

Bainbridge Township, Ohio  
Board of Zoning Appeals  
January 18, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:46 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Mr. Lamanna welcomed Mrs. Ellen Stanton to the board on behalf of himself and the other members of the board of zoning appeals.

Application 2000-60 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split. The property is located in a CR District.

Application 2000-61 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Kohl's). The property is located in a CR District.

Application 2000-62 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Wal-Mart). The property is located in a CR District.

Application 2000-63 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Home Depot). The property is located in a CR District.

Application 2000-64 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 1). The property is located in a CR District.

Application 2000-65 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 2). The property is located in a CR District.

Application 2000-66 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 3). The property is located in a CR District.

Application 2000-67 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 4). The property is located in a CR District.

Application 2000-68 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 5). The property is located in a CR District.

Application 2000-69 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 6). The property is located in a CR District.

The board was in agreement to hear applications 2000-60 - 2000-69 together. Mr. Lamanna noted that these applications are continuances from the December 21, 2000 meeting.

Mr. Dale Markowitz, Mr. Donald Frantz and Mr. Alan Bellis were present to represent Heritage Development Company.

Mr. Markowitz testified that he was asked by Heritage Development to prepare deed restrictions related to the lot splits which when divided would ensure the 48.3% lot coverage which the board approved and require compliance with the site plan approved and said the deed restrictions will apply to the entire 127 acres. He continued by saying that the deed restrictions will be filed first before the lots are split and they will benefit and be enforceable by the township. He described the six out parcels and Home Depot, Wal-Mart and the Kohl's parcel and described their location per the site plan and said the purpose is to provide one development and is enforceable by the developer and said any tenant that wants to exceed its lot coverage on their parcel cannot do it. He said that the deed restrictions have been submitted to the Assistant Geauga County Prosecutor for his review and said that deed restrictions have been used in Bainbridge Township already and used Winbury as an example. He said that this is not the first time, nor will it be the last time for deed restrictions. He explained that the Winbury deed restrictions were private and created by the developer for the immediate neighbors. He said that deed restrictions are for the benefit of the township and cannot be removed unless there is permission of the township trustees.

Mr. Takacs asked for clarification of the lot splits for tax purposes only.

Mr. Markowitz explained that ordinarily what happens with larger retail businesses like Home Depot is to have their taxes allocated for just their parcel because when the assessment comes up, it is easier to appeal and it is easier for the county to assess the taxes also. He said the very substantial retail projects he has been involved with have all gone to separate parcels and said if a parcel transfers to a new owner, the deed restriction stays with the property. He said it is a benefit to the township because it can get more control and someone cannot go in and attack the zoning. He said this is a contract matter and to him a more enhanced protection to the township and a practical matter for the wetlands.

Mr. Takacs asked what would happen if an owner wants to tear down his building and build a new one.

Mr. Markowitz said they would have to come back to the township but the deed restrictions would still be in place.

Mr. Takacs asked if there is a change of use in one of the buildings if they have to come back to the township.

Mr. Markowitz replied yes.

Mr. Kolesar said he understands this is for tax purposes but does not understand the lot splits for the out parcels.

Mr. Markowitz explained that the national chains want their lots separated for tax purposes and may want their own parking and each out parcel has parking to supplement their own use.

Mr. Lamanna said you have to be careful when using the term out parcel and referred to the free standing restaurants and said it is a specific term used in the real estate market.

Mr. Markowitz said the buildings on the out parcels will not block the tenants behind them.

Mr. Takacs asked how the others will be treated for tax purposes like Dick's Sporting Goods.

Mr. Markowitz said there is not the same motivation because those buildings are not specifically built to suit a specific tenant and it is hard to give everybody different frontages and different accesses. He said the REA (Reciprocal Easement Agreement) access is for all the tenants. He explained the right-of-way and traffic flow per the site plan.

Mr. Takacs asked if the tenants, by splitting out the parcels, can come back and ask for their own access to Route 43.

Mr. Markowitz said he did not think the state will allow that.

Mr. Takacs asked if it will be in the deed restrictions that the tenants have to use a common drive.

Mr. Markowitz said that is not in the deed restrictions, but part of the REA. He said he was not asked to do that.

Mr. McIntyre testified that additional drives will create an increase in lot coverage and they will be subject to come back to the board of appeals.

Mr. Takacs asked if they can be held to that.

Mr. McIntyre replied yes.

Mr. Markowitz explained that the site plan has a specific amount of area allocated in the deed restrictions.

Mr. Takacs asked if they could decrease the size of the buildings so they could increase the green space and put in a drive.

Mr. Alan Bellis testified that every tenant is based on and tied to this site plan.

Mr. Kolesar said that the board granted variances to lot coverage and signage and is now being asked to grant another set of variances for lot splits and asked when does this end.

Mr. Markowitz said that no other variances will be requested and said in most other communities, this could be done, but Bainbridge Township is very restrictive and that is why it is done this way.

Mr. Lamanna said that there is a Memorandum of Understanding between the township and the developer and a lot of these things will fall back under the control of the Memorandum of Understanding and said there is a lot more development control over this project.

Mr. Markowitz said that part of the Memorandum of Understanding will not allow the property to be annexed at any time.

Mr. Lamanna explained that the control will be under the Memorandum of Understanding.

Mr. Takacs questioned the small parcel in the front.

Mr. Bellis said that is part of the green space.

Mr. Markowitz explained that in order to comply with township and county regulations, all lots need street frontage.

Mr. Bellis explained the green space areas according to the site plan.

Mr. Kolesar said that at the last meeting, the board was told that Heritage will continue to own all the property except for the Home Depot parcel and a couple of the out parcels.

Mr. Bellis said that out parcel #6 and the Home Depot parcel is a sale and parcels #1, #2 and #4 are possibly for sale.

Mr. Lamanna asked if this is tenant driven.

Mr. Bellis replied yes and said Home Depot is famous for this with first the ground lease and then the sale.

Mr. Lewis asked if the lot splits make them more saleable versus a lease.

Mr. Markowitz replied yes and referred to the Brown Barn in Munson. He said some have ownership of the building and the land is owned by another.

Mr. Takacs asked what the deed restrictions will say.

Mr. Markowitz said the deed restrictions must conform to the site plan and lot coverage restrictions and the site plan will be attached to the deed restrictions. He said that the county prosecutor is adding something to them. He added that any changes would have to come back to the board of appeals and township trustees.

Mr. Lamanna said that Mr. McIntyre will not issue a zoning certificate until the prosecutor gives the OK and all conditions are satisfied.

Mr. Lewis asked if no matter who owns the parcels if they will be under the covenant and deed restrictions and the memorandum of understanding.

Mr. Markowitz replied yes.

Mr. Bellis said that the REA binds it all and there are restrictions that the front buildings can only be a certain height and there are restrictions on the number of out buildings and said that every deal on the shopping center is tied to the REA.

Mr. Markowitz said that Wal-Mart's restrictions are very intense in terms of protecting their interest.

Mr. Julius Ferencie of Geauga Lake Road asked if the board has seen the deed restrictions.

Mr. Lamanna replied yes and said they are being reviewed by the prosecutor's office.

Mr. Ferencie asked if the whole picture will change if one individual wants three lots or if a restaurant wants one and then wants to expand etc.

Mr. Markowitz said they cannot connect the buildings or tear down a building and build a larger one on several parcels without coming back to the board of appeals and he did not see the board granting it.

Mr. Ferencie said that whoever owns the parcel has a right to do what they want to and he asked about the distance of the buildings from the road.

Mr. Bellis said the buildings are over 150' from the right-of-way.

Mr. Ferencie asked about the perimeter of the trees.

Mr. Bellis said it is a natural vegetation.

Mr. Ferencie asked about fire protection.

Mr. Markowitz said the water will come from the City of Aurora and the hydrants will be placed there and there will also be mutual aid from Aurora, Solon, Reminderville and Chagrin Falls.

Mr. Terry Carson testified that he provided eight cases to the chairman of the board of appeals a couple of days ago regarding what can happen with lot splits which seeks litigation. He described that with willing sellers and willing buyers, titles are washed and deed restrictions are not held when the deed is re-typed and referred to a case in the City of Parma.

Mr. Lamanna explained the Ohio Marketable Title Act and said they go back 40 years and list the deeds to find out whether or not there are any restrictions and they can re-record the restrictions if the deed is more than 40 years old.

Mr. Carson said there is no mechanism in the township to check titles for deed restrictions.

Mr. McIntyre said that deeds have been checked recently.

Mr. Markowitz explained that the Ohio Marketable Title Act does not void deed restrictions.

Mr. Carson asked if the lots designated for green space can be sold.

Mr. Markowitz replied yes, with the restrictions for green space on them.

Mr. Carson referred to the Ohio Supreme Court and said deed restrictions are fraught with problems.

Mr. Lamanna referred to other cases in Ohio and said that these issues are being addressed by the Assistant Geauga County Prosecutor for his opinion and he is of the opinion that these restrictions are enforceable and are a better enforceable tool than the zoning itself because it is a contractual agreement. He said the general principal of Ohio law is that deed restrictions will be enforced. He cited an example of when a deed restriction maybe would not be enforced if the character of the neighborhood would substantially change.

Mr. Carson said that he just gave Mr. Lamanna eight cases but there are hundreds and he referred to the case in Moreland Hills.

Mr. Lamanna said he read that case and explained that the deed restrictions could be enforced against the municipality.

Mr. Carson asked if this development could be built without the lot splits.

Mr. Markowitz said not this development.

Mr. Carson said they are physically capable of building this development to 48% lot coverage without lot splits.

Mr. Markowitz said not with the plan they have proposed.

Mr. Kolesar asked why the board did not know of this in the first place.

Mr. Donald Frantz said the lot splits have been indicated on the footprints and said the development could be done without the lot splits but there has been every indication from day one and said that every ordinance does not require variances.

Mr. Kolesar said but the township's does and said there are legal implications to lot splits and that his patience is being tried and asked if this is the end and how much more there is.

Mr. Frantz said that the plan always indicated the lot splits.

Mr. Carson asked why the township would want to grant a variance to a developer who already has permission to build on the property and asked why the township would want to invite litigation that we already have on one tiny piece of property at Tanglewood.

Mr. Lamanna said the township would not have a problem with that parcel if we had control like this.

Mr. Carson said that was a common parcel.

Mr. Lamanna said that no restrictions were on that deed to start with.

Mr. Carson said that one sold and one bought.

Mr. Lamanna said that if someone would have recorded a deed restriction on that property in the beginning, they would not have been able to sell it.

Mr. Markowitz said that the township can re-record the restrictions every ten years so that it cannot be washed.

Mr. Ferencie asked what this does for the township.

Mr. Lamanna said he is not in the position to answer that question.



Mr. Markowitz said the project would look the same but it would not have the same tenants. He said a developer could come in and request 60% lot coverage but we are agreeing to put on deed restrictions to not allow that and the township will not have to worry. He said that deed restrictions are the most enforceable document you can have and said he thinks Heritage will pay more in taxes because of the lot splits and because the county has the right to say that the out parcels, as separate lots of record are worth more.

Mr. Cliff Meston of Geauga Lake Road said that the deed restrictions could be eliminated if substantial changes are made over a period of time and asked what will happen when city water comes down the street and if that can be construed as a significant change.

Mr. Lamanna said that is a much higher hurdle to get over.

Mr. Markowitz said that question is very good, but the developer came to this project saying they have sewer and water so no change will be there. He said there has been some discussion in studies in commercial areas that lot coverage should be increased, and if that changes in the future, the deed restrictions on this won't allow an increase in lot coverage.

Mr. Sam Desiderio, township trustee, commended Mr. Lamanna for being so familiar with the cases that Mr. Carson furnished him, since he had only received them yesterday. He testified that it is important to understand that according to the county prosecutor's office, the more restrictions that can be placed on a property, the better off the township will be.

Ms. Charlene Krejci of Lake Avenue testified that originally Heritage needed the lot splits for taxes and bookkeeping but said she does not see that as a reason anymore. She asked why these parcels have access on Lake Avenue and Rt. 43 and said if she owned Home Depot, it would not be an enforceable deed restriction to make the entrance and exit on Route 43 and not enforceable for Wal-Mart to not make a drive onto Lake Avenue and said she thinks there is a reason for this.

Mr. Markowitz said that deed restrictions are to prohibit those things that someone could otherwise do.

Ms. Krejci said they are more apt to get it if they are paying taxes on it.

Mr. Markowitz said that if they wanted more access, they would have asked for it in the beginning.

Mr. Lamanna explained that the parcels have to have frontage on the street in order to have a separate parcel and that landlocked parcels cannot be created.

Mr. Markowitz said that the developer will have to apply for a subdivision plat which is not done in any other county in this state.

Mr. George Mazzaro of Aurora testified that for the first variance, they knew they would have a Home Depot, Wal-Mart and Kohl's and said he does not see a hardship here and asked what the hardship is that they are bringing to this board. He asked what the time frame is to build this and said he does not think there is a contract but only an intent with Home Depot. He said he has a problem with the green space and who owns the driveway.

Mr. Markowitz said the driveway is part of Bainbridge Land Development Company.

Mr. Mazzaro asked what impact this will have with the sewer and water agreement with the City of Aurora.

Mr. Markowitz said it will have no impact.

Mr. Mazzaro said that Aurora City Council is saying a lot more than that. He said that next Tuesday, the Geauga County Commissioners will be here regarding the water and sewer and on February 20th the EPA will be at Harmon Elementary School to talk about the green space. He continued by asking if there will be sufficient parking assigned to the outlots and the small tenants.

Mr. Bellis said there is a cross access agreement.

Mr. Markowitz said they can park anywhere in the parking lot and explained that the parcels are all subject to an agreement with regards to the parking.

Mr. Mazzaro asked if there will be any more variance requests.

Mr. Markowitz said none that he can think of.

Mr. Mazzaro said that Aurora knows about the egress across the wetlands.

Mr. Bellis said there is to be no drive nor bridge there.

Mr. Raymond Rosenberger of Parma, Ohio testified that he will hold all of his questions until the board answers the previous questions.

Mr. Lamanna explained that questions should be addressed to the applicant or the person giving testimony.

Mr. Mazzaro said he asked what the hardship is for these variances and did not get an answer.

Mr. Lamanna said that this is a practical difficulty standard and explained that the applicant has to demonstrate the standards for asking for a variance.

Mr. Rosenberger referred to applications 2000-60 - 2000-69 and asked what the purpose is for the lot splits.

Mr. Bellis replied by saying that it is for business and tax purposes.

Mr. Rosenberger said he was going to submit a video tape of the December 21, 2000 meeting to the board. He read from the zoning resolution and guide plan regarding variances and asked the applicant how they are meeting the requirements of granting this variance.

Mr. Markowitz referred to the Duncan vs. Middlefield case and said this is a non-traditional variance request and it will not alter the character of the neighborhood and will not adversely affect the delivery of government services and everything will look the same. He said that the development meets all the requirements for setbacks, and the spirit and intent behind the zoning will be observed with the exception of the lot coverage variance in place that was previously granted. He said there will be deed restrictions in place to carry out the intent of the zoning code. He said the property owner purchased the property with the knowledge of the zoning restriction but said you don't have to meet every fact and said the site will look the same. He said the motive is not to try to overcome the zoning in this case, but simply to create artificial lines to develop the property and still have a development with a cohesive site plan.

Mr. Rosenberger said that he feels his question was not answered regarding a reasonable return from the property and read from Heritage's applications and from Chapter 117.10 regarding variance procedures and read Heritage's answers per their application submitted. He continued by saying that he is opposed to the variance requests because the reasons are in direct conflict of the township's zoning and they would set an uncontrollable precedent. He said the board has never granted a variance for lot splits for a commercial development in Bainbridge Township.

Mr. Markowitz said that no one has ever made an application that he knows of.

Mr. Rosenberger said there has never been a lot split given and he submitted a video tape of the December 21, 2000 meeting and records of cases that the board of appeals have had since 1994.

Mr. Lamanna thanked everyone for their input on this matter and stated that the county prosecutor's office still has the deed restrictions under review and before the board makes a decision on this matter he feels the board should have the final deed restrictions to review.

The board discussed tabling these applications until the deed restrictions are approved.

Since there was no further testimony, these applications were concluded.

Motion BZA 2000-60 - 2000-69 Heritage Development Corp. Lot Splits

Mr. Lamanna made a motion to postpone the consideration of applications 2000-60 - 2000-69 by Heritage Development Company to the next regularly scheduled meeting to be held February 15, 2001 so that the board may have before it the agreed upon proposed restrictions as submitted by the applicant and approved by the Assistant County Prosecutor as legal counsel to this board.

Mr. Takacs seconded the motion.

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

Application 2000-70 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting a conditional use permit for the purpose of establishing a veterinary hospital within Petsmart. The property is located in a CR District.

Mr. Lamanna noted that this application is a continuance from the December 21, 2000 meeting.

Mr. Greg Scanlon of Petsmart and Mr. Alan Bellis of Heritage Development were present to represent this application.

Mr. Lewis asked what Petsmart's policy was on kenneling versus overnight stays for the pets.

Mr. Scanlon testified that there will be no overnight stays or kenneling except for animals that need to be kept overnight because of surgeries, but Petsmart will not be opened as a full veterinary clinic in the beginning, someday it will, but they operate as a wellness clinic administering shots etc. He said at some point in time a vet will buy into or charter into and pay a fee for the Banfield name. He explained that chartering is actually leasing space by the vet and they are basically operating their own profit and loss and at some point of time, the vets will do spaying and neutering.

Mr. Kolesar asked if there was any limit to the size of the animals.

Mr. Scanlon said yes, domestic animals only such as dogs, cats, birds, chinchillas, etc. and no farm animals.

Mr. Lewis asked how the biological waste will be handled.

Mr. Scanlon said that they will contract it out with the same companies that the hospitals

contract out to remove the waste.

Mr. Lewis asked if the veterinarians operate under Petsmart's criteria.

Mr. Scanlon replied yes, under Banfield which is a nationally operated vet clinic and he or she would have to abide by those policies.

Mr. Lamanna said that the state has regulations pertaining to vet clinics.

Mr. Cliff Meston asked if this will turn into a full-time vet hospital and that would be a change of use.

Mr. Lamanna said that is something the board will discuss.

Mr. Scanlon said if they had their druthers, Petsmart would open a full service vet clinic and one of the purposes of the clinic is to encourage spaying and neutering to eliminate over population of animals which is Petsmart's goal.

Mr. Rosenberger asked if these applications will be heard separately.

Mr. Lamanna replied yes.

Mr. Rosenberger stated the conditional use procedures and questioned whether or not Heritage can make an application for a conditional use permit for Petsmart and Wal-Mart.

Mr. Lamanna said that they are the owner at this point in time.

Mr. Bellis said that Heritage will own and they will lease.

Mr. Rosenberger said he read through application 2000-70 and there was no mention of Petsmart on the application.

Mr. McIntyre explained that the name Petsmart appears in the upper right hand corner of the application and explained which application is for which company, Petsmart, Wal-Mart, etc.

Mr. Rosenberger asked if this applicant will be seeking a variance from 131.04.

Mr. McIntyre said that same question was answered two months ago at the hearing.

Mr. Rosenberger asked if they will have to come back to this board to seek a variance because their cliental is not from Bainbridge Township.

Mr. Scanlon replied no, because that piece of the business will not have a draw from very far

away.

Mr. Rosenberger asked if the survival of the business will depend on Bainbridge Township residents.

Mr. Lamanna said he is not saying that.

Mr. Rosenberger said that if Heritage would build on the Auburn line, and draw a different cliental instead of from Portage County etc., he thinks they would need to apply for a variance.

Mr. Lamanna said the board is looking to see if this satisfies the conditional use conditions.

Ms. Charlene Krejci asked when the board grants a conditional use for this Petsmart in Bainbridge Township if they go out of business if the pet hospital variance can transfer with the property, or if another pet hospital can lease it.

Mr. Lamanna explained that conditional uses are not transferrable.

Ms. Krejci said that the owner of Heritage is asking for Petsmart to have a conditional use and it is no longer a Petsmart, does the owner still have the conditional use permit.

Mr. Lamanna said the board has the ability to limit the conditional use to Petsmart.

Mr. Rosenberger said our zoning sets the standards for use variances.

Mr. Lamanna said this is not a use variance, it is a conditional use and even though it is a permitted use within the district the board has a right to impose certain conditions to prevent potential problems.

Mr. Scanlon said the clinic will be self-contained within the building.

Ms. Krejci said the animals that are spayed and neutered will be staying overnight and asked who will be there to check on them when the store is closed.

Mr. Scanlon said there will be spot checks during the evenings and the vets will be back there the first thing in the morning. He said the animals are well cared for and these are licensed doctors that run the clinic.

Mr. Rosenberger asked if this conditional use permit is harmonious with the zoning resolution and the guide plan.

Mr. Bellis and Mr. Scanlon said they were not familiar with the guide plan.

Mr. Rosenberger said the development of that area must be supported by the guide plan and also must draw clientele from township residents and said he did not think it is harmonious with it.

Mr. Lewis said this is consistent with products Petsmart offers and there will be no kenneling and no boarding. He added that the conditional use permit is not transferrable and there will be restrictions on the animal size. The board could start with partial approval because it is not a full service clinic and then re-visit the board at that point.

Mr. Takacs asked if Petsmart sells birds and fish.

Mr. Scanlon said yes but they do not sell cats and dogs. He said sometimes local Humane Societies offer pets for adoption, but we do not board. He said cats only maintain residency in hopes of finding a good home.

The board discussed the conditional use permit application.

Mr. Scanlon said there will be a separate grooming facility but the number one form of business is spaying and neutering so we don't have unwanted pets.

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

#### Motion BZA 2000-70 - Petsmart

Mr. Lamanna made a motion to grant a conditional use permit to the applicant for the purposes of establishing a veterinary hospital within the Petsmart facility to be used by Petsmart. This conditional use is granted solely for the use of Petsmart or its licensees who are operating under agreement with Petsmart subject to their control and regulations and it is not transferrable to any other user except in accordance with provisions of the zoning ordinance.

Based on the following conditions:

1. There will be no boarding of pets for the purposes of providing overnight or kenneling of animals.
2. The animal size will be limited to household type pets specifically excluding any large farm animals.

Mr. Kolesar seconded the motion.

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

Application 2000-71 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting a conditional use permit with an area variance for the purpose of establishing an automobile service area within Wal-Mart. The property is located in a CR District.

Mr. Lamanna noted that this application is a continuance from the December 21, 2000 meeting.

Mr. Alan Bellis, Mr. Dale Markowitz, Mr. Stuart Nyander, Architect for Wal-Mart and Mr. Paul Beno, District Manager for Wal-Mart were present to represent this application.

Mr. Frank McIntyre testified that the variance is requested because of the 3,000 ft. limitation between auto service stations.

Mr. Ray Rosenberger of Parma, Ohio testified that he believed that this application is incorrectly filled out.

Mr. Lamanna said that the applicant can supplement the record with their testimony.

Mr. Rosenberger said that puts him at a terrible disadvantage.

Mr. Lamanna said that not everything is applicable in every case and explained that the facts will come out in the testimony or facts provided.

Mr. Paul Beno testified that they will be selling tires, changing tires, rotating tires under warranty, doing oil changes, and changing batteries and that is all they really do.

Mr. Stuart Nyander, Architect, testified that the tires are stored at one end of the building and that is usually gone over with the fire department.

Mr. Beno explained that there will be a sprinkler system.

Mr. Nyander said that all of the oil will be kept in a separate room in above grade tanks with a reservoir (secondary containment system) and referred to the memorandum dated October 11, 1995 which was submitted to the board. He added that they will not be doing anti-freeze.

Mr. Lamanna asked about the storage for the used tires.

Mr. Beno said the used tires will be stored in a cage outside of the building and America Land Fill Inc. picks them up once a week and it is always locked up.



Mr. Nyander said that the cage has a roof and has to be sprinklered. He said it will hold tires and batteries and will always be locked up and only the manager has a key.

Mr. Beno said the tires are always picked up once a week and there are between 120 - 150 tires.

Mr. Lamanna asked if it ever reaches capacity.

Mr. Beno said he has never seen that happen but if it did they would call the company for pickup.

Mr. Nyander explained that there will be a two hour wall between the building and the cage.

Mr. Beno said they are required to have an oil storage for waste oil and a place for disposal of oil filters which is always locked up.

Mr. Nyander said the floor is sloped and any spills would go through a sand oil filter first.

Mr. Beno said the service area will open a little later and closes earlier than the store, approximately 9:00 A.M. - 8:00 P.M.

Mr. Takacs clarified that they would be doing just oil changes and lubes, batteries and tires.

Mr. Beno replied yes, that's it.

Mr. Lewis questioned the access to the service area.

Mr. Bellis and Mr. Nyander explained that the traffic would come around back along with the pickup vehicles and semi-trucks.

Mr. Meston asked if the batteries will be stored with the waste oil and tires.

Mr. Beno said they will be stored only with the tires and said there has to be a pit where the batteries are kept.

Mr. Meston asked if there will be a dike contained area.

Mr. Nyander said yes there will be a dike contained area.

Mr. Meston asked if the sprinklers go off how long it will be before the wetlands will be contaminated and said he knows what a tire fire is like.

Mr. Nyander said the fire department would handle that and said there is a basin there but it cannot drain out. He said that they will present fire marshal approvals regarding tire storage to the NFPA.

Ms. Krejci said that this has to be looked at differently because this store will be within 500' of her water well.

Mr. Rosenberger said that the board indicated that it is an area variance and all standards are applicable and asked if they all apply to this area variance.

Mr. Bellis said this is a conditional use permit request.

Mr. Lamanna explained that there is a requirement in the code that there will not be an auto service station located within 3,000 ft. of another service station.

Mr. Bellis said this is a unique development and this is a minor portion of their business.

Mr. Lamanna said that there is a 290' difference from the 3,000' requirement.

Mr. Rosenberger read from the zoning resolution.

Mr. Dale Markowitz said that Mr. Rosenberger is not a party to this application and that a person has to show they are affected differently than the general public.

Mr. Lamanna said that he would like to keep the meeting moving along and on track and as germane as possible.

Ms. Krejci asked where the carbon monoxide is going.

Mr. Beno and Mr. Nyander said that the door will not be shut until the car is stopped and turned off.

Mr. Nyander said they will have an exhaust system approved by code.

Mr. Markowitz said that he has done this variance for Frank Lanza and others and you can't always meet the 3,000' distance. He added that he does not think there will be a proliferation of service stations and it will not have an impact on the community and it is reasonable for the board to grant this variance.

Mr. Lamanna asked if any cars will be kept overnight.

Mr. Beno replied no, they are worked on usually while the customer is shopping.

Mr. Lamanna said this looks like it will be a state of the art facility.

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

### Motion BZA 2000-71 - Wal-Mart

#### Variance

Mr. Lamanna made a motion to grant an area variance for approximately 290 ft. from the 3,000 ft. requirement of separation between automotive service areas.

Based on the following findings of fact:

1. The variance is not substantial.
2. There is no substantial impact on the purpose of the zoning ordinance with respect to this particular provision whose original reason is somewhat lost in obscurity at this point in time, given development elsewhere in the community, but in any event it appears that the purpose of this was to prevent proliferation of these types of facilities which could cause undue unsightliness or undue burden on the surrounding area.
3. Given the location of this facility and the nature of this particular development in the way they will be storing and servicing automobiles, and the limited scope of the work they will be performing, there will not be any adverse impact on the surrounding area.

#### Conditional Use Permit

Mr. Lamanna also made a motion to grant the conditional use permit with respect to this operation.

Based on the following findings of fact:

1. It will not create any unreasonable burden on the surrounding property.
2. The board is granting a conditional use to the applicant solely for the use of Wal-Mart and not for the use of any other party and any transfer to any other party would require subsequent re-application before this board.

With the following condition:

1. The applicant will develop this in accordance with its development plan and will obtain all the necessary requirements of approval from the fire department as required by applicable law and regulations.

Mr. Takacs seconded the motion.

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

Application 2001-1 by North American Signs for CVS Pharmacy for property located at 16801 Chillicothe Road

The applicant is requesting area variances for the purpose of installing wall and ground signs. The property is located in a CB District.

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Ms. Gayle Eck of North American Signs was present to represent this application.

Ms. Eck explained that the variances are needed for the signs at the new CVS Pharmacy.

Applicant is requesting area variances for signage as follows.

173.11 (B,1 & 2) Total square footage permitted =  $75 \times 20\% \times 1.15 + 135 \times 1.15 = 172.5$   
Requesting a total of: 655.25 square feet  
Variance = 482.75 square feet

173.11 (A,1) Total number of wall/marquee signs permitted per business/service/industry on its premises = 2 total (wall)  
Requesting a total of : 10  
\* Variance = 8 additional wall/marquee signs

173.11 (B,6) No more than one ground sign shall be erected on a lot per building.  
Requesting 5  
\* Variance = 4

173.11 (B,2) No one wall sign shall exceed 50 sq. ft.  
Requesting 2 at 133.7 sq. ft. each for a total of 267.4.  
\* Variance = 1 at 83.7 sq. ft. each for a total of 167.4 sq. ft.

173.11 (C.1) No wall sign shall be 15 feet above finished grade.  
Requesting both CVS logos at 18 ft. above finished grade.  
Variance = 3 ft.

173.11 (B,3) No one ground sign shall exceed 25 sq. ft./face.  
Requesting one at 101.9 sq. ft./face & 28.9 sq. ft./face.  
Variances of 76.9 sq. ft./face & 3.9 sq. ft./face.

173.11 (C,3) No one ground sign shall be more than 10 ft. above grade.  
Requesting one at 14 ft. A.G.F. and 24 A.G.F.  
Variances of 4 ft. & 14 ft.

Note \* One ground directional sign with no advertising matter as per 173.09 (B,4) is not included in this calculation.

One wall/informational sign only visible on premises is not included in this calculation.

All other directional signage do not comply with 173.09 (B.4) and therefore are included in this calculation.

Mr. Lewis asked if these proposed signs are consistent with the CVS signs in Aurora.

Ms. Eck replied yes and explained the sign at the drive-thru and said it is not part of the application and they removed the drive-thru pharmacy sign. She said the directional signs will be counted as ground signs, so they are not part of the original application.

The board discussed the variance request for the proposed signs.

Mr. McIntyre explained the location of the proposed signs.

Mr. Lamanna stated that the board has a major problem with these signs that will be sitting on a sub-standard piece of property. He told Ms. Eck that she needs to take this back and re-think the whole thing.

Mr. Takacs inquired about the location of the ground signs.

Mr. Lamanna suggested tabling this application until next month and said the board has not granted major variances to sign ordinances and there is no justification to granting these variances. He explained that there is more proposed signage on this piece of property than on larger facilities. He said at this point in time it should remain as unobtrusive as it can. He said it is located on a major intersection close to the road and people will see it when they stop at the signal and there is no need for this amount of signage. He said there are already substantial variances on this property and this needs to be scaled back dramatically.

Mr. Lewis said that people will find the pharmacy because of where it is located.

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

Motion BZA 2001-1 - 16801 Chillicothe Road (CVS Pharmacy)

Mr. Lamanna made a motion to table this request for a variance until the next regularly scheduled meeting to be held February 15, 2001 so that the applicant can re-tool the variance request to be more in line with the township zoning resolution.

Mr. Takacs seconded the motion.

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

Application 2001-2 by Geauga County Habitat for Humanity for property located at 16797 Geneva Street

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

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Ms. Paula Aveni, Executive Director for Habitat for Humanity was present to represent this application.

Ms. Aveni testified that she respectfully asks for an area variance for this property similar to what has already been granted in the area.

Mr. McIntyre explained the predicament about the access to the property, which has been maintained by the township, but is owned by someone else. He submitted a letter from Alan Halko, Bainbridge Township Highway Superintendent, that states that the road has always been maintained by the township and there are utilities there. He said there is a conflict with the county data base.

Ms. Aveni said she is concerned about having legal access to the property since the piece appears to be owned by someone else but paved and maintained by the township. She said they will need the township's help in solving the problem. She added that the real estate taxes are delinquent.

Mr. McIntyre said that he went through the complete county data base and there is only one name on the system that belongs to that property and there is no tax mailing address.

Ms. Aveni said that taxes have been delinquent since 1999 and said why anyone would pay taxes on a street, no one knows. She said that a family used that access back when there was a house built on the lot.

Mr. Lamanna said the evaluation for the property is \$40.00.

Mr. McIntyre said the township does have several options to chase it down.

Mr. Lamanna said the board cannot guarantee legal access by granting this variance.

Ms. Aveni said a request to the prosecutor has to be made by the township. She added that the proposed shed is on the plan this time.

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

Motion BZA 2001-2 - 16797 Geneva Street

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

1. A variance from the required front yard setback of 100' to 71' for a variance of 29'.
2. A variance from the required side yard setback of 50' to 15' on one side and 10' on the other side for variances of 35' and 40'.
3. A variance from the minimum width of 200' to 77' for a variance of 123'.
4. A variance from minimum building required of 1,350 sq. ft. to 1,064 sq. ft. for a variance of 286 sq. ft.

Based on the following findings of fact:

1. This is a pre-existing lot of record in the Chagrin Falls Park.
2. This particular lot is actually quite a bit larger than the normal building lot in this area.
3. The applicant is providing setbacks that are consistent with those in the area, and in fact, in several cases are more significant setbacks than those generally applicable.
4. The style of the dwelling being proposed is consistent with others in this location and therefore the granting of these variances should not have any adverse impact upon the neighborhood or otherwise adversely affect services.

The board does note there is a potential issue with access to this property. Extensively there is historical access over a portion of Geneva Street which lies on private property, but by granting this variance, no way in the endorsement or finding or implication that such legal access does in fact exist.

Mr. Takacs seconded the motion.

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

Application 2001-3 by Wald and Fisher, Inc. for property located on Chagrin Road

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

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Mr. Eric Wald was present to represent this application.

Mr. Lewis asked if this proposed sign will be a ground sign.

Mr. Wald replied yes, a temporary ground sign.

Mr. Lewis asked Mr. Wald what he called a temporary sign.

Mr. Wald testified by saying that he wants to get a tenant for that property and design the building for them.

Mr. Lewis asked if he wants to lure the tenant by driving by the sign.

Mr. Wald replied yes and said it will be far away and angled toward the freeway.

Mr. McIntyre said it is in a PO District and explained that the code states that there must be a project or certificate for a use or structure on the site before a permit can be granted for a sign.

The board discussed placing a six month limitation on the proposed sign.

Mrs. Stanton asked if there is a sign there now.

Mr. Wald said that Winbury has a sign on their lot and added that the sign will be to scale but will be minuscule when looking at it at a distance.

Mr. Lamanna said that most people will see it from the ramp which is 200' - 300' away.

Mr. Wald said there is a fence back there and it cannot go past the fence.

Mr. Lamanna said the sign cannot go into the right-of-way.

Mr. Wald said that where he puts the sign will make a difference.



Mr. McIntyre explained the permitted location for signs.

Mr. Lamanna said the intent is to locate it toward the freeway and not on Chagrin Road.

Mr. Wald said it will not be a large sign.

Mr. Lewis asked if it will be a one sided sign.

Mr. Wald said yes it will be one sided.

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

Motion BZA 2001-3 - Wald & Fisher (Chagrin Road)

Mr. Lamanna made a motion to grant the applicant the following variance:

1. A variance for a "For Lease" sign as shown on the drawing of 24 sq. ft. (one sided sign) for a variance of 20 sq. ft. from the maximum 4 sq. ft. for "For Lease/For Sale" type signs permitted by the zoning ordinance. The sign is going to be placed on the southeastern end of the property. This is granted as a temporary variance for a period of six months from the date this variance becomes final.

Based on the following findings of fact:

1. The applicant is developing the property and this is a temporary sign in order to advertise that the property is available for the purposes of attracting tenants.
2. Because of the location of the sign and the distance from the road it is a reasonable size giving those visibility considerations.

Mr. Lewis seconded the motion.

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

Application 2001-4 by Willaline and Timothy Bloxson for property located at 16809 Geneva Street

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

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Mr. and Mrs. Timothy Bloxson and Mr. Glen Swanson were present to represent this

application.

Mr. Swanson testified that he is going to be the builder and said he put a package together for Mr. and Mrs. Bloxson.

Mr. Lamanna said that the lot is a nice size for Chagrin Falls Park.

Mr. Swanson said the only requested variance is for the front yard and said the house will be conducive to the area and it will blend in better with the existing homes in the neighborhood.

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

#### Motion BZA 2001-4 - 16809 Geneva Street

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

1. A variance from the required front yard setback of 100' to 60' for a variance of 40'.
2. A variance from the minimum lot width of 200' to 198' for a variance of 2'.

Based on the following findings of fact:

1. This is a pre-existing lot of record in the Chagrin Falls Park.
2. It is a substantial lot, larger than most of the other lots in this area.
3. The applicant is providing the normal rear and side yard setbacks. The front yard setback, because of the total depth of the lot, would be impossible to meet while meeting the rear yard setback and the 60' setback is consistent with other setbacks of properties in this area and so therefore would be harmonious with the other properties in this area and would therefore not have any adverse affect on them.
4. The 2' variance on the lot width is minimal on this pre-existing lot and would not adversely affect any other houses.

Again, the board notes that this property is also located on this mystical part of Geneva Street although when one looks at the photographs it appears to be a continuation of the street. The actual property maps show that part of the street is a platted lot of some kind. Again, the board has evidence that there would be access available but makes no determination or representation that legal access is available to this property along that portion of Geneva Street.

Mr. Takacs seconded the motion.

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

Application 2001-5 by Chagrin Falls Park Community Center for property at 16765 Bedford Street

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

Application 2001-6 by Chagrin Falls Park Community Center for property at 7049 Woodland Avenue

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

Mr. Lamanna made a motion to table applications 2001-5 and 2001-6 until the next regularly scheduled meeting to be held February 15, 2001 because the applicant was not present.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 11:30 P.M.

Respectfully submitted,

\_\_\_\_\_  
Linda L. Zimmerman, Secretary

\_\_\_\_\_  
Michael Lamanna, Chairman

Bainbridge Township, Ohio  
Board of Zoning Appeals  
January 18, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 11:30 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to approve the minutes of the December 21, 2000 meeting as written.

Mr. Lewis seconded the motion which passed unanimously.

Organizational Session

Sunshine Law

Mr. Lamanna made a motion to adopt the Ohio Sunshine Law (ORC).

Mr. Takacs seconded the motion that passed unanimously.

Meeting Schedule

Mr. Lamanna made a motion to set the meeting night of the Board of Zoning Appeals on the third Thursday of each month at 7:30 P.M. at the Bainbridge Town Hall and which some meetings may be continued from time to time, the board may set an additional meeting during the month.

Mr. Takacs seconded the motion that passed unanimously.

Election of Vice Chairman

Mr. Lamanna made a motion to appoint Mr. Takacs as Vice Chairman.

Mr. Lewis seconded the motion that passed unanimously.

Election of Chairman

Mr. Takacs made a motion to appoint Mr. Lamanna as Chairman.

Mr. Lewis seconded the motion that passed unanimously.

### Notice of Meetings

Mr. Takacs made a motion to require a \$25.00 fee and 12 self addressed stamped envelopes for notice of public hearing and/or special meetings.

Mr. Kolesar seconded the motion that passed unanimously.

### Zoning Secretary

Mr. Takacs made a motion to reappoint Linda Zimmerman as secretary to the Board of Zoning Appeals.

Mr. Lamanna seconded the motion that passed unanimously.

### Applications for next meeting

Application 2000-60 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split. The property is located in a CR District.

Application 2000-61 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Kohl's). The property is located in a CR District.

Application 2000-62 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Wal-Mart). The property is located in a CR District.

Application 2000-63 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Home Depot). The property is located in a CR District.

Application 2000-64 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 1). The property is located in a CR District.

Application 2000-65 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 2). The property is located in a CR District.

Application 2000-66 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 3). The property is located in a CR District.

Application 2000-67 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 4). The property is located in a CR District.

Application 2000-68 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 5). The property is located in a CR District.

Application 2000-69 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 6). The property is located in a CR District.

Application 2001-1 by North American Signs for CVS Pharmacy for property located at 16801 Chillicothe Road

The applicant is requesting area variances for the purpose of installing wall and ground signs. The property is located in a CB District.

Application 2001-5 by Chagrin Falls Park Community Center for property at 16765 Bedford Street

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

Application 2001-6 by Chagrin Falls Park Community Center for property at 7049 Woodland Avenue

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for February 15, 2001 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:45 P.M.

Respectfully submitted,

\_\_\_\_\_  
Linda L. Zimmerman, Secretary

\_\_\_\_\_  
Michael Lamanna, Chairman

