

Bainbridge Township, Ohio
Board of Zoning Appeals
January 16, 2003

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2002-57 by Svetlana & Audrey Narinskiy for property at 17840 Geauga Lake Road - Continuance

The applicant is requesting area variances for the purpose of maintaining a residential accessory building. The property is located in a R-3A District.

The zoning inspector's letter dated December 12, 2002 was read and photos of the site were submitted.

Mrs. Narinskiy was present to represent this application.

Mr. Lamanna noted that this application is a continuance and stated that at the last meeting there were questions on how the building was re-built and why it does not meet the zoning setbacks and the board requested information on who the contractor was etc. to better understand the situation.

Mrs. Narinskiy testified that it was her fault since they did not build a new building, she thought they did not need a permit.

Mr. Lamanna asked her if she had a contractor.

Mrs. Narinskiy replied yes, it was V. R. Construction.

Mr. Lamanna asked Mrs. Narinskiy how she came to use this contractor.

Mrs. Narinskiy said the contractor was recommended.

Mr. Lamanna asked her if she needed several contractors for a bid.

Mrs. Narinskiy said yes, per the insurance company.

Mr. Lamanna asked her if she had a contract with V. R. Construction.

Mrs. Narinskiy replied yes, but she just brought the phone number with her.

Mr. Lamanna said the board would like to see the contract to determine if the contractor had any responsibility for the zoning issue here. He asked Mr. McIntyre if there were any permits for this.

Mr. McIntyre testified that no permits were secured and the building department did flag it.

Mr. Lamanna advised Mrs. Narinskiy to obtain a copy of the contract she had with the contractor because the board may want him to come in and explain since he is a professional contractor, he should know that he needs permits and should not have rebuilt the barn there and he should have obtained a building permit and if he would have, he would have figured that out in advance and said because he did not do that, we have this situation.

Mrs. Narinskiy said the barn could not have been built in any other location.

Mr. Lamanna explained that people have to conform to the regulations and in order for the board to make a decision, we want to find out what happened. He added that the board may ask for more screening of the barn.

Mrs. Narinskiy said she thinks this is her fault because the contractor said if it is re-built in the same place, no permit is needed.

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

Motion BZA 2002-57 – 17840 Geauga Lake Road

Mr. Lamanna made a motion to postpone consideration of this application until the next regularly scheduled meeting to be held February 20, 2003.

Mr. Takacs seconded the motion.

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

Application 2003-1 by Carol T. Johnson for property at 16781 Elyria Street

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

The zoning inspector's letter dated January 10, 2003 was read and photos of the site were submitted.

Mrs. Carol Johnson testified that she purchased a tool shed that comes in a kit and was put together but not stabilized yet and she needs a variance so it can be stabilized and it will be placed behind the house.

Mrs. Stanton asked Mrs. Johnson if this is the place she wants to keep it.

Mrs. Johnson said it will go back a little bit.

Mr. McIntyre said the county GIS indicates eight lots under common ownership and explained the lot coverage.

The board viewed photos of the shed.

Mrs. Johnson explained where it will be moved back and said there used to be a garage back there.

Mr. Lamanna asked about the property behind hers.

Mrs. Johnson said it is the church parking lot and noted the GMHA apartment.

The board discussed the location of the parking lot and church.

Mr. Lamanna asked Mrs. Johnson if she has any plans for her property since she owns eight lots.

Mrs. Johnson said it will be left as a yard.

The board discussed the former garage location in the back.

Mrs. Johnson said she has to have the contractor advise her as to where to put it.

Mr. Lamanna said that two feet away from the property line is pretty close and it may interfere with the adjacent property and it may not be a parking lot forever so the board would like to see the shed 5' – 10' off the property line instead of 2' as the site plan indicates.

The board discussed the proposed setbacks.

Mr. Lamanna said again that two feet is really close to the property line

Mr. Lewis said this could set a rear lot line precedent with other buildings in the future.

Mr. Lamanna said the board would like it at least 10' off the property line and asked Mrs. Johnson if she plans on keeping the proposed garage 10' off the property line.

Mr. Takacs asked about the existing concrete pad.

Mrs. Johnson said that is where she plans on putting the future garage and at that time the shed will be removed.

Mr. McIntyre asked which pad.

Mr. Lewis asked if it will be put on the back patio pad.

Mrs. Johnson replied yes.

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

Motion BZA 2003-1 – 16781 Elyria Street

Mr. Lamanna made a motion to grant the applicant the following area variances for the purposes of maintaining an 8' x 10' tool shed.

1. A variance from the required side yard setback of 50' to 32' for a variance of 18'.
2. A variance from the required rear yard setback of 90' to 10' for a variance of 80'.
3. A variance from the maximum lot coverage of 10% for a total of 12.9% for a variance of 2.9% which represents the shed adding approximately .5% of lot coverage.

Based on the following findings of fact:

1. A practical difficult exists.
2. This property is located in Chagrin Falls Park where the lot depth and width are very limited and given the location of the house and the short overall depth of the lot it would be impossible to maintain the front and side yard setbacks.

Motion BZA 2003-1 – 16781 Elyria Street - Continued

3. In addition, because of the small size of the lots, it would be impractical to meet the 10% maximum lot coverage as it would not allow a customary size structure and the additional lot coverage being added by this relatively modest shed is insignificant.

Mr. Takacs seconded the motion.

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

Application 2003-4 by August M. Knemeyer for property at 7024 Pine Street

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

The zoning inspector's letter dated January 10, 2003 was read and photos of the site were submitted.

Mr. Michael Knemeyer was present to represent this application.

Mr. Knemeyer testified that he is representing his father and said they built a shed and did not know they needed a variance and added that they did not have a garage. He said the shed is used to store bikes and toys and he apologized for the mistake. He continued by saying that they had a garage but it was removed and they plan to build a replacement garage.

Mr. Takacs said that will require a separate application.

The board reviewed the setbacks and application.

Mr. Lamanna asked if the 8' x 10' shed was on a foundation.

Mr. Knemeyer said it has a timber foundation, not poured cement.

The board viewed photos of the site.

Mr. Knemeyer explained where the old garage pad is located.

Mr. Lamanna asked if there is a fenced in area.

Mr. Knemeyer replied by saying yes. He said his shed is the gray one in the photo and his neighbor's shed is closer to his line than his is and they tried to put it in an aesthetically pleasing place.

The board viewed photos of the shed.

Mr. Lewis asked about the garage in the photo.

Mr. Knemeyer said it belongs to the neighbor.

The board discussed the size of the lots in that area.

Mr. Knemeyer said they have a couple of trees in the yard too. He described the proposed garage, house and fence location per the photos.

The board compared the photo to the site plan submitted.

Mr. Lamanna asked why this location was chosen.

Mr. Knemeyer said the location was chosen to aesthetically cover up a bend in the fence.

Mr. Lamanna asked if there was anything behind the shed now.

Mr. Knemeyer replied no.

Mr. Lamanna asked if it was possible to plant a few shrubs behind the shed.

Mr. Knemeyer said there is a crab apple tree on the neighbor's property so he does not know if the shrubs will grow. He said they plan to put some shrubs on the other side, but behind the shed, there is not much room but they could do it though.

Mr. Takacs asked Mr. Knemeyer if he lived there or if his dad lived there.

Mr. Knemeyer said that he lives in his dad's house.

Mr. Lamanna said the board would like to see some screening behind the shed and on the side to ameliorate the impact on the neighbors.

Mr. Knemeyer said that is not a problem.

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

Motion BZA 2003-4 – 7024 Pine Street

Mr. Lamanna made a motion to grant the following area variances for the purpose of maintaining an 8' x 10' accessory building. The board notes that this structure has already been constructed.

1. A variance from the maximum lot coverage of 10% to 27.3% for a total variance of 17.3% of which .69% represents the increase caused by this shed.
2. A variance from the required side yard setback of 50' to 23' for a variance of 27'.
3. A variance from the required rear yard setback of 90' to 3' for a variance of 87'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a very small lot therefore it would be impractical to be able to build anything on this lot and still adhere to the 10% lot coverage requirement. Additionally, the shed represents a very small increase in the total lot coverage.
2. The addition of this additional lot coverage would not increase the lot coverage on this property in a way that would be inconsistent with the lot coverage and structures otherwise located in the immediate area and on the surrounding properties.
3. The narrow lot width makes the location, as far as the side yard variances are concerned, very difficult to meet and the actual structure is located rather near the center of the lot as it stands so it should not affect either of the two side parcels.
4. With respect to the rear yard variance, this variance is granted because of the difficulty due to the small size of the lot to find a suitable place to place an accessory structure and after examining the existing accessory structures on adjacent lots which have been in place, in many cases for substantial periods of time, the board finds that this distance off of the property line is consistent with the rear yard setbacks of other sheds in the area, therefore it will not adversely affect adjacent property owners.
5. In order to ameliorate any adverse effect on these adjacent property owners, the applicant will place some shrubbery to the rear of the shed and to the left hand side of the shed as you are facing it from the principal dwelling.

NOTE: This variance does not deal with the applicant's interest in building a garage on the property where a prior existing garage was located because no specific plans for such a garage were submitted and the board cannot address a variance application without having a specific plan before it for review. The applicant has indicated that he will submit such specific application plan at a future date.

Mr. Takacs seconded the motion.

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

Application 2003-5 by Sign Concepts, Inc. for Amrik Galleries for property at 8480 E. Washington Street

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

The zoning inspector's letter dated January 10, 2003 was read and photos of the site were submitted.

Mr. Richard Swartz was present to represent this application.

Mr. Lamanna swore in Mr. Swartz.

Mr. Swartz testified that Amrik Galleries moved into a retail space with three separate store fronts.

Mr. Lamanna asked if one of them was the old CVS store.

Mr. Swartz replied yes and said they would like to put a sign on each of the three separate store fronts to tie the whole store together.

Mr. Olivier asked who the previous tenants were.

Mr. Swartz said the previous tenants were a shoe store, CVS and he is not sure what the other tenant was.

Mr. McIntyre testified that there are only two store fronts that were previously a shoe store and CVS.

Mr. Takacs asked if the gallery is for fine rugs and furniture.

Mr. Swartz replied yes.

Mr. McIntyre explained per the GIS site plan, which store fronts they are using.

The board viewed photos of the store fronts and discussed the two distinct faces.

Mr. Lamanna said the total square footage requested is actually less than the permitted square footage.

Mrs. Stanton said the size of the proposed letters is 1.5 feet and asked what size the former letters were.

Mr. Swartz said the former letters were 24”.

Mrs. Stanton asked if the letters will be red to match the style of the other letters in the shopping center.

Mr. Swartz replied yes and explained per the photo where the signs will be placed.

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

Motion BZA 2003-5 – 8480 E. Washington Street

Mr. Lamanna made a motion to grant a variance for the purpose of installing two additional wall signs.

Based on the following findings of fact:

1. Due to the unique arrangement of this building and the fact that the applicant has formerly two store fronts and the existing angles of the signage area, the applicant has an area that is conducive to having multiple signs to describe his business.
2. The proposed signage is also substantially below the maximum sign area permitted and that as requested, having the additional two signs when it is completed, the signage on the property will be consistent with the signage on the other businesses in this strip center and will not be larger or inconsistent with that which already exists and as previously noted will be substantially less than the total overall signage that would otherwise be permitted on this property.

Mr. Takacs seconded the motion.

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

Application 2003-2 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road

The applicant is requesting a conditional use permit with variances for the purpose of remodeling an existing gas station. The property is located in a CR District.

Application 2003-3 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road

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

The board was in agreement to hear both applications 2003-2 and 2003-3 at the same time.

The zoning inspector's letters dated January 10, 2003 were read and photos of the site were submitted.

Ms. Catherine Radwanski of Speedway SuperAmerica and Mr. Lavelle Edmundson, Real Estate Leasing Agent were present to represent this application.

Ms. Radwanski testified that Speedway wants to tear down the existing station, go to five dispensers instead of two and move the location of the new store to the rear of the property. She said they leased additional land to do this and the new store will be 3,800 sq. ft. and noted the existing station is 30' x 70'.

Mr. Lamanna said it will be the same type of station except there will be more room.

Ms. Radwanski replied by saying correct.

Mr. Takacs said it will be 1,700 – 1,800 sq. ft of additional room.

Ms. Radwanski said correct.

Mr. Lamanna asked if they are leasing additional land.

Ms. Radwanski said correct and showed the existing survey to the board.

Mr. Lavelle Edmundson testified that the land will be leased from the same owner and that they lease the property now.

Mr. Lamanna asked if they had a copy of the lease and said he is not sure a lessee has authority to make application so the board may have the applicant go back to the owner because the variance will belong to the land and the board wants to make sure the landowner is bound to the conditions that go with the variance.

Mr. Edmundson said he thinks there is language in the lease.

Mr. Olivier asked if the aerial photo is of the existing original leased parcel or the original with the additional parcel.

Mr. McIntyre testified that it is of the existing parcel only.

The board reviewed the site plan of the proposed project.

Mr. Lamanna said it looks like you are moving out to the new parcel which has not been built on before.

Mr. Edmundson replied yes.

Mr. Lamanna asked if the leases were available to view.

Mr. Edmundson said yes, the legal description is Exhibit A.

The board discussed the location and size of the parcels.

Mr. Takacs said it looks like the new station will all be on the new leased portion.

The board reviewed the site plan and the legal description for the property.

Mr. McIntyre explained that there are three separate parcels owned by E. J. Burns.

Mr. Lamanna asked how the property was divided with this shape.

Mr. Edmundson said they leased as much as they could to be in compliance with the zoning ordinance.

Mrs. Stanton asked if the Aurora residents were notified.

Mr. McIntyre explained that the City of Aurora was notified of this hearing and they are good about notifying the council persons in this area.

Mr. Edmundson said a line was drawn because we are not vested in the entire property.

The board discussed with Mr. McIntyre the size of the lot and the part that the applicant is proposing to lease.

Mr. Lewis said there will be one acre left.

Mr. Takacs asked if there is a business next to it.

Mr. McIntyre replied yes.

Mr. Lamanna said it would create a non-conforming lot that is not a lot of record.

Mr. McIntyre said by virtue of wetlands back there it is probably not developable.

The board members discussed their concerns with the way the parcel is divided according to the lease agreement.

Mr. Lewis said based on the amount of acreage they are leasing they are also asking for a 17% lot coverage variance and he would like to see all three parcels put under one domain.

Mr. Lamanna said you can't come and show the board part of a lot and ask for an area variance because the board has to look at the entire property.

Mr. Edmundson said they could divide it into two lots of record.

Mr. Lamanna said in theory, it may be physically impossible to do, plus you are asking for a lot coverage variance.

Mr. Edmundson said they are leasing as much as they need to make the project go through.

Mr. Lamanna said if the board grants the variance we will put restrictions on the whole property and it can't be developed and suggested that the whole property be leased because the board has a problem unless the property owner comes in and says that is OK. He said the property owner cannot be leasing out part of his lot and then ask for a lot coverage variance and it sounds like he is attempting to create a lot split not permitted by law and neither of the properties left meet the stand alone criteria. He said the board could table this so the applicant can come back next month or get approval based on leasing the whole property but it is up to the applicant.

Mr. Edmundson said they would like to table it and they will go back and do their homework.

Ms. Radwanski said if they lease the whole parcel, they will be putting more money into it than they are getting back.

Mr. Lamanna said it could increase the taxes on the property.

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

Motion BZA 2003-2 and 2003-3 – 7353 N. Aurora Road

Mr. Lamanna made a motion to table these two applications to the next regularly scheduled meeting to be held February 20, 2003 so that the board can obtain additional information concerning the description of the property.

Mr. Takacs seconded the motion.

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

Application 2003-6 by Don Schneider for Schneider's Saddlery for property at 8255 E. Washington Street

The applicant is requesting an area variance for the purpose of constructing an addition. The property is located in a CB District.

Secretary's Note: This application was withdrawn by the applicant.

Since there was no further testimony the public hearing was closed at 9:12 P.M.

Respectfully submitted,

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

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

Date: February 20, 2003

Bainbridge Township, Ohio
Board of Zoning Appeals
January 16, 2003

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:12 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

ORGANIZATIONAL SESSION

Sunshine Law

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

Mr. Takacs seconded the motion that passed unanimously.

Meeting Schedule

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

Mr. Olivier seconded the motion that passed unanimously.

Election of Chairman

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

Mr. Takacs seconded the motion that passed unanimously.

Notice of Meetings

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

Mr. Takacs seconded the motion that passed unanimously.

Zoning Secretary

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

Mr. Takacs seconded the motion that passed unanimously.

Meeting Proceedings

Mr. Lewis made a motion that as part of its proceedings, the board of zoning appeals, upon motion of one of its members, may adjourn into executive session for the purpose of conducting its business meeting and/or deliberations.

Mr. Takacs seconded the motion that passed unanimously.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 19, 2002 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2002-57 by Svetlana & Audrey Narinskiy for property at 17840 Geauga Lake Road - Continuance

The applicant is requesting area variances for the purpose of maintaining a residential accessory building. The property is located in a R-3A District.

Application 2003-2 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road - Continuance

The applicant is requesting a conditional use permit with variances for the purpose of remodeling an existing gas station. The property is located in a LIR District.

Application 2003-3 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road - Continuance

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

Application 2003-7 by Winbury Group Limited for property at Permanent Parcel Nos. 02-412700, 02-412800, 02-419931, 02-421000 at Route 422 and Bainbridge Road

The applicant is requesting a conditional use permit with variances for the purpose of constructing a church (place of worship). The property is located in a R-3A District.

Application 2003-8 by Frank and Doris Lanza for property at 16706 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of establishing a child day-care center. The property is located in a PO District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for February 20, 2003 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

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

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

Date: February 20, 2003