

Bainbridge Township, Ohio  
Board of Zoning Appeals  
January 15, 2015

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:08 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2014-24 by The Wembley Club (David Barr) for property at 8345 Woodberry Boulevard - Continuance

Mr. David Barr, Owner and Mr. Jon Novak, Architect were present to represent this application.

Mr. Lamanna stated that the applicant has made some improvements to the plans to address the concerns of the residents.

Mr. Novak testified that originally in order to preserve some of the existing courts, they had the courts positioned at 90° from what you are seeing there and much closer to Woodberry, the original one was still within the setbacks and still within the allowable area to work but the gable end was to the road. He said the board, at their first meeting in September, requested that we turn it 90° and push it back and the short end will have about 20' to 22' on the side so it is effectively much shorter. He said in light of the December's meeting one of their concerns is everything is more expensive than you think and we know how this thing is going to be made, we have gone through the exercise before, it is going to be a corrugated metal building that is pre-engineered. He said they know how much it is going to cost and because of that it is going to be a metal structure and we showed a bare-bones building at the last meeting and it wasn't decorated and it wasn't really matching the club but what they have now is looking affordable working with the metal building and what is facing Woodberry, they talked about putting dormers on it and one thing that would look nice is to have a path along the base of the building and then have a few small decks and a couple of trees. He said they broke it up so there will be five covered courts so the total length of the building is about 168', and they won't go much taller than the existing building, maybe a couple of feet but they are lower and added the color will match the clubhouse. He said regarding the landscaping up in front, the Norway Spruce is negotiable, but they will plant fast-growing trees, it is 250' back from the road, it is 152' wide, it is not that big so that is where they are at right now. He showed the renderings of the building to the board. He said the geometry and the colors all match and will have decorative windows so they are tying it together.

Mr. Murphy asked if they will be functional windows.

Mr. Novak said it will look like a window and said you can see the sitting areas and the gravel path, the tennis court and the tennis courts beyond. He said this gives you a sense of scale and what the screening will do on the left. He said the only time you will see it is when you come onto the site, it should be completely screened to the left and the size of the building is 168' x 120' deep.

Ms. Endres said it is 164' x 132'.

Mr. Novak said a normal tennis court is 60' x 120'. He said it is fully engineered with a metal roof to match the roof of the clubhouse and the color will be matching so it should blend from faraway, it is not possible to match the materials one for one. He explained the location from Woodberry and it is 250' from the road and the height is 38'. He said the outdoor court is a little in the tree line.

Mr. Lamanna said you can see from the drawing that it clips off a little bit of the edge.

Mr. Novak explained that it will have the same color as the body of the clubhouse with white accents, there will be no Pine trees on the east side, just screening from Woodberry only.

Mr. Murphy asked Ms. Endres to zoom out to see the neighbors to the east. He said there is a big three to five acre buffer zone, woods, there.

Mrs. Linda Nolan of 8405 Woodberry Boulevard testified that it is not a dense woods and from their home they can see the ground of the outdoor court so it is extremely visible so they do have a vested interest in not looking at a massive wall in terms of property value or being able to sell their property and that is why they brought up having Austrian or White Pines there. She asked about possible rust on the proposed metal building and she knows there are rust applications. She said the building might look nice initially but what happens when it starts rusting.

Mr. Novak said they are going to go to a reputable dealer and he doesn't see how it could rust unless something scratches it and it should be treated. He said they will get a 15 – 20 year guarantee out of it.

Mrs. Nolan asked if that is something the zoning board can put in its specifications, the architect has said they can get a guarantee for 15 – 20 years, is that something that needs to be followed.

Mr. Lamanna said the board does not have unlimited authority to determine some of these aspects, there has to be some reasonable nexus to what zoning is regulating and in this case, we can't be regulating maintenance issues 20 years in the future. He said they have building standards to meet that are prescribed by the state and the county.

Mr. Novak said they will meet all of those.

Mr. Lamanna said when you get much beyond that we probably don't have the authority to be dictating those kinds of specifics.

Mr. Novak said it is a product that we will purchase and there will be specifications and if something goes wrong they will pursue that. He said a building of this scale is not typically done in wood with finishes of stone etc.

Mr. Lamanna said this is a conditional use so periodically they have to come back in and get a renewal of it every five years or so, so there is the opportunity that if in the future there were some serious maintenance issues that start to reach the point where the board can say from a satisfaction of the conditional use requirements this building is no longer meeting that, then we have an opportunity to come in and address a particular situation if it arises. He said the board has a mechanism to deal with it in the future as opposed to trying to assess something today demanding that they have a 20 year warranty not knowing if a 20 year warranty is available in the marketplace. He said the board does not have any way to determine that easily so that is an issue the board can't really control now but in the future we have a mechanism that if it got to be a problem in the future with it being unsightly then we have a mechanism to deal with it and they would have to come in for a renewal.

Mr. Marty Tabone of 8340 Woodberry Boulevard testified that you could control it now and what we don't want to happen is ten years from now, if there is a problem, they are going to say well you people knew that this building was made of metal and metal rusts so why didn't you do something in the get go and so what you are telling us is that we can't do anything from the get go, we should wait until something happens or is that not the case.

Mr. Lamanna said what you are trying to do is you are speculating today as to what might happen in the future, the board has to make a decision, not on speculation but on fact and in the future if there is an issue then it is a fact and we deal with the facts not with a speculation that something might happen.

Mr. Tabone said the fact is that metal rusts and we know that going into this so we should deal with it now.

Mr. Lamanna said by saying what.

Mr. Tabone said by saying that we don't want a metal building.

Mr. Novak said he is telling what the manufacturer is going to tell us.

Mr. Tabone said the warranty is only good as long as you are here.

Mr. Lamanna said there is no zero maintenance exterior.

Mr. Gutoskey said they could build it out of wood and not paint it.

Mr. Novak said we will be doing our job with good drainage and metal buildings just don't rust, it has to be because there is water on it and air on it and there are things that cause rust to happen. He said they are going to buy a properly painted and sealed building and what we are purchasing is not going to be a piece of junk that is going to rust in two years unless somebody damages it.

Ms. Donna Smith of 8300 Wembley Court asked what are the requirements to match the already existing buildings and to match the neighborhood.

Mr. Lamanna said there are no specific requirements that they have to match what is there, we have asked them to reduce the impact in order to reduce the impact on the neighborhood to make the façade of the building look more like the existing structure in order to have a more harmonious looking campus.

Ms. Smith asked what the existing structure is made of.

Mr. Novak said it is a wood building with wood siding and stone.

Ms. Smith said what about doing that.

Mr. Novak said it is prohibitive and the construction system they are using will not allow it in the sense that it is not designed to be a domestic structure, it needs the metal siding to expand.

Mr. Lamanna said we have asked them to try to get it as close as they can within the realities of the type of building we are looking at and the way of constructing that kind of building.

Mr. Charlie Waldorff of 8285 Woodberry Boulevard testified said the zoning clause is "it will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, the existing or intended character of the general vicinity and that such use will not change the essential character of the same area". He said so that is what the zoning requirement is on conditions.

Mr. Novak said that is the mechanism that they would interpret.

Mr. Waldorff said the question he has is and he commended the applicant on making huge steps towards creating a building which fits in much more so but it is pretty easy to create an artist's rendering that looks good that doesn't really represent reality. He said with today's cad systems reality can be modeled much more accurately than the drawings that have been provided so his concern is what is it really going to look like as opposed to the drawings that you made. He asked if the people who make these buildings have photographs that you can provide, he can go around this area and take pictures which he has done and there are good examples and bad examples so the concern about rusting is based upon things that you can see right here in Bainbridge not a hypothetical expectancy so what can you show us of a real existing building that can help in getting a better sense.

Mr. Novak said the program that made the rendering you are seeing there is made with a video game type model with a filter on it to make it look like it was hand done, but yes it could be done.

Mr. Waldorff said sometimes with these prefab buildings with cad systems you can produce an accurate rendering of what is there so it would be very helpful to actually see either what has been built before or a much more accurate rendering of what is being proposed. He said if you look at the site plan you see the entrance to the Wembley Club and you see a stand of trees and the issue is not just standing at the driveway and looking in which it does get the benefit of a lot of trees but as you are driving up Woodberry Boulevard you see the entrance to the Wembley Club and you see a stand of trees but the rest is all grass and one of the issues is not just standing right at the driveway and looking in which it does get the benefit of a lot of trees, as you are driving up Woodberry Boulevard you are seeing the club and you see the whole western side of that façade and at this point he does not see any type of landscaping on the drawings that has been provided on the western side. He said granted part of it is covered by the existing structure but part of it is not and what is not really clear is have you thought of a proposed accurate landscaping plan or is it just a rendering which kind of shows conception.

Mr. Novak said the trees are accurately placed and the other elevation shows the west side.

Mr. Waldorff said that surface will be very visible just like the club is now.

Mr. Jim Donohue of 16440 Crown Pointe testified that he wanted to go back to Ms. Linda Nolan's comments about the evergreens on the east side, he wants to make sure that we address the screening on the right, the east side, when it is approved, that is what it has been before.

Mr. Novak said they will screen it on the east side.

Mr. Gutoskey asked with the court on the side, if there is enough room.

Mr. David Barr testified that one is already in the trees but we can definitely screen on the southeast side, the two courts in the back, that would be easy enough to screen and the others are already kind of in the woods.

Mr. Donahue said when you put the courts on the east side you are going to lose trees but evergreens could screen it.

Mr. Novak said they are already disturbing the tree line so they probably are going to kill some trees no matter what, it is just going to happen so they could run some Norway Spruce on the east side in a checkerboard pattern 15' to 20' trees.

Mr. Murphy asked if we talked about starting at the zigzag at the front and then come all the way down the east line past the outdoor courts, past the outdoor court all the way to the back corner.

Mr. Novak asked if that seems reasonable.

Mr. Gutoskey said he thinks so because when you construct the building, the far east court is only 20' off the line, if you are in any of the roots of those trees that are there, they are gone.

Mr. Mike Malone of 8265 Woodberry Boulevard testified that they could put Austrian Pines in there that are 20' apart.

Mr. Novak said they can do it in a checkerboard pattern.

Mrs. Nolan asked what if the trees die.

Mr. Novak said it is up to the landscaper to have a guarantee or warranty on them, that is how the process works.

Mrs. Nolan asked if the residents can be assured and added that Hemlock trees do well but Spruces and Pines do not and also trees need irrigation and all of their evergreen trees have drip line irrigation so she can anticipate that there will be problems and she would hate to have the plantings to appease the residents and then have them die so she is just looking for an assurance or something.

Mr. Novak said he was a landscape architect in another lifetime but he is an architect now and with that being said, if he was doing this project he would expect a civil engineer and a landscape architect on board to move forward and he would at least like a person to specify the property plants so those are the things he would have. He said they will have assurances in place.

Mr. Lamanna said they do have to comply with their landscaping plan within reason, if they put in 25 of something and two die the board would not worry about two dying but if they put in 10 of something and two die that is a different story and that is part of what would be reviewed. He said initially it would have to be satisfied by the zoning inspector but when they come in in five years and whatever was planted does not conform to the plan. He explained that the applicant will submit to the zoning inspector the final plan showing the landscape for that area for her approval in accordance to what the board discussed at the meeting.

Mr. Murphy said since you are going to put a landscape plan together, somebody brought up the look as you are coming east on the road that this little section of the building that is around the curve and visible from the front of the property probably needs a little bit of screening.

Mrs. Alberta Tabone of 8340 Woodberry Boulevard testified that they live directly across the street from the club and it was one of the first homes here and she understands that the Wembley Club when it was built, there was a little culdesac, and it was meant to be larger but then financially homes came in and so now there is a limited amount of land so what she sees here and she doesn't know if the board ever considered it but we are talking about all of this landscaping whether it is going to live or die, why are they not covering the five courts that are there and putting courts up front and we don't have to worry about all of this landscaping. She said it would make sense to have it to the back of the club rather than to the side and have your courts there where all of these neighbors wouldn't have to worry about this structure. She said she does not know financially if this is what they can afford but she has some concerns because they have been there since the beginning and whenever there is a swim meet there are cars all up and down the street and to her that is a safety issue and she is a safety person. She said she does not see "no parking" signs and what will happen is there are going to be more cars than you have parking for, do you have more room for more parking. She asked what about the safety issue, right now the cars go to the stop sign and past and all the way down the hill on both sides of the street, how are we going to handle that, we have children in the area. She said this is a safety thing, she sees it because she lives there.

Mr. Barr asked why not enclose the five courts in the back, if they build five courts with this plan they will have ten courts in the winter, if we enclose the five courts, they will have five courts in the winter. He said having five courts in the winter at a tennis club is not as good as having ten courts in the winter, it is a better club.

Mrs. Tabone said she doesn't play tennis because she is too old to play but from what she hears from people that do play tennis the courts are not filled now.

Mr. Barr said they are filled at 6:30 P.M.

Mrs. Tabone said one time, but she doesn't know because she doesn't play. She said maybe in the beginning when there was all the land before the houses it could have been what you want but you are in a neighborhood and we belong to a neighborhood. She added that there is not enough parking and what about when they have the meets, the safety portion of that.

Mr. Lamanna asked how often the meets are held.

Mr. Barr said in the summer.

Mrs. Tabone said it is hard to get through there and if there was a fire, it would be a disaster.

Mr. Novak said he was designing a yoga studio in Columbus and the yoga instructor/owner posted occupancy limits at certain times.

Mr. Barr said there have been swim meets at this club for many years and the proposed structure we are talking about has nothing to do with the swimming, the parking is okay.

Mrs. Nolan said going back to Mrs. Tabone's question about the building, you would still be able to have five to seven courts across.

Mr. Lamanna said we have thrashed the location of this building out over four or five meetings and at this point in time, going back and re-talking about the location of the building is plowing over old ground, this is not anything new.

Mr. Murphy said you would be here and could say we do not approve of having a tennis club in the community anymore and would like to say as a neighbor we don't want you to grant them the continuance of their variances, and they are in front of us because they are asking us to continue that variance in a residential area that has been there since everybody moved in, there has been a tennis club there and a swimming club and there are 98 parking spaces in this parking lot if this is drawn to scale.

Mr. Novak said correct.

Mr. Murphy said there is a possibility if you have doubles playing on every court there are only 40 possible single drivers to be there for tennis. He said we are not here arguing the size, they would like to add some courts under roof and so why you are here is either to say we like the changes they made since last month or we don't like them we don't think it looks like the neighborhood, you are more than welcome to say that and let us know but we are not going back over the parking, we are not going over the tennis club unless everybody in the neighborhood doesn't want a tennis club, that is why you are, tell us that, one or the other.



Ms. Donna Smith said the Wembley Club and the Woods of Wembley is in a beautiful area and it is an investment for everyone so for her perspective we need to be looking at what is our current state, what will increase the value of our homes for tomorrow and the future, looking at the homes and looking at the club. She said she doesn't feel that a steel building does that, she wouldn't put that on her house and so therefore she thinks it has to be more in harmony with what is already there.

Mr. Tabone asked the board if they need them all to say that.

Mr. Gutoskey said the question is, is having a thriving tennis club as part of the community vital to your subdivision.

The residents responded no.

Mr. Francis Reagan of 16460 Crown Pointe testified that they had a near death experience with the club and it meant possibly bringing in cluster homes or having an abandon facility and he would find that far worse than having a private club that the community uses.

Mr. Gutoskey said Tanglewood went through the same thing recently with the golf course because that added value to their neighborhood so at previous meetings it seemed to him the opinion that he got from the people that were here is that having a club in the neighborhood that was thriving and was not an eyesore was more valuable to the neighborhood than having it closed down and just decay.

Mrs. Nolan said she thinks everybody feels that way, that was certainly the consensus at the other meetings but she does take exception to the board's comments that the location was discussed for months, we had the August meeting and then the December meeting which she thinks was the next one, she raised the question about can it be moved behind the club and there were several people who were here at the time who gave some good points about it but the zoning board said let's not talk about location, we have a viable plan here, why are we talking about location.

Mr. Gutoskey said this was the original proposal and going back through the last couple of meetings and to this meeting is what they have come up with to try and limit the amount of building that you can see from the street. He said he doesn't think to an applicant that the board can say keep moving the goal line for them as far as what they can do.

Mr. Lamanna said at some point in time you have to put a line in the sand and make a decision on it.

Mrs. Smith said she just thinks it should be done right.

Mr. Lamanna said everybody has a different opinion of what right is.

Mr. Gutoskey said he is an engineer and he doesn't know how you can construct that building out of wood and make the structure that would match the neighborhood.

Mr. Waldorff said he thinks the issue is not whether you construct if out of wood it is how you finish the outside. He said he can show you Fellowship Church and it has steel support beams but it is not made out of corrugated metal so don't say that it can't be done, the issue is more of economics. He said you have to go back to the August meeting, Mr. Lewis is not here tonight who said what was proposed is not consistent with the architecture of the existing structures in the area. He said we have not made progress in some areas and we have made lots of progress in other areas, the shape of the building has changed, they have added some architectural features but some of the initial reactions was "why are you going to a metal building in a residential area". He said go back and look at what you are doing here and make it fit better, well guess what guys, we are still talking about putting a metal building in a residential area. He said go back to the minutes from the August meeting and see what your reactions were, that has not changed.

Mr. DeWater stated that he wasn't here at the August meeting and he is familiar with metal building construction and those buildings have come a long way in design and looks in appearance and with the rusting factor that was discussed, there are some metal manufacturers that guarantee their finish for 99 years so it has come a long way. He said he feels that we need to make a decision tonight whether in favor or against and he believes that they are trying to make an economic decision to make this club vital for their survival and they don't want to ruin the neighborhood because if they ruin the neighborhood they basically ruin their club too because people are not going to want to live there, people are not going to want to come to a club that does look bad. He said it was said that CVAC, their metal building was built back in the late seventies, early eighties and it is rusting but it was just painted steel at that time, these are laminated, enamel baked panels with rust inhibitors and the steel is a lot thicker now, it is constructed well.

Mr. Scott King of 16465 Majestic Oaks Drive asked how we will know that that is what Mr. Barr will do in terms of the quality of a metal building with a 50 year warranty.

Mr. Malone asked about the warranty.

Mr. DeWater said if they are using a commercial steel building manufacturer from our area as their final project, Snavely Construction is one, Infinity Construction is one. He said those company' names are on the line if they are using a substandard product and he is going to put his package out there he is going to seek bids from different companies and probably will go with the lowest bid because he needs to go with what is affordable to him but his spec package is going to say we want to use these components, they have to meet that minimum spec. He said can the board decide what that minimum spec is, probably not because it has to meet state building standards and the state has determined what is an acceptable spec as a minimum and they are going to be there or right above that.

Mr. Malone asked if that is a fact.

Mr. Novak said that is a fact.

Mr. DeWater said they are committing to the landscaping and he hasn't spoken much at this meeting because he is trying to take in how the neighborhood is feeling and the majority had the landscaping concern, they have said they will address that. He said the steel construction, yes they need to satisfy themselves with that warranty because they are not going to want to spend money that is going to cost them a large amount of maintenance costs down the road because the meeting that he did attend, the additional courts are vital for this club to survive. He said you could end up having cluster homes or someone would want to build condominiums there and referred to court cases in the past. He said you have an existing club here and everyone should be working together to make it a vital club.

Mr. Waldorff said one of the comments that was just made is a little confusing to him. He said this is an R-3A District with a certain population density and asked if the population density is going to be changed.

Mr. DeWater said the township doesn't have to change that but that doesn't mean that a builder or developer can't come in and challenge zoning and zoning gets challenged all of the time in communities and sometimes the court will rule in the builder/developer's favor. He said the township wants the strongest zoning in place to protect your money and your interests but you already have an existing condition, non-conforming use but it is an existing condition and he thinks that they tried to work to make it better.

Mr. Lamanna said this is a permitted use.

Mr. Waldorff said you have a resource protected policy that says preservation, community character, property value and enhancement and general quality of life for the residents. He said he gets that and he knows the board wants win-win situations and so do we it is just that if the character of the neighborhood changes and property values right now, it is not just the homeowners that are going to lose, it is Bainbridge and Geauga County if the property values go down you will pay less taxes and everybody who lives off the tax base suddenly sees less money coming in. He said he talked to certain realtors and the realtors can't give you an exact estimate but it could end up as a 20% impact on the house values. He said when you take the number of houses in the area and their current average value you are talking about a fairly substantial loss to the neighborhood in addition to lowering the taxes and everything else so we are all here trying to make sure this works out best for everybody.

Mr. DeWater said he does understand that but he has tried to make changes that the board has requested since August and he is working with that.

Mr. Waldorff said at the end of the day if Mr. Barr's efforts don't meet a certain standard but if the budget isn't sufficient or whatever, we can all applaud his efforts but we have to really look at what the final proposal is to see if this is going to work.

Mr. Murphy said we can take a show of hands to see how many yeas and nays right now. He asked how many people here think that that will drop their property values and life will not go on as we know it in Wembley. Twelve people responded.

Mr. Murphy asked how many people think that it is probably not so bad and will still be members of the tennis club and everything is okay there. Nine people responded. He said there may be more people at the meeting tonight. He said there are two different questions and he realizes that but it is sort of a fifty-fifty, you can see where the board is at here, we are trying to figure out how to proceed. He said he was born and raised right here in Bainbridge Township so Wembley, when it came in and happened he thought it was awesome, it was a new swimming and tennis club, that is great, we have big homes and people want to live in Bainbridge and he personally thinks that is awesome. He said he thinks now he is trying to run a business there and the business was up for sale, the neighbors didn't want to buy the business a few years ago, that came up and the board has heard that before. He said the homeowner's association could buy it and build it out of brick and stone and rock and have timbers, it could be done like the church across the street that may have steel in there but the big great room is a timber framed room. He said he hasn't been in many tennis clubs but he doesn't think there are any that are timber framed, certainly not in northeast Ohio. He said he thinks that what he has done in the five or six months that we have been here is fairly commendable and it looks really decent compared to the first views we had, you know what those views are like and the views from the street are these elevations here (he referred to the submitted elevations). He said if you would like better elevations from CAD drawings he is sure they can do that and his point is the dozen people who have said they don't really like it. He asked how many homes are in Wembley. The residents replied 68. He said so there are twelve people here tonight that don't really agree with what is going on.

Mr. Malone said he thinks what they are talking about is the aesthetics and if you can provide the fir tree barriers on both east and west sides and you can get a manufacturer that would provide a warranty that would guarantee against rust for 25 years etc. and if we could have a strong assurance that the aesthetics would be addressed he is fine.

Mr. Lamanna asked if there is an issue getting a 25 year warranty.

Mr. Novak said it is just how they make it.

Mr. DeWater said the steel manufacturing companies now are pretty much the same with their warranties and they are running from 75 to 99 year warranties.

Mr. Malone said he is pretty sure he will be dead in 25 years.

Mr. DeWater said your concern should be more with the thickness of the steel that they use for the roof and the walls, that is where damage comes from, even the scratching, it won't rust from scratching because they put a zinc baked finish on it and then they bake the color in and they put a clear-coat laminate finish on it that is like a three tier finish on the ceilings.

Mr. Waldorff said it is helpful to know that because one observation he might make is that in another area where he lived he had an opportunity to put siding on the house and he picked steel siding and it worked out fine except down close to the ground the person who was maintaining the property tore it up with the weed trimmer so if there is any area where there is going to be a problem it is going to be at the lower level so you might want to give some consideration to that in terms of what you need to do to protect that.

Mr. Novak said they have looked at a other pre-manufactured buildings and they want to put a small 4' stone base all the way around it and just given the length of that would be for the perimeter of the building it is a huge number but they will be mindful of it and it is also something that when they build it there are details with how it comes to the ground so we don't have these problems. He said these are things that have been vetted and worked out by the professional manufacturers. He said he can't show the walls and floor concrete detail but they are there and have been vetted out. He added they are trying to imagine problems so he is saying they are going to be okay and will be building it to the highest standard the manufacturer will offer.

Mr. Waldorff said the manufacturers as they get close to the ground have available the rubberized coating because when you go to a rubberized coating it becomes much more resistant to those types of impacts.

Mr. Gutoskey said you can put a strip of stones on the ground a foot out so you are not getting the weed trimmer close, there are also landscape beds.

Mr. Novak said the north side is off the table anyway because no one will be mowing it.

Mr. Murphy asked if there will be gutters on the north side.

Mr. Novak said yes and will be custom so they should not be disruptive to the façade.

Mr. Murphy said that no gutters means you are splashing on the bottom two feet of the building.

Ms. Renee Morgan of 8260 Woodberry Boulevard asked what the process is for the neighbors if there is any change to the plan.

Mr. Lamanna said if there is any material change to the plan they would have to come back to the board and get that change approved so there would be another notice.

Mr. Gutoskey said another public notice would be sent.

Mr. Lamanna said what is approved is pretty much cast in stone but obviously you can run into minor tweaks as you do the final thing but if there is any material change as to what they propose then they would have to come back and get approval of that change and that has happened from time to time and we have had to have another hearing and reconsider it.

Mr. Waldorff asked how we would know what the decisions are.

Mr. Lamanna explained that you can listen to the decision now but the decision doesn't actually become final until the board approves the minutes incorporating the decision but once the written version comes back we sometimes fine tune that to make sure it is clear and appropriate and everything is covered. He said the minutes will be available on the website once they are approved.

Ms. Sue Waldorff of 8285 Woodberry Boulevard asked about the proposed timeline for this project.

Mr. Barr said he doesn't know and it is not a big secret that he needs to raise a few more dollars and the first plan is one he could have funded but with the costs going up there are a few more dollars that need to be found in order to make it happen so if those dollars are found this week it could happen quickly, if the dollars take some time then it would be delayed so he doesn't know if he can say the precise time it would happen.

Ms. Katy Donahue asked if the added outdoor courts will be done all at once.

Mr. Barr said in terms of all at once or later they are also doing some interior remodeling and to the extent they will be able to do it but they will just have to wait to see how things develop.

Ms. Donahue asked if his priority is the indoor courts first.

Mr. Barr said the indoor courts first and the remodeling will come last.

Ms. Endres stated that they have had a couple of different revisions over the past several months so lot coverage is just a little bit up in the air. She said she believes with their original plan they were in compliance but the second plan was 43% lot coverage and the current plan is just a hair over 40% lot coverage. She said the changes from the original plan to the plans 2 and 3 have upped the lot disturbance to over an acre of land which means rather than just acquiring a sediment control plan they will have to get the full-blown storm water plan. She said typically a storm water plan includes retention ponds.

Ms. Endres continued by saying a retention pond will not meet the criteria for lot coverage and because the pond hasn't been engineered yet we won't know the exact variance on the lot coverage so she does not know if the intention is to go ahead and approve it tonight with the sediment control pond being approved as lot coverage or they will need to come back with the engineering plans.

Mr. Gutoskey said if they do need any detention it would be very minimal because we are comparing lot coverage to impervious areas.

Ms. Endres said she just doesn't know right now.

Mr. Novak said he tried to show on the plans in orange what is impervious currently and what is impervious per their suggestion on the right. He said it is surprisingly close when it is all done, it is about a 12% difference.

Mr. Lamanna said it is an increase of 12% of the total lot size.

Mr. Gutoskey said they might get away by doing just some bio-swales versus constructing a pond that would count as part of the lot coverage.

Ms. Endres said she just doesn't know if it has to be a retention pond and if so it would probably count as lot coverage.

Mr. Novak asked how big it would be.

Mr. Gutoskey said he would think there are some ways they could do it without building a pond.

Ms. Endres said they won't know that for sure until they do an engineering study and go see Geauga Soil & Water.

Mr. Novak said if the plan is not a moving target and it settles on what it could be then they will engage a civil engineer and then they will be able to answer that.

Mr. Gutoskey said there is so much impervious area now with what they are adding when you look at the percent of increase it is not going to be that much.

Mr. Novak said correct.

Ms. Endres said she and Mr. Barr had discussed that and she doesn't think they will know that until he does the engineering study and talks to Ms. Carmella Shale. She asked if the height is 35'.

Mr. Barr said it might be slightly higher than that.

Ms. Endres said that 35' is the height maximum but there have been so many changes. She said she wants to go on record that the maximum height regulation is 35' and their proposed height is okay with the board.

Mr. King said he thought there already was a retention pond.

Mr. Waldorff said the pond doesn't hold water, when it rains it flows to his property.

Mr. Gutoskey asked if it takes the water off the road or the site.

Mr. John Sowers of 8480 Woodberry Boulevard testified that like everybody else he is concerned about what it is going to look like and how it will affect their property values but he thinks a thriving club in their neighborhood to prospective younger families that club is almost mandatory to keep their property values up. He added that he is not a member and does not play tennis.

Ms. Endres showed the aerial view of the pond and said it looks like it is dry right now and the topo looks like it might be a pond.

Mr. Lamanna asked if it is possible that nobody looks at it as lot coverage because of the slope that is on it.

Ms. Endres said there are 2' contours so assuming that they are correct it drops off 6' to 8'.

Mr. Gutoskey said it would appear based on code that the pond there wouldn't be included in lot coverage because of the side slopes, it is 6 to 1. He said what will happen is because of the amount of area that is being disturbed Soil and Water will be involved.

Ms. Endres said Soil and Water is involved with any disturbance more than 300 sq. ft. and normally if it is less than an acre of disturbance you can get by with a sediment control plan which is the silt fencing, if it is more than an acre then it is more complex.

Mr. Gutoskey said you have to get a storm water permit from the EPA.

Mr. Murphy said what we are hearing from the immediate neighbors is that whatever that big low area is is more or less a ditch that flows right onto his property so perhaps that can be looked at as well when you are going to have bulldozers and doing earth moving equipment etc. and maybe it should be more of a retention pond of sorts if it is only just a ditch now.



Mr. Lamanna closed the public hearing portion of the application and moved to the business portion.

Mr. Gutoskey asked about the lighting plan.

Mr. Barr said he doesn't think anything needs to change, the parking lot lighting will remain the same.

Mr. Gutoskey asked if there will be any additional lights on the buildings or parking lot.

Mr. Barr said no, the exit from the clubhouse into the parking lot will remain unchanged.

Mr. Murphy asked if the entrance to the new indoor tennis courts is not off of the loop it is through the clubhouse.

Mr. Barr said it is through the clubhouse.

Mr. Murphy said so there will be no giant light packs in the woods over there shining to the neighbors.

Mr. Barr replied no.

Mr. DeWater said he made a checklist which is the landscape plan, they have to check on the storm water plan, check the storm outlet basin because it may be covered with sediment in case it was an original retention basin. He said last month when we left the meeting the biggest concerns were dressing up the appearance of the building and he thinks they did a real good job of meeting that requirement that the board asked and the landscape plan, so those are the concerns that he had.

Mr. Murphy said he has to agree.

Mr. Lamanna said he has to thank the applicant, he thinks they have tried to do their best to respond to the board's concerns and the neighbor's concerns and he thinks there is obviously no perfect solution, it is all bound by some financial constraints. He said this area is permitted for a tennis club and typically if you look everywhere he thinks these are the kinds of buildings that are used for indoor tennis courts.

Mr. Barr said this is nicer than what is going on and a lot of new construction are these tarp buildings and bubbles but this is way better and he can name a bunch of places with new tennis facilities that are not close to this nice.

Mr. Lamanna said he thinks the applicant has also agreed to add on the additional trees on the east side and to screen the west side that is shown already on the aerial view. He said the lot coverage is pretty much an insignificant issue at this time. He said if this is going to be a phased project where you do the building first and then maybe do the outside courts after that.

Mr. Barr said it is a possibility.

Mr. Lamanna said then the board would expect that the landscaping would be put in with the building.

Mr. Barr said understood.

Mr. Lamanna said just so that is clear. He said again the board thinks the applicant has a done a very good job of coming up with a structure that he thinks now is harmonious with what was already there, it will be screened and set back from the road enough that he does not believe it will have an adverse impact on the neighborhood and hopefully by creating a viable operation here it is going to ensure that we have a nice well maintained facility into the future as well.

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

Motion BZA 2014-24 – 8345 Woodberry Boulevard (The Wembley Club)

Mr. Lamanna made a motion to grant the applicant a modification to the existing conditional use permit for the purposes of constructing new outdoor tennis courts and a new indoor tennis court facility. All of this shall be in accordance with the most recent plans as submitted by the applicant.

The following conditions will apply.

1. The applicant will submit the detailed landscape plan to the Zoning Inspector for approval prior to issuance of the certificate showing conformance with the various discussions of the board including the screening to the north of the new outdoor courts, the additional screening on the east side of the property starting with the jog out of the exterior courts to the rear of the building and also in the area around the oval, similar to what is shown on the aerial perspective to provide screening from the western view of the property.
2. The applicant has also agreed to a condition that there will be at least a 50 year guarantee with respect to the finishes on the building.
3. The applicant will comply with the Geauga Soil & Water Conservation District requirements for the submission of plans and with respect to any requirements to deal with storm water run-off.

Motion BZA 2014-24 – 8345 Woodberry Boulevard (The Wembley Club) - Continued

4. It appears there is currently a basin area in the front of the property that appears to have been used for storm water control and it has been designed in such a way as to not be considered part of the lot coverage. The applicant will also look at this area that is part of the storm water review to make sure that it is functioning in its intended way.
5. If there is a phased construction of the outdoor tennis courts and indoor tennis courts the landscaping needs to be completed at the same timeline as the inside tennis courts.
6. With respect to exterior lighting the applicant has also represented as a condition that the exterior lighting is not going to change, there is going to be no additional large exterior lights placed on any of the newly constructed buildings.
7. This approval for the modification of the conditional use will be applicable for a period of two years and reconstruction under this approval must be completed within two years of the final approval of the board's minutes granting this conditional use.
8. With respect to the conditional use itself the board will set an expiration date for this modified conditional use of three years from the date this decision becomes final to review the completion of construction and any potential operating issues that may arise from that and full examination of any issues that have been created by the swim meets at the club at that time as well.

The board granted the following variances:

1. A variance to the maximum height from 35' to 38'.
2. A variance to the lot coverage of .04% from the 40% requirement to 40.04%.
3. A variance for the setbacks for the indoor tennis court, rear portion of the building from 80' to 46.6' and for the outdoor tennis courts from 80' to 46' 10" for one section and from 80' to 20' for the other section and all is shown on the applicant's site plan, dated January 15, 2015 as submitted at the meeting.
4. Also included are any variances necessary for Section 117.13 (b)(1) on setbacks and buildings from property lines to conform with the requirements in 135.05(b) which the board already addressed.

Motion BZA 2014-24 – 8345 Woodberry Boulevard (The Wembley Club) - Continued

Based on the following findings of fact:

1. The site lot coverage variance is immaterial in size and does not have any adverse effect from that.
2. With respect to the setbacks, there is a practical difficulty because it is not possible to place the buildings on the property within the 80' setback without creating greater adverse impact on the neighborhood by moving it closer to the road.
3. The side on which the setbacks are located is already a wooded area with the nearest houses located a substantial distance away and moving in the southeast direction there is actually an industrial property located to the southeast.
4. With respect to the conditional use, these changes are consistent with the permitted conditional use for a tennis club in this area.
5. The nature of using a steel building is fairly consistent with standard type construction for this type of application.
6. The applicant has made substantial changes to the building to improve its appearance and conform to the appearance of the existing clubhouse at the tennis club.
7. The building had additional screening from a landscape standpoint to being added to it and with these changes it should not have any adverse effect on the character of the neighborhood or adversely affect any of the adjacent properties.

Mr. Murphy seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:00 P.M.

Respectfully submitted,

Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy

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

Date: February 19, 2015

AUDIO RECORDING ON FILE

BZA PH 1/15/2015

-21-

Bainbridge Township, Ohio  
Board of Zoning Appeals  
January 15, 2015

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Murphy made a motion to adopt the minutes of the December 18, 2014 meeting as written.

Mr. DeWater seconded the motion.

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

Organizational Session

Mr. Murphy made a motion to postpone the organizational session until the next regularly scheduled meeting to be held February 19, 2015.

Mr. DeWater seconded the motion that passed unanimously.

Applications for Next Month

Application 2015-1 by South Franklin Circle for property at 16575 South Franklin Street

The applicant is requesting a review and renewal of a conditional use permit for an existing retirement community. The property is located in a R-3A District.

Application 2015-2 by Tom and Jan Radkowsky for property at 8466 Lakeshore Drive

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

Application 2015-3 by V & V Lakeshore, Ltd. for property at North Market Place Drive and Giles Road

The applicant is requesting a review and renewal of a conditional use permit for an existing shopping center. The property is located in a CR District.

Application 2015-4 by V & V Lakeshore, Ltd. for property at 7040 Aurora Road

The applicant is requesting an area variance for the purpose of additional parking for a two-tenant building. The property is located in a CR District.

Application 2015-5 by Stephen Ciciretto, AIA, Architect for Robert and MaryAnne Klank for property at 8460 Lucerne Drive

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for February 19, 2015 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 9:20 P.M.

Respectfully submitted,

Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy

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

Date: February 19, 2015