McKnowles LLC for property at 16695 W. Park Circle Drive

The applicant is requesting area variance(s) for the purpose of replacing a ground sign. The property is located in a LIR District.

Secretary's note: The applicant was not present for the hearing.

Mr. Lamanna made a motion to postpone this application to the next regular meeting to be held October 17, 2013.

Mr. Lewis seconded the motion.

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

APPLICATIONS FOR OCTOBER 17, 2013

Application 2013-22 by Waterway Gas & Wash Company for property at 7010 N. Aurora Road - Continuance

The applicant is requesting a renewal and modification of a conditional use permit for the purpose of a driveway expansion and addition of two canopies. The property is located in a CR District.

Application 2013-23 by First National Bank for property at 8500 E. Washington Street – Continuance

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

Application 2013-24 by McKnowles LLC for property at 16695 W. Park Circle Drive – Continuance

The applicant is requesting area variance(s) for the purpose of replacing a ground sign. The property is located in a LIR District.

Application 2013-25 by Daniel T. Vossler for property at 8269 Summit Drive

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

Application 2013-26 by Kevin McCausland for property at 8496 W. Craig Drive

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

Application 2013-27 by Micah and Laurie Sanders for property at 7429 Chagrin Road

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

Since there was no further business, the meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: October 17, 2013

AUDIO RECORDING ON FILE

BZA R 9/19/2013

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