

Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2019

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:07 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater and Mr. Todd Lewis. Mr. Joseph Gutoskey and Mr. Mark Murphy were absent. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2018-50 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

The applicants are requesting a review, renewal and expansion of an existing conditional use permit to include an existing patio. The property is located in a R-3A District.

Application 2018-51 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

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

Mr. Gino Oppedisano and Mr. Steve Ciciretto were present to represent this application.

Mr. Oppedisano testified that his name is Luigi aka Gino Oppedisano and Mr. Ciciretto is here to talk for him. He thanked the board.

Mr. Ciciretto testified that the last time we got together there was a bit of housekeeping to do before we could move very far with our variance request so he is coming tonight to update the board on where they are and what they found. He asked Ms. Endres to display the map on the large screen. He said the lot has been fully surveyed, it was partially surveyed for some work that they did on the east side of the building earlier but one of the questions, because the aerial maps they were looking at didn't look quite right, it was indicating the parking that was on the south side of the building was over that property line and you can actually see on this map the actual property line, it has been pinned and staked and verified too but the dimensions are 16" and 17" off that rear property line and it is where we are so all the paving that has been repaved over the years remains on the property. He said the second thing that we discussed was getting the lots consolidated, there are actually two lots on the west side behind the Scalera property, that legal description was written and the drawings have been submitted to the Geauga County Planning Commission for lot consolidation pending their regularly scheduled meeting so that is happening, the lots will be consolidated as we discussed. He said Mr. DeWater had some questions about some HVAC issues on the roof and he did look at that, maybe those were under repair or something at the time but everything is nicely closed in, there are no exposed motors or anything so whatever happened at that time has since been cleaned up, the rooftop was clean on the back.

Mr. Ciciretto continued by saying two outstanding other issues were discussed and that was the possible locations of the dumpster and where it should be, it has access from the west side of the building on the drive and is currently close to the southeast corner of the property and we talked about a couple of different places to move it and Mr. Oppedisano is receptive to sliding it over to the middle of the lot along that south line and if that works as we discussed or we are actually 80' from the living quarters of the house so it is not in immediate proximity and there is a heavy arborvitae hedge along that whole eastern property and he knows it was discussed but he doesn't want it to be left undiscussed tonight and they talked to Mr. Jerry Blakey, building inspector about the process and he told us that as long as we submit drawings of the project that was constructed or if it needed to be amended by the architect's work that they would review that as soon as the BZA tells him that he has a zoning certificate so it is kind of a Catch-22, you can't really get a building permit without a zoning permit so we would be asking for a conditional approval of this variance based on obtaining the proper building permits. He said that is all he had on his list.

Mr. DeWater asked if they are going to get the trash pickup time changed.

Mr. Oppedisano said it will be picked up after 9:00 AM, he called the trash company and he explained to them what happened and said it is unreasonable at that time so as far as he knows it has been after 9:00 AM.

Mr. DeWater said one of the discussions we had last month was about lighting on the property and at that time you said the only lighting was a parking lot light in the back that didn't go out onto other properties. He showed a photo of the lights and said this picture was taken today; there are three fixtures with six spot lights that shine onto the neighboring properties. He said that light is on from almost 5:30 – 6:00 at night all the way to about 6:00 or 7:00 the next morning.

Mr. Oppedisano said that is the east driveway.

Mr. DeWater said yes, that is the east driveway and as you can see it is clearly bleeding onto the neighbor's property.

Mr. Oppedisano said he thinks it is just a matter of twisting the lights to go in a different direction.

Mr. DeWater said he thinks there is a requirement for lighting and those are actually brown spotlights.

Mr. Ciciretto said you need cut-off fixtures, that is just a type of shade that locks down.

Mr. Lewis said it is like putting a hat on it so it goes downward not outward but you would have to change the fixture.

Mr. Ciciretto said that is not a problem.

Mr. DeWater said there are three fixtures with two bulbs on each fixture.

Mr. Lewis asked about the ones on the right.

Mr. DeWater said those are the signs in the front and along the east side driveway.

Mr. Oppedisano said he will take care of it.

Mr. Lamanna said it is right by the residential.

Mr. Ciciretto said when they were referencing it he was just referencing the ones in the back of the building and he sees what you are saying.

Mr. DeWater said we asked last month clearly about that.

Mr. Ciciretto said he thought the board was referencing the ones on the south side of the building lighting the rear parking lot.

Mr. Brent Barr asked about the lot coverage.

Mr. Ciciretto said this patio was built over the top of an existing paved area so there was no increase in the lot coverage but they are probably at 80% lot coverage or 70%, and it all predated the current zoning. He said we talked about parking requirements and they are in excess of the actual parking requirements for the property and he thinks it was on the original sheets.

Mr. Lamanna asked what the total building percentage is before and after the patio.

Mr. Ciciretto asked what the total lot coverage is.

Mr. Lamanna said just for the building and the building with the patio.

Mr. Ciciretto said he doesn't know that right off hand.

Mr. Barr asked if there are any plans for the addition.

Mr. Ciciretto said he thought there were photos and a drawing.

Mr. Lewis said this is the site plan locating everything and what the board has observed was that, and you began with it Mr. Ciciretto, that the survey actually didn't mirror this and some good news was some of the things that have appeared to be off the property were in fact on the property so it is kind of hard to deal with an area variance because the new survey which would be correct doesn't seem to have a lot of dimensions on it for where the building is located. He said he was looking at that and we know that this drawing is incorrect.

Mr. Ciciretto referred to the aerial photo and said it is 20.5 here and 26.2 so this is actually the one that Ms. Endres was citing, that 24 so it is 24.4' basically from that corner of the building to the property line on the west.

Ms. Karen Endres, Zoning Inspector testified that she wanted to point out that that distance really should be the closest point to the road, it looks like he measured it parallel and it looks like he dimensioned it from this corner of the building to the road this way rather than to the closest point so the closest setback to the back of the building should actually be from this corner here to the road right-of-way.

Mr. Lamanna said apparently here he has measured it from the corner.

Ms. Endres said he measured it 82' from this corner.

Mr. Lamanna said he is measuring the front building line at the side lot lines and from the side lot lines to the front as opposed to taking that diagonal from PPOB to the corner of the building.

Mr. Ciciretto said it is actually further from the road than he is indicating when you do that geometry because your angle becomes greater so instead of 82' this way.

Mr. Lamanna said he doesn't think the front yard is 100', it has never been 100'.

Ms. Endres said she will get in touch with the surveyor on this.

Mr. Ciciretto said the issue is really at the back lot line, it is required to be 90', if you scale it we are over 100.

Mr. DeWater asked if the litter that was piled up in the woods, building materials and everything has been removed and cleaned up.

Mr. Oppedisano said not yet but it will, he will remove it.

Mr. DeWater asked Mr. Ciciretto if he actually did not design this patio and bar so there is not actually a complete set of construction plans.

Mr. Ciciretto said there is not and that is what the building department is asking them to do in response to getting a zoning permit, we would have to do that because it is possible that there are tie-downs missing or something, carpenters do the best they can.

Mr. DeWater said so you hired a carpenter company, you didn't construct it yourself.

Mr. Oppedisano said in 2016 he did it himself when it was just a fence then someone else came in to do it and it is actually someone Mr. Ed Radick knows, a carpenter.

Mr. Lewis said on that subject so he understands the sequence of events you are going to be looking for the appropriate variance, a zoning permit and then from there that is the trigger for you to produce a full set of prints and hand those over to the building department who will then handle the inspection for structural and electrical and plumbing and at that point give you an occupancy permit to use the structure.

Mr. Ciciretto said that is correct, that is the process.

Mr. Lewis said and all of this is going to get recorded back so that Ms. Endres knows what is going on so we can update our paperwork and asked Mr. Ciciretto if that is what he is thinking.

Mr. Ciciretto said that is exactly what he is thinking. He said there is a shortcoming in that structure right now.

Mr. Barr asked if they had the carpenter's name.

Mr. Oppedisano said he will find out and he will let Ms. Endres know.

Mr. Lewis said that would be good for the board to have a conversation with him anyway because you shouldn't be building stuff in Bainbridge without plans and permits and inspections and that contractor needs to receive a bit of friendly advice. He said there was the lot consolidation and we verified with the survey that everything you have done is in fact on your property, we have covered now the process for the structure and inspections, etc. and we have talked about the outdoor lighting fixtures that need to be changed to meet our code, you have done a great job, you have modified the trash pickup so that seems to be happening at a reasonable hour.

Mr. Oppedisano said he let the company know that at 4:00 or 5:00 in the morning is unreasonable.

Mr. Lewis said he can't remember if we talked about the hours of operation or put an evening cap on it because it is out on the patio, particular with the summer and the residences adjacent.

Mr. Lamanna said he thinks we mentioned it but we didn't get into that aspect of it.

Mr. Lewis said we want to try to set a limit on it that makes sense and have some discussion.

Mr. DeWater asked Ms. Endres if she knows what the patio hours are for Cowboy's or Coyotes.

Ms. Endres said off the top of her head she didn't know.

Mr. DeWater said we should try to make it all uniform.

Mr. Lewis said Coyote's patio faces a parking lot and no residential.

Mr. Lamanna said residential is not an issue there, it is a different situation when you've got somebody that is immediately adjacent to.

Mr. Barr said in the discussions from the last meeting it mentions 9:00 or 10:00 at night, then it was mentioned that it is not a late night place, they don't stay up all night drinking and then later on it was discussed again and Mr. Oppedisano said that it is not the seventies, eighties or nineties, people don't stay out late drinking as much and then it was mentioned 11:00 at night.

Mr. Ciciretto said what they should be saying is the dining room basically closes at 10:00 and some people were there this summer maybe staying out until 11:00 PM. He said they have a guitar player but it is usually over by 9:00 at the latest so there is no live music out there, it is not a band, it is quiet dinner music more or less.

Mr. Lewis said he thinks part of the concern was to also be sure that it didn't become an after-hours employee gathering place until 1:00 in the morning just because voices do carry.

Mr. Lamanna said he thinks it should be wrapped up by 11:00 on Friday and Saturday and 10:00 on the other nights and he thinks if they wrap up by that hour they should be alright. He said as far as that music goes you have got to be reasonable on the music, you can't have blaring speakers, a guy out there playing an acoustic guitar or something like that, that is okay.

Mr. Oppedisano said that is all he wants.

Mr. Lamanna said he doesn't want people coming in here saying that there is a guy with an electric guitar and he has got it cranked up to the stops and it is shaking their windows.

Mr. Oppedisano said he doesn't think the clientele would like that.

Mr. Lamanna said he agrees but today it is that way.

Mr. Barr said his concern is future weddings.

Mr. Oppedisano said that was just his son, that is it.

Ms. Endres said she would like to point out that under the specific criteria for conditional uses loud speakers are not permitted.

Mr. Oppedisano said the only time is when the neighbor plays his speakers that are louder than his but it is fun, he lights a fire.

Mr. Lamanna said the board has not permitted anything that is not otherwise permitted.

Mr. DeWater said he wants to make sure to remind you (Mr. Oppedisano) that this isn't the first time that we are dealing with you constructing stuff without coming to zoning, without getting permits and he doesn't think it is the job of the board to forgive you every time you decide not to follow Bainbridge zoning, it is not good for us to do that because then everybody else in the township is going to do what they want and the board is just going to forgive them anyway, it's not a good path for the board to follow or for you to continue to follow.

Mr. Lamanna said he thinks this is certainly fair warning that no excuses will be tolerated in the future, not that we just let people off when they come in here unless we think it was otherwise justifiable but certainly you are on fair notice now as to what the requirements are and he suggests that in the future that you err on the side of caution if you do anything and come in and if we get a letter that says you don't have to get A, B or C and not take it on yourself to move forward.

Mr. Oppedisano said yes.

Mr. DeWater said he would really like to table it again to see the lights addressed, see that litter cleaned up, he wants to see that stuff acted on because if we just approve it then there is nothing holding him to do.

Mr. Oppedisano said he understands.

Mr. DeWater said he hates to drag stuff out but.

Mr. Lamanna said in this case and prior history.

Mr. Lewis said he doesn't think we are hurting the business.

Mr. Lamanna said maybe by the time we rehear this we can have somebody look at the building to make sure they can say that it meets code.

Mr. Ciciretto said he can do that from a professional standpoint if that is what the board is looking for.

Mr. Lamanna said yes and obviously he will have to follow through with the building department once it is approved.

Mr. DeWater said we are talking about moving the dumpster too more up to that back line and show us on your plan where it is going to be.

Mr. Ciciretto said we have been talking about an area over here, he referred to the aerial photo, where it is accessible for the truck.

Mr. DeWater said and so we can get an actual figure for the total lot coverage, parking lot and everything.

Mr. Lamanna said also have them calculate what the actual front setback is so when we clean this up we will have everything covered, if it is short we can deal with it being short but let's have the actual numbers and if it turns out to be 98' or 97' or 90' then we can incorporate that into the decision and we can get everything wrapped up in one package, covered and dealt with and not have any loose ends out there.

Mr. Oppedisano said he understands.

Mr. Ciciretto said the surveyor will give us the setbacks and he (Mr. Ciciretto) will calculate the lot coverage.

Mr. DeWater asked what the plan is for the abandoned freezer.

Mr. Oppedisano said he will get rid of it.

Mr. Lamanna said come back and the board will address those items, give us a summary and we will get this wrapped up.

Ms. Endres said she would also like the site plan scaled to 1" equals 20', with this much going on with the plans it is easier to read if it is scaled and bigger.

Mr. Ciciretto said it is not a problem.

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

Motion BZA 2018-50 and 2018-51 – 8575 Washington Street

Mr. Lamanna moved to continue these applications to the next regularly scheduled meeting to be held February 21, 2019 for submittal of additional information with respect to the application.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2019-1 by Fast Signs of Bedford Hts., c/o Earl DiMalanta for Craig Lyndall for property at 7227 Chagrin Road

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

Mr. Craig Lyndall, property owner was present to represent this application.

Mr. Lamanna said here we are not really talking about the sign itself, it is the location so we are down to the question of distance from the road right-of-way.

Mr. Lewis said there is a little bit of history here.

Mr. Lyndall testified that they bought the building about three years ago with the sign in place, the sign was in fine condition so we didn't alter it other than put a new face on it which didn't require a construction change, it was just a logo change on the sign and one morning some vandals had knocked our sign down, it is currently being stood up with those metal arcing poles and some wire and we have looked to replace it and improve it and so we engaged Mr. Earl DiMalanta of Fast Signs to do that and our existing sign structure is non-conforming so we couldn't replace it with the same kind of sign so we decided to upgrade and bring it up a level and then we came to find out that the sign that we bought when we bought the building was also not set back far enough so he is not positive with what all of the history was when the sign was first put in, we bought the building with the sign in place. He said you can see there are woods in the front of the building which kind of limits how far we can set it back before we put it amongst the trees and then Mr. DiMalanta from the sign company also noticed to kind of match the distance of the rest of the signs in the neighborhood down there maybe it could be okay if we moved it back a little and tried to split the difference so that we can try to conform as much as possible without having to put it in the woods or tear the trees down.

Mr. Lewis said so right now it is actually in the right-of-way.

Mr. Lyndall said yes.

Ms. Karen Endres, Zoning Inspector testified that she might have a little insight, the Herald Building, remember when the county repositioned Chagrin Road, the road was repositioned so it was further southwest, she hasn't been able to recreate what happened but we know the road was repositioned so when that sign was originally built it may have been compliant with zoning but when the road was repositioned there could have been a domino effect.

Mr. Lewis said the requirement is 15' minimum so how much from the easement restriction until we hit woods.

Mr. Lamanna said the two big issues here are is anybody going to run into this sign.

Mr. Lyndall said no.

Mr. Lamanna said or is the sign itself going to obscure anybody's vision down the road. He said it looks like the road here is pretty straight and he is in fact farther away than the power poles are and we have a ditch in there.

Mr. Barr said he has pulled in and out of that driveway over 2,000 times in the last six years, his daycare was there and the sign was never in the way so it will not block the line of site.

Mr. Lamanna said he doesn't see that it is going to bother the line of site and he is hoping that when you said vandals knocked it over it wasn't knocked over by somebody running off the road and hitting it.

Mr. Lyndall said there were no tire tracks.

Mr. Lamanna said given that all of the other signs are in the same line he doesn't see that that this is a hazard to cars on the highway, it is unlikely somebody is going to run off the road at this location and make it over and hit that sign because they are going to have to first go off the road on a straightaway and leap over the ditch and get to the sign so he doesn't think it is creating a hazard and given where everything else is lined up, moving it back farther it is going to be hard to see, it is going to be in the woods and hard to see because of the telephone poles and that in itself causes other problems if people are straining to see the sign and they are not paying attention to where they should be going.

Ms. Endres said she would also like to point out that he is bringing the sign more in conformance with zoning by putting a brick façade on the sign.

Mr. Lyndall said it is not going to be solid brick so if a car did hit it, it wouldn't be as bad, it might slow them down before they hit the tree.

Mr. Lewis said he is happy just to get it out of the right-of-way and it is so far off the ditch.

Mr. Lamanna said and given the fact that the road has been relocated anyway and given that it is straight there, this is not going to be a hazard to people on the road or trying to see down the road or people coming in and out of driveways. He asked if anybody has any interest in this application.

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

Motion BZA 2019-1 – 7227 Chagrin Road

Mr. Lamanna moved to grant the applicant the following variance with respect to the ground sign setback from the road right-of-way.

1. A variance from the minimum required setback of 15' to 2' with respect to the sign the applicant has proposed.

Based on the following findings of fact:

1. The sign meets the current requirements for ground signs.
2. Based on this particular sign and its size and shape and design the board finds that it is appropriate to grant a variance due to the relocation of Chagrin Road and the changing right-of-way that has occurred with that relocation.
3. With this revised proposed location, the sign will still be a significant distance from the actual road surface and will not pose a hazard to site lines on the highway.
4. With respect to the fact that the board is allowing this sign to be closer to the right-of-way it is still the applicant's responsibility with respect to that sign and its appropriate placement and the board is not assuming any liability with respect to that placement or saying that it is complying with the board's decision that it is suitable from a safety standpoint.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2019-2 by New Wembley LLC for property at 8345 Woodberry Boulevard

The applicant is requesting a review and renewal of an existing conditional use permit and approval for an addition of a new 32,000 sq. ft. building. The property is located in a R-3A District.

Mr. David Barr, property owner and Mr. John Novak of Herschman Architects were present to represent this application.

Mr. David Barr testified that he is the owner of the Wembley Club and they would like to build a new arena or building to help expand their fitness programming.

Mr. DeWater asked Mr. Barr if he finished construction of the last project.

Mr. David Barr said they have not yet, no.

Ms. Karen Endres, Zoning Inspector testified that it is further along than that (she referred to the aerial photo).

Mr. David Barr said it is under roof now and when he filed this application he was assured that it would be done and he could tell you it was done when he arrived but there have been many many times he has been assured of things that haven't come true.

Mr. Lewis said just going back a minute on those two buildings, and we all remember working on those applications, where actually they were outdoor courts and they became indoor courts and the function and use of those buildings were tennis or very closely related net type sports, net and racquet sports.

Mr. David Barr said correct.

Mr. Lewis said we really don't know what impact they are going to have on the community yet because they are not open yet so time will tell. He said you want to add another building, a 32,000 sq. ft. building.

Mr. David Barr said yes.

Mr. Lewis asked Ms. Endres if she has a site plan that can be displayed.

Ms. Endres displayed the site plan on the large screen.

Mr. Lewis said orienting it first, it looks like it is going to go on top of half of the parking lot.

Mr. David Barr said less than half, he would say somewhere between a quarter and a third but then we are also expanding parking if you see on the other side of the property the plan includes a lot of new parking places over there. He said the total number of parking places increases significantly.

Mr. Lewis asked Mr. Barr if he knows what the final count is.

Mr. David Barr said it is around 120.

Ms. Karen Endres, Zoning Inspector testified that she believes she counted 120 spots.

Mr. Lewis asked if that is based on square footage of the buildings.

Mr. David Barr said it was drawn on the plans and you can see that you have parking on both sides.

Mr. Lewis said you have 120 spots but it was not necessarily applied to the square footage.

Mr. David Barr said no.

Ms. Endres said she hasn't measured to see if it meets the size requirements.

Mr. Brent Barr asked if this building will be covering some existing greenspace.

Mr. David Barr said it is not greenspace right now and it is a very small amount, most of it is covering either parking lot or a little patio area they have just north of the pool and it is also going to be moved to where our paddle courts have been now, the paddle courts you can see are relocated south, those four rectangles, below the building are the paddle courts that currently occupy part of that space or a quarter of that space, maybe even a little more than a quarter.

Mr. Brent Barr said so you are moving the paddle courts to the back corner.

Mr. David Barr said right.

Mr. Brent Barr said plus taking the existing greenspace with the building in the front.

Mr. David Barr said there is very little greenspace that is being used.

Mr. Brent Barr said judging from what he saw from the plans your building is going to go out past your parking lot into that greenspace there.

Mr. David Barr asked into what greenspace, that is where the paddle courts are now.

Mr. Brent Barr said there are portions here. He referred to the site plan and said as for the greenspace he is talking here and asked if these are going to be moving down here.

Mr. David Barr said the paddle courts will be moving to where the shuffleboard and bocce is right now.

Mr. Lewis said so shuffleboard and bocce are going away.

Mr. David Barr said they are going away, no one plays shuffleboard or bocce.

Mr. Lewis said but they were part of your original lot coverage accumulation.

Mr. David Barr said right.

Mr. Lewis said so part of this application is not just the 32,000 sq. ft. building but it is also removing courts and relocating courts.

Mr. David Barr said yes.

Mr. Brent Barr said you have your outdoor pavilion here and asked what is next to the outdoor pavilion.

Mr. David Barr said that is a Tiki Hut where we sell food and beverages and that area is unaffected, it is a sand area with a playground.

Mr. DeWater asked about the lot coverage.

Ms. Endres said according to what was submitted it is going from 40.04% that was permitted up to 40.33% based on the information she has.

Mr. David Barr said here is more information. He said the plan that was approved last time included more tennis courts in front of the indoor facility but they didn't have the funding to do that so that area that was approved at one point to be outdoor tennis courts in front has not been used up to this point.

Ms. Endres said so that will be greenspace rather than courts.

Mr. David Barr said that will be parking.

Mr. Lewis referred to the site plan and said these right here in front of the new building are going to be courts so rather than using that lot coverage for courts they are going to use it for parking.

Mr. Brent Barr asked where it is going to attach on the building.

Mr. David Barr referred to the site plan on the large screen and said the proposed building will attach right in here and we have a doorway around here and this would lead to the new building so the new building would start up in this area, it actually would be right here.

Mr. Lewis said there were no parking spaces in front of the new buildings, those were all going to be outdoor tennis courts and on the original plat the board reviewed he had a porch arrangement or something.

Mr. David Barr said we did, we had a little viewing area that was going to look onto the outdoor courts but that was out of budget.

Mr. Brent Barr asked if the parking lot in front of the courts is the same size as the tennis courts that were going to be there.

Mr. David Barr said yes.

Mr. John Novak of Hershman Architects testified that the parking is smaller than the tennis courts and all driven by the 40% lot coverage.

The board discussed the proposed parking.

Mr. Lamanna said at this point in time we are so close he thinks it can be adjusted to get to the target number.

Mr. Lewis said we have established what the uses are in the two buildings we approved a couple of years ago and that the conditional use permit on this is that this is a tennis club that happens to have a pool and indoor but still net and racquet activities. He asked Mr. David Barr to tell him about the 32,000 sq. ft. arena.

Mr. David Barr said it is a fitness arena, we would have a number of uses for it, it would be multi-faceted, there would be an indoor track around the perimeter. He said they have a fitness program now, maybe he should start with that, inside the clubhouse they have an offering of about 35 or so fitness classes a week, we have things like yoga and spin and boot camp and various fitness programming and it is one of the things that is working best for the club among all of the things that we do, it has been successful and that was one of the reasons that we want to continue expanding our program and giving our instructors more ability to do more things so one of the things we would take into the new fitness facility would be our boot camp class. He said he has been looking, if we are able to move forward with this, there is something that has interested him called the Parisi Speed School, he doesn't know for a fact that they are going to do it, it would be something he doesn't have all of the details about, the franchise and the costs affiliated with Parisi but he knows that there are other clubs that he has studied in other parts of the country that added that to their fitness programming and it has been successful. He said it basically is training for kids on how to be better athletes faster so that would be one potential use for it and he thinks it would also be a place where we would have an indoor soccer court or other uses for kids' fitness programming so there is hopefully lots of different uses for it. He said they would want to have their space used as much as possible.

Mr. Lamanna asked if it would be a flex space or open space.

Mr. David Barr said it would be an open space.

Mr. Lamanna said all open space and then people use sections of it as they see fit.

Mr. David Barr said correct and his vision for it would be especially in the morning there would be a lot of fitness classes like boot camp and people running around the indoor track and various things and later in the day it might have a different purpose where you might have the Parisi Speed School, at some time you might have a kid's soccer team practicing or who knows.

Mr. DeWater asked if this would be for the existing members of the club or is this open enrollment.

Mr. David Barr asked would it be members of the club, we would have members certainly using it but there would also be non-members he thinks that would use it as well. He said with their tennis programming right now we have programming after school every day and of the programming it is probably weighted to non-members than it is members.

Mr. Brent Barr asked if this is something that could be used for basketball courts as well.

Mr. David Barr said that is a potential use for it, volleyball, there are lots of things that could go there.

Mr. DeWater asked how much increased traffic do you think this would bring into the neighborhood.

Mr. David Barr said he doesn't know, he hopes it does bring increased traffic to the neighborhood. He said the fact of the matter is he understands you have to talk to some of the folks in the neighborhood and he understands they don't want more traffic and at the same time a business like ours, we are not a mail order business, we don't ship a product to people, we increase our business to become a more successful business by people coming to Wembley and participating so in order for us to continue on a path toward success we do want more people to be able to come and participate at Wembley.

Mr. Brent Barr asked if there is going to be enough parking when you move to something like basketball versus tennis, the numbers go vastly up.

Mr. David Barr said the numbers will go up and parking will also go up and if you think about tennis and even basketball, if you have basketball playing, you have a five on five game you have ten extra people there, with tennis all ten of our courts are full.

Mr. Lewis said that is only with the people on the court but a basketball team is usually around 15 kids.

Mr. Brent Barr said ten to twelve.

Mr. David Barr said we are going to have 120 parking places and the most people you can get on 10 tennis courts is 40 so if you add 15, if all tennis courts are full and you add 40 and you have 15 basketball players and if they all come in separate cars that is 55, we have 120 parking places in the plan.

Mr. Brent Barr said you are going to have multiple courts on 32,000 sq. ft. so now you have to double that number or triple that number.

Mr. David Barr said if you triple the number then 45 plus 40 is still 85.

Mr. Brent Barr said 45 and 45 is 90 and he is talking about the basketball if you go to basketball.

Mr. David Barr said triple your 15 which is 45 and add that to the 40 tennis players.

Mr. Lewis said right now your permitted conditional use applies to a tennis club by definition so part of the consideration and he is sure there are a lot of folks here that want to speak about their concerns as well is that the original approvals on this space were for a tennis club and it is fairly defined on the permitted activities and somehow or another some swimming pools got added as well.

Mr. David Barr said he has a different understanding from the zoning.

Mr. Lamanna said they are allowed to have a swimming pool, they are allowed to have health club facilities, tennis courts, volleyball courts, squash and racquet ball courts.

Mr. David Barr said yes and it specifically allows fitness as well.

Mr. Lamanna said health club facilities and volleyball courts, it doesn't specifically talk about basketball courts or soccer facilities.

Mr. David Barr said he thinks in the definition section it clarifies that.

Mr. Lewis said that is what we are trying to clarify.

Mr. David Barr said if you go to the definition of recreation/fitness, indoor it is page 34 of the definition section.

Mr. Lewis said how about league play and tournaments.

Mr. David Barr said they don't have any plans for league play or tournaments right now, they will be having tennis tournaments, they already have some of those booked.

Mr. Lewis said he is relating to the flex space.

Mr. David Barr said what he has envisioned is the flex space is not a host site for tournaments, it would eventually be used for teams to practice, he doesn't have any plans for tournaments.

Mr. Lamanna said specifically the recreational facilities definition that really doesn't apply to this case because tennis club is not permitted as a "recreational facility", it is permitted under a specific provision of the code and within that provision it states what the permitted activities are.

Mr. Barr said he doesn't understand that.

Mr. Lamanna said what he is saying is the allowable conditional use is not for a "recreational facility" it is for a private tennis club which is itself defined within Section 135.05 (g) so that is one of the operative definitions of what is allowed, what you are allowed to do but it does include health club facilities.

Mr. David Barr said that is right.

Mr. Lamanna said when you get to the basketball courts that is probably somewhat questionable because here they do talk about squash and racquet ball courts and volleyball courts.

Mr. David Barr said that basketball was brought up by the board here, it wasn't brought up by him. He said basketball has not been something he has talked about.

Mr. Lamanna said it is an interpretive matter when you start listing specific things like that and you list some things and not other things you can't then bring in the other things on a general basis. He said if you try to make some general argument that says this includes this, they very much knew when they put this together they could have listed it, not that you couldn't go back to the zoning commission and ask that the zoning resolution be amended to include basketball courts but they may or may not be amenable to something like that because certainly in the general scheme of things it is not a lot different.

Mr. Lamanna continued by saying he thinks the bigger issue we have here perhaps is the private club aspect and at what point are you doing things that are not consistent with being a private club, are you contracting with some basketball league to let them come in and use your facility, if you want to organize amongst your members your own league to do it that certainly would be perfectly fine.

Mr. David Barr said he wants to state for the record that he didn't come here talking about basketball at all.

Mr. Lewis said it is non-members, tennis leagues, squash league, volleyball league and he keeps getting back to what Mr. Lamanna is talking about is the big difference between a private club and a general public club.

Mr. David Barr said they don't intend to change the nature of the club at all.

Mr. Lamanna said in terms of basic things you have got a spin class or some other type of Tai Chi or whatever this is being offered to your members, you are not offering this to the world.

Mr. David Barr said we have a certain number of non-members that are participating in spin class and all of the fitness classes, we always have and we actually have some fitness folks here that could probably give better numbers but he believes their fitness classes are 75% made up of members, it is probably about 25% non-members give or take a little bit.

Mr. Lamanna asked if people are required to have connections with the members such as guests for these things or how are these people recruited.

Mr. Lewis asked how these people enroll if they are not a member in one of your current offerings.

Mr. David Barr said for the fitness classes, we sell them 10 packs of classes that they are able to come and participate.

Mr. Lewis said your prime club and its membership but you don't need to be a member to participate.

Mr. David Barr said they have non-members participating in our fitness, yes we do.

Mr. Lewis asked how about with tennis.

Mr. David Barr said same, they have non-members that come in and take tennis lessons and he would also like to educate the board a little bit about the tennis industry that there are about 12 tennis clubs in northeast Ohio and there isn't a single one that is entirely members, every single tennis club, not only northeast Ohio but everywhere has non-member juniors coming to it for tennis clinics, it couldn't be more standard in the industry, there is not a club he is aware of anywhere that has only members participating in their junior clinics.

Mr. Brent Barr asked if the other tennis clubs are located in residential areas like this.

Mr. David Barr said most of them are not in residential areas.

Mr. Brent Barr said the only other tennis club he can think of is the Beachwood area.

Mr. Lamanna said the racquet club is located in a residential area, Chagrin Valley Athletic Club.

Mr. Lewis said so it pretty much comes down to anybody that wants to can participate at your facility.

Mr. David Barr said he wouldn't say that, you can't swim as a non-member so no, he wouldn't go so far as to say anyone can come without any regard for anything.

Mr. Lewis asked if there are any exclusions beyond the pool.

Mr. David Barr said you can't come in and jump all over the treadmills without a membership.

Mr. Lamanna said you have regular fitness type with treadmills and machines etc. so basically you are talking about things like an organized class or a junior tennis clinic, that is a class, instructional as opposed to use so he can't come in there and pay \$20.00 and play an hour on the tennis court.

Mr. David Barr said no, correct, that doesn't happen.

Mr. Lamanna said most of you people probably aren't interested in this but a few years ago we spent a huge amount of time dealing with a situation with the Tanglewood Country Club because that is also a private club, its status is a little bit different because of the vagaries of how Tanglewood was originally developed as a Planned Unit Development but we had to address a lot of these same kinds of issues because the reality is there is not a hard and fast bright line in the real world between what these private clubs are and how they operate, it is all a little flexible and it changes a little bit with time and one has to look at it in the whole scheme of how the world operates at any given time and whether these things around the margins are reasonable or not and that is one of the reasons it is a conditional use is that we can look at these things every so many years and see what is happening, the way it is actually being run, is it causing a problem with the neighborhood or isn't causing a problem with the neighborhood or if it is how can we ameliorate that or are there things we can do to eliminate the problem because it gives the owners the opportunity to come in and say this is working for us or not working for us, this is how the industry is changing if we are going to continue to have a facility like this we need to do these types of things and we can look at it and say maybe it fits in, maybe it doesn't fit in, maybe if you do this it is okay but you have to do it with these restrictions on it or you have to manage it in a certain way so it gives the board the flexibility to deal with what is a constantly changing situation and that is probably the reason why we have those conditional uses because we recognize that twenty years from now it is not going to be the same as it is today as it wasn't the same as it was twenty some years ago when this was built so that is why we are here discussing this and that is why you are here so you can tell us your concerns especially if there are issues that have existed in the past or have come up and is in the way of using this thing and also so everybody can understand exactly what they are planning and we can already see that people have ideas that certain things are going to happen and maybe they really aren't going to happen or if they are going to happen they are going to be limited in some way.

Mr. Lamanna continued by saying we can look at things on a general basis that if you are going to have classes that are open to outsiders you are going to be limited to maybe 25% outsiders on a total basis or 15% or whatever number seems reasonable to manage the number of people coming in and potential impact on the neighborhood and traffic and that sort of thing so that is why we have this procedure. He asked Mr. Barr if there is anything else he wants to say generally at this point in time.

Mr. David Barr replied no.

Mr. Brent Barr asked how far back from the property line will the edge of the building be, the length to the west, from the west side of the building to your property line.

Mr. David Barr said whatever the dimensions are right now where the paddle courts are, that is where this building ends.

Mr. Lewis said they are not on your site plan.

Mr. David Barr said the paddle courts right now end where that building is, we designed it to go exactly to where the paddle courts are now.

Mr. Novak said we are at 35' in the middle.

Mr. Lamanna asked if this is going to be like the other two buildings basically the same span.

Mr. Novak said the same span, same construction and same load.

Mr. Lamanna said the same construction, materials, style.

Mr. Novak said yes, the same load and façade.

Mr. Lamanna said it is supposed to be a 100' setback on that side.

Mr. Lewis said he doesn't know what the front setback is and he doesn't know what the side yard setback is.

Mr. Brent Barr said the reason he is concerned with the other addition here with the closeness to the property line, it is not much of a deal, there are no houses here but the side of this building is going to be extremely close to a house, that is what he is seeing here.

Mr. Lewis asked where the dumpster is.

Mr. David Barr said is up in the front NW corner.

Mr. Lewis said okay, thank you. He asked if that is open or is it in a fenced corral, your dumpster, it is in the lower right of the parking lot, right.

Mr. David Barr said yes.

Mr. Lewis said so you are uncertain.

Mr. David Barr said he is uncertain.

Mr. Lewis said we will circle back around to that about the placement on your property of it and then also how we want to address screening it.

Mr. DeWater said with the increased roof line and the drainage off the building are the existing retention basins going to be capable of still handling all of that water.

Mr. Novak said he doesn't know the answer to that at the top of his head.

Mr. DeWater said flat surfaces are different than directed water and he thinks the site plan needs to explain if the retention basins need to be enlarged, the exact measurements from the side property line and also an exact measurement to the distance to that house from the corner of the proposed building.

Ms. Endres said she needs a scaled site plan.

Mr. DeWater said and you don't know what your increased club use is going to be once the tennis courts are completed.

Mr. David Barr said the new tennis courts will have some effect but again the most people you can get on the five tennis courts is 20 people.

Mr. DeWater asked if that is an hour period, how they come in and use them, is it in hour increments.

Mr. David Barr said most people play for an hour and one half.

Mr. DeWater asked what is your vehicle traffic going to increase on the hour time, are people going to be coming in on a more regular basis and you add that other building into the mix and you are adding a lot more, you want to see the cars come in but when we were dealing with Chagrin Falls wanting to use the Federated Church we were really concerned with traffic going through that neighborhood just for that.

Mr. David Barr said sure.

Mr. DeWater said you have to understand the whole safety of the kids that are out playing in the street so we have to watch that.

Mr. David Barr said absolutely.

Mr. Brent Barr asked what the dimensions of the tennis courts are.

Mr. David Barr said the dimensions of the actual playing surface itself and keep in mind that people are behind the baseline, but baseline to baseline is 78' and then generally speaking of 21' behind the base between the base line and the curtain that is in the back, if you watch tennis people are mostly hitting the ball behind the baseline in a singles match but the entire length is 120'.

Mr. Novak said 60' x 120'.

Mr. David Barr said actually the width of a tennis court is 36' and then you want 12' between the court and the next court so he would say the width is 36' but including the 12' to the next court it is more like 48' x 120'.

Mr. Lamanna asked what percentage of the members live in the Woods of Wembley.

Mr. David Barr said it is a small percent, it is about 10%.

Mr. Lamanna asked if there are any other questions. He said the board will open it up now and if you raise your hand he will recognize you.

Mr. Ian Friedman of 16405 Majestic Oaks testified that they just moved in and they moved here a few months ago, he and his wife have three small kids, ages 11, 3 and 8 months and obviously they were aware it was a cut-through and they see it every morning and every evening and cars come through and the people that don't live there he has already noticed in such a short period of time they are going a lot faster than they should to the point where we put something across our driveway so our kids can't go down. He said already in a short amount of time we have had a ball roll down and the kids as they are going to do go running down to the end of the driveway and a car with some kids coming by running over it, boom, end of story so it obviously gets you thinking about safety for your kids. He said his wife, when one of the chain of emails that was going around from the homeowner's association, she said to tell them that we oppose it automatically, he is an attorney and trial lawyer and he always asks his jurors to hold off on their judgment until they hear the whole story so he did not come out immediately and say he opposes it however after hearing what you just said there is no doubt in his mind that he opposes this and his family opposes this. He said this is a 32,000 sq. ft. structure and you have less detail about this structure than the young man who came up a few minutes ago to talk about a sign. He said he also hears that you (Mr. David Barr) were here a few years ago talking about the tennis courts and what the plans were when he appeared before you and then today he said it didn't pan out because we couldn't get the funding so what has been sold here before didn't come to fruition but now we want a 32,000 sq. ft. structure and you couldn't even answer half the questions over there and you were looking to the gentleman here who couldn't offer a whole lot either respectively, this is what it is and so he has a big problem with the way in which it is being asked to put that there, something that is going to effect a residential community without being able to say what the benefit if any is without being able to speak of the detriment to those of us who are there but saying he hopes it does increase traffic well that is not what the residents of the area want and so there are a few things that he will talk about. He said obviously the increased traffic, the safety and you are talking about bringing in sports leagues and potential soccer and all of these other things, it is not going to bring just a single player per car, there are going to be people coming to watch, he talked about bringing in as many people as possible and so the hours they are going to be coming, early morning, through the night and so forth, younger drivers, what the ages that they are appealing to, younger drivers are not going to be as cautious as the people who live in the community who are looking out for the neighbors that are in there.

Mr. Friedman continued by saying privacy issues, he doesn't know if who lives on either side of the club are here right now so his home is on the other side of the trees but automatically he asks himself because had he known this was going to be proposed when they moved here only six months ago he certainly would have reconsidered moving here, there is no way because the property valuation, what is it going to do to the value of the properties and no one can answer it and frankly he doesn't think you care as long as people are coming to your club. He said if you wanted to get people to your club he would love to come to your club, he came up there for dinner one time, it was horrible, he would come up there all of the time, there are ways to make money with what is there and not just simply speculating after you get a 32,000 sq. ft. structure so the parking issue is certainly problematic when you do those numbers kind of guessing and rounding numbers and sitting here trying to state with some degree of certainty how many people are going to come to a court. He said he will speculate too, if that is what we are going to base this on is to speculate, he is going to speculate that these two parking lots are not going to hold the number of spots that are necessary for what you want to put the money in your pocket they are going to be on the streets and that is going to be more detriment to the kids in the community. He said the trash, the noise that comes from it, this place is already a cut-through so as he has said and he appreciates the intention that is given, the petitions that are before you and you talked about the cut-through and the turn-arounds at the sign etc. here you have a 32,000 sq. ft. structure that is going to change the character of it and the people that are on the culdesacs who may not necessarily be on Wembley Court and the streets above may not necessarily feel the impact of the cut-through like those of us that are on Woodberry and Majestic Oaks but if our value goes down all values go down and so at the end of the day if you want to put something up like that you have to be able to answer the following, what do the safety studies show, what do the traffic studies show, what did the parking studies show, what does the property comparison valuations show, what alternatives are there, is there an alternative to bring a driveway through the back and gate the community, if you want to take from the community you should want to give to the community, you don't just take. He said the correlation of the parking versus the anticipated occupants, that question was asked several times and best we could do is speculate as to how many people would show up for a game, that is not enough to risk all of the people who have spent a lot of money for these homes. He said again he would just say speaking for ourselves Friedman-Starkey family, he has three kids 16405 Majestic Oaks, we strongly, strongly oppose it and he is not speaking on behalf of the homeowners' association, obviously this is our home that we just moved here and if he knew that that was there and saw what he anticipates is going to come from it we would not have moved there which tells me if he wants to sell his house in the future there is going to be other people that will not want to move there so with that he would simply say he appreciates the considering and he would also say and as fair warning to you, Mr. Barr, if this were to go you should expect a tremendous amount of litigation and he is not speaking on behalf of the homeowners' association he is speaking on behalf of Friedman's household, there will be a restraining order and there will be litigation to follow and it is not going to be a quick acquiescent to a 32,000 sq. ft. structure for which you have no details to back it up, thank you.

Mr. Pearce Leary, attorney testified that he is here on behalf of Mr. Ed Smith of 8300 Wembley Court and he just wants to point out that 135.02 (g) says and he thinks it is a serious question whether a 32,000 sq. ft. facility can be called a health club facility, but even if you could it says those accessory facilities shall be permitted for use of members and guests only. He said the property owner said he is going to allow all of the people to come on and it would violate your zoning, this is use variance he is requesting and he has not demonstrated any kind of a hardship and he points out that the private tennis club is limited to 700 members and clearly the intent of your code is to limit traffic to limit the number of people using this facility in a heavy residential area but what he has proposed so far violates your zoning because it is not for the use of the members and their guests only. He said the only thing, that he brings people that are not members and guests too, are his tennis facilities so it is a use variance, he is not demonstrated or even spoken of any kind of a hardship so he can suggest that he is not entitled to this variance.

Mr. Chris Weathers of 8220 Woodberry Boulevard testified that they have been living in the Woods of Wembley for just over two years now and during this period we can actually attest to the increased traffic and parking situation just to the current state, there are swim meets that are held at this facility during the summer and as such during these events there is inadequate parking today, it spills over onto the streets through Woodberry during these events and it still remains unclear as to the net add of parking spaces but some of the parking that exists today is going to go away and it is uncertain how many additional spaces are going to get replaced by the additional parking that will be added but he does think that it will be insufficient to address all of the additional traffic that we are anticipating with people visiting the club and tournaments and everything because right now it is already not adequate. He said in addition, drainage, this was already mentioned, during the spring we already have water problems, we have had minor damage to their house where the landscaping has been swept away due to a large rainfall and he can only imagine that it will get worse once things are put in and more pavement, where does all that water go so we are in agreement with the previous two gentlemen that we are very much opposed to extending this facility further.

Mr. Lamanna asked Mr. Weathers if he has any evidence where the water is coming from that is causing this problem.

Mr. Weathers said no he doesn't but his concern is if you put more pavement there is less grass for it to drain into to, that water has to go somewhere. He said no study has been done. He said they are at the top of the hill and it slopes downward. He showed where their home is located on the aerial map and said they live at the bottom of the hill and then everything drains into this area so everything kind of flows downward.

Ms. Lynette Laehu of 8285 Woodberry Boulevard testified that water drains from (she referred to the aerial photo) here through their property and it must go under a street to their property.

Mr. Lewis said it would be interesting to know if that is the natural topography of the land or if that is run-off because of hard surfaces at the Wembley Club and that would be a study, hard evidence so that we could actually know where its origin is and where it ends up and the reasons why. He said mostly structures end up with gutters and downspouts and the water is being directed and there is a water plan that is submitted to us, it is not just random, throw something up and let it go where it wants to go but he does appreciate your concern. He said if you are at the bottom of the hill it is all heading your way sooner or later anyway.

Mr. Weathers said those are all fair points but he does have a question again given the point that there is a whole lack of detail about this, where are the studies.

Mr. Lamanna said you can't actually go forward with getting permission, there are two aspects going on here, one is getting approval for a modification of a conditional use permit to include other things and the next part of it is you actually want to put a building, that requires a whole other set of requirements and approvals including Geauga Soil and Water District will have jurisdiction over this thing so they have to submit a plan to them that will demonstrate that they are going to control both during the construction process and after the construction process the run-off of storm water so they will have to retain it on site or make other provisions for it. He said in fact the actual lot coverage is not going to change, we are talking minute fractions of a percentage possible so the actual total hard surface on the project as proposed is not going to change from what it is now. He said there is some difference in the fact that you have got buildings and other things but in terms of ground that is available to absorb water, that is not going to change and in terms of ground, you are putting a building over a parking lot so a lot of these things are not going to change the run-off but still all of that has to be engineered and studied before any building goes up so any of those concerns would be something that would have to be addressed when we got to a specific building project in the permitting of that building project.

Mr. Weathers said okay but again there is not adequate parking.

Mr. Lamanna asked how often are there cars parking out on the street, once a week, once a day.

Mr. Weathers said two times a week during the summer.

Mr. Lewis asked Mr. Weathers if he could give the board an idea about where these cars get lined up.

Mr. Weathers referred to the aerial map and said from this point right here to just before his house is usually where these things come to.

Mr. Lewis asked if they are on one side of the road or both sides.

Mr. Weathers said just one side, it has only been the north side of the street.

Mr. Lewis said and that is a public road right.

Mr. Weathers said and they don't have any current parking restrictions in their neighborhood.

Mr. Lewis said he didn't know if the homeowners' association would have authority on that or if that would go to the township.

Mr. Lamanna said the township and they have limits on what they can do.

Ms. Katy Donohue of 16440 Crown Pointe testified that she is the house behind on the culdesac, the third one in, closer to the structure. She said for the record she is strongly opposed to this building but on a couple of things in terms of, you made a comment that it doesn't appear to be too much more coverage than what is currently there. She asked Ms. Endres to blow up the aerial on the large screen. She said the current tennis courts are these four that are at the bottom of the building and she thinks Mr. David Barr said those are going to go to the back and they would be on top of what is currently the bocce hardscape. She said if you look at the size of those four courts and you look at the size of that bocce space there is no way that that is on top, it doesn't even cover one court.

Mr. Novak said there is also a pad behind the bathrooms there.

Ms. Donohue said but look at the size you are talking about, there is no way, that is not completely on top of that, look at the path and look at the size of those courts.

Mr. Novak said he removed everything that you could remove to equal the 40% lot coverage that is there right now so no matter what he would be forced to do, they would be turning back to grass case by case by case, some it is very little, some is a lot.

Ms. Donohue said he is just looking at what he said tonight.

Mr. Novak said there will be a drawing and there will be evidence to show that we are maintaining 40%.

Ms. Donohue said aside from that not adding up, another thing is adding a parking lot in the front of the building, that adds lights and this is a lot more and if you look back at the minutes it was said that he wasn't taking down any trees, he was adding trees yet when the contractor showed up and started tearing down those trees she showed up at the club and said to Mr. Barr that they are taking every tree down and Mr. Barr said he was surprised too, he has no idea why they are doing that and Mr. Barr did nothing about that so there is not a lot of stand behind what you say here and what she sees happen there. She said another thing if you look back in those minutes at the end, she asked the question in January of 2015 how much time he had to build it and if you look in those notes you said two years, this is four years later and this building is not done. She said the people that live directly around here are the ones that showed up at those meetings and she went to every one of those meetings even when it went to 12:20 we went and you allowed him to put this pre-fabricated 35,000 sq. ft. building, you allowed it to go 3' 10" higher than every house in that neighborhood and the 100' lot line, you let it go all the way to 37', when are you going to make him stop doing this, this is a neighborhood, we have families, there are no sidewalks, the traffic that comes in there, she walks her dog and cars that are coming through already it's ridiculous, she calls the police all of the time because the cars are speeding through there, it is already unsafe conditions and we don't even have that building. She said another thing she will point out is when he talked to this board last week he used the words soccer fields and lacrosse fields and today he said you (board) said basketball he didn't say that, we are not talking fields anymore, we are not using those words so we become a little deceptive when we understand the concerns.

Mr. David Barr said he said soccer tonight.

Ms. Donohue said she heard you saying no basketball. She said at the end of the day putting two pre-fabricated buildings in the middle of their neighborhood is just not right.

Mr. Joe Laehu of 8285 Woodberry Boulevard testified that like Mr. Friedman they moved here in August and we have the house right next door to this new building that is going in (proposed). He said he is in the paint business and we talk square footage but a lot of people don't think square footage, the context, a 32,000 sq. ft. building and what is really nice, he was going to ask but thank you very much, the 35,000, you are talking about taking that same thing and dropping it right there in front of that. He referred to the aerial photo and said there are trees right here and there are trees right here, you are not going to drop that same facility right here and those trees by the way are not gigantic trees so now we have got this thing sitting right here whereas today other than the balloons when they are blown up it is pretty clean relative when you drive by in the summertime but when the balloons are all blown up but we have these big white things hanging out but now you are going to add and if you creep behind here we are going to creep behind here and now we are to have this other big building facing our neighborhood, who has a different color mailbox than everyone else, he still doesn't understand that. He said we live right next door and to get any context, and we knew that, we researched, he sat outside that building and this thing at night and day, at breakfast, at morning, on weekends, before we bought that house so he understood what he was getting into and we did a lot of research, we sat at that driveway, we watched the sun set, we watched the sun rise, we made a lot of decisions before we bought that property. He said in the summertime there is foliage on the trees, it does block out and in the winter he can count the paddleball scores all night long. He said he has got lights from these paddleball courts all night long because they are playing paddleball all night long and whether they are leagues or whatever is going on it is there, he gets it, he hears foul language he has got a lot of things going on with disruption and yelling and screaming and he gets the emotions of a game but we are just adding more to this, it is becoming more complicated and he thinks he needs a business plan, I am a business guy, I don't understand how they are going to make money but that is a separate issue. He said you don't have any detailed information and the other thing that he does is he generally tries for his customers, his potential customers, who he engages and he lives right next door to you and you have never engaged, never walked over to say we are thinking about this, you haven't done anything, you haven't engaged this neighborhood that you are a part of and maybe if you did and we compromised and found things and worked together there are other things we can do, now he doesn't know if we are ever going to get to that point and it tells you a lot when the member percentage is so small, wouldn't you think a nice neighborhood that had access to facilities like this, a pool, tennis courts, that you would want to join where you could walk down and enjoy it with our families but there is not much membership there so there is a disconnect between what is going on so we've got to stop it and for the record he is completely 100% opposed, if he can go more than 100% he would do that but he accepts where he is at, he just doesn't need the monstrosity sitting right here and have to deal with that on a daily basis, we haven't even opened up this and he doesn't get it, they don't have money for what they were going to do but now they have plenty for another gigantic building so your funding must be interesting. He said how can we understand traffic patterns or anything when this hasn't even opened four years later so he thinks we've got some major disconnect before we can even potentially move forward in an area variation tonight, thank you.

Mr. Jim Donohue of 16440 Crown Pointe testified that Katy is his wife. He said they all want Wembley to be successful and we are the ones over here (he referred to the aerial photo) that back up against, our backyard looks at the tennis court, and we were supportive of that because we want the club to be successful but when you do the math a 32,000 sq. ft. building is a football field, that is a giant field or court or facility or whatever to put in to that club and when you turn those things over it is on the hour or an hour and one half and you have 30 cars coming up and if you are going to get the use out of that thing to make the money, you are talking about hundreds and hundreds of cars coming to the place, dawn to dusk, if it is utilized and if it is not going to be utilized on a commercial basis he doesn't know how it makes any sense to put a football field into our tennis courts so as much as he wants Mr. Barr to be successful and for the club to be successful for their neighborhood he struggles with how to support this building, you really dramatically changed the neighborhood for the worse. He says he walks with Katy in the neighborhood and you already get half run over walking through the neighborhood now, teenagers blow through there and when Chagrin uses it for their swim team, teenagers don't care, they blow through stop signs, they are blowing through the neighborhood, it is just going to be pretty detrimental to the safety as well.

Mr. Richard Seif of 8245 Woodberry Boulevard testified that he was a charter member of the Wembley Club 100 years ago and he loves tennis until he blew out his Achilles and he stopped and we were here, he doesn't know how long ago it was but, to talk about the tennis facility and there was some concerns there and we made some concessions and so on and he thought it was going to be another metal structure, we are not an industrial park, we are a neighborhood and so okay and he thinks they made some concessions on making it look and feel like a neighborhood and so on with the trees, there was supposed to be a berm there he thought and he guesses the point has been raised several times but we still don't know the impact of what that facility is, right, so increasing USTA tennis tournaments and all of that we still don't know what that is so he guesses that is number one, two is he thinks the whole discussion that the board brought up initially was the private tennis club versus an open public facility, now that is a whole different ballgame so when you talk about it it is like a school practice football field with a track around it, you can get a whole football team in there and practice and he understands that it is soccer and lacrosse and that is a whole different ballgame than a private tennis club and then the structure, at least on the drawing, it looks like it is way higher than the clubhouse and he doesn't know what it is compared to the current tennis facility but it just looks way out of proportion unless the drawings are off. He said again, he is all in favor of Wembley being successful and all of that but he was in favor of the private tennis club because it fits into the neighborhood but this other concept just seems to be more of an industrial park concept where you have this big building and people come in which a lot of these places are, in industrial parks. He said the traffic issue, we have become a Nascar racetrack first because of the cut-through and everyone but the corner there which when Majestic Oaks wasn't open it was nice and quiet, he lived there before it was open and now it is a Nascar race coming through here and the teenagers and the summertime, he almost thought we should go to Lake Lucerne and get the speed bumps because it is getting bad and then this would probably just enhance that and that is not a favorable thing for him so he is just kind of summing up what other people have said but given the concept he would directly oppose this concept compared to a private tennis club, thank you.

Mr. Laehu said his kids all play lacrosse and every winter every team is looking for an indoor facility to do workouts and we go to Kenston and we have friends that go to Chagrin and all of those lacrosse programs are going to be, and he is sure it is built into the thought process, that he can lease this out and they can come in and do workouts which there are around 45 kids on each lacrosse team and when you start looking at varsity, freshman and so if they are going to do one to two practices a night on the off-season you are going to have 45 cars and kids and teenagers flying into that parking space to try to take advantage of a facility like that so in talking about how that is disruptive and who those drivers are, back to the neighborhood, he thinks that is a little bit out of context probably we were thinking where the adults come to play tennis and are bringing their children to a tennis event, he thinks there is a different dynamic going on there.

Ms. Linda Nolan of 8405 Woodberry Boulevard testified that they live just on the east side of the new building that is being finished. She said she doesn't want to be redundant, she agrees with everything that has been said. She said she and her husband are definitely opposed to having yet another warehouse kind of structure coming into the neighborhood. She said on both points, the use variance and then the building itself, both of those things really have a place in a commercial area not in the middle of a residential neighborhood, a sports arena is typically in a commercial area and the type of building a pre-fab steel warehouse is typically in a commercial area. She said you spoke of Tanglewood Club earlier, Tanglewood Country Club or the public part facility looks a lot different than what is going into our neighborhood, it is not pretty and it was mentioned that the board was generous in allowing variances in the past. She said we generate a lot of tax dollars among the 68 homes in the neighborhood which support the Kenston schools so we ask for the board to take that into consideration and to keep the request of the homeowners. She said finally there were Spruce trees planted, nice Spruce trees that were planted north and south along the east border, some of them though look like they are slowly dying and that was mandated by the board in terms of a landscaping plan so she just wants to throw that out for consideration and it was noted that some of the trees were dying and hopefully will be replaced.

Mr. Lewis said yes it was. He said he is looking at the elevations, the plans and asked how tall this building is.

Mr. Novak said 35' at the peak.

Mr. Lewis said the other two you just put up were 38' 10".

Mr. Novak said originally we came in at 35' but for structural reasons added a few more.

Mr. Lewis thanked Mr. Novak.

Ms. Dawn Kohn of 8125 Woodberry Boulevard testified that she honestly has nothing new to add to what everybody else said, she just also wants to go on record that she is opposed to another huge structure when the first one isn't even done yet. She said she is concerned about the traffic, she has kids on the road too and she just doesn't think it is a good idea, she signed up for a small tennis club in a neighborhood of 60 something houses, she did not sign up for a soccer facility that is bringing hundreds of cars at any given time.

Mr. Ed Smith of 8300 Wembley Court testified that he would like to understand in the regulations, he read them and the attorney read them, why aren't they being more closely followed, why aren't they being enforced, this is a private tennis club by his admission and it is not even that now, it has expanded and it is open to the public for various things, why is that allowed, isn't there any teeth to the regulations, what do we have it for. He said he is kind of a strict guy, he was a Navy officer and you follow the rules and he knows things change, we have to allow for this, why do you have rules, just do what you want and he is pretty angry.

Mr. Lamanna said you can make a complaint to the zoning inspector if you think they are violating the rules. He said we the board sitting up here, that is not our job, we don't enforce the rules, we are all volunteers, we don't get paid, we come here 12 times a year so just understand, we are not an enforcement arm.

Mr. Smith said but you prior approved their construction.

Mr. Lamanna said right, it is a tennis club.

Mr. Smith said we realize he didn't conform or is not going to conform.

Mr. Lamanna said not as far as we know.

Mr. Smith said he heard him (Mr. Barr) say that he allows people to come in and play different sports and do different things.

Mr. Lamanna said you can't come in and play on the courts unless you are a member or a guest of a member.

Mr. Kamran Kian of 8380 Wembley Court testified that that is not accurate. He said it is not accurate that other tennis clubs in northeast Ohio allow non-members to play as racquet ball, only members can play, non-members cannot play, at Mr. Barr's you can play tennis as long as the courts aren't full you pay the fee of \$20.00 or whatever and then you play.

Mr. David Barr said he has listened to everything else and that is just flat false.

Mr. Kian said before he became a member, he played there five or six times, he was a non-member, he came and he paid the fee and he played.

Mr. Barr said not at my place.

Mr. Kian said he was a member until about six months ago, he cancelled his membership one evening and you (Mr. Barr) were standing there, a person had two or three more drinks than he should have had and he approached him (Mr. Kian) and he wanted to have a fight and that evening he cancelled his membership.

Mr. Lewis said that is a police matter.

Mr. Kian said he wants the business to be successful and he wanted a tennis club next door so he could walk but today that is no longer the case, 90%, by own admission, of the people that come there are not members, all of them are not residents of the neighborhood. He said 90% of the people come from the outside and it has become really unsafe and he doesn't even walk his dog anymore around the neighborhood, he takes his dog to a park but before he used to take it around the neighborhood so he appreciates what Mr. Barr wants to do but you also have to pay more attention to the community in which your business is and so far that doesn't seem to happen.

Ms. Mary Ellen Knific of 8460 Woodberry Boulevard testified that they have been here since 2000 and the traffic has, she can't even say a percentage, has increased, cutting through, she lives right on the main strip there and she used to have a dog and be out there walking the dog whatever, people blowing through the stop signs and she watched and they are turning into the Wembley Club, she is not saying all of them so she is opposed to it and again when there are, she can't say how many times, but there have been several times that there were cars, overflow parking, they are the second house on the right side coming in, there were cars parked across the street from us, past Crown Pointe so that was just with swimming so now with tennis and all of this, it is going to be bad.

Mr. Lewis asked Ms. Knific if she reported or asked for help from the Bainbridge Township Police to help assist to regulate traffic on your streets. He said he is going to suggest as the community has grown and he looks at how many are cutting through and he doesn't care what age they are or where they are from as opposed to how many are there specifically to visit your home or your home or his facility which would be a destination drive, not a cut through, he doesn't think he has ever seen a traffic study on that, he would really appreciate knowing what the Bainbridge PD would have to say but if you've got folks on a public road that are continuously disobeying the traffic laws you need to take that up with Bainbridge PD and they are there to help you and they are not private roads so you are not going to get gates or speed bumps.

Dr. Michael Kellis of 8300 Woodberry Boulevard testified that he is one of the five homes directly in front of the Wembley Club and is probably the most impacted from the Wembley Club over most of the neighborhood. He said he just wanted to go on record that he is adamantly opposed to this construction, the lights from his pickle ball courts are to 11:00 every night cursing and screaming and we are the ones that are directly receiving the lights directly across. He said swim meets are atrocious, both sides of the road, not just one all the way down Woodberry twice a week all summer long, dangerous for children, he has three children of his own and they ride their bikes up and down the street not as much as they would like to anymore, if you do not believe that a 32,000 sq. ft. facility will affect the traffic on Woodberry Boulevard, you are extremely naïve and obviously this is an incredible undertaking for the neighborhood and he wants to go on record that we are adamantly opposed and he can guarantee you every one of those five homes in front of it will be adamantly opposed to this as well, thank you very much.

Mr. Glen Knific of 8460 Woodberry Boulevard testified that he really doesn't have anything to add to what has already been said but he too wants to just go on the record to say that he wholly and unconditionally opposed the application so much so that as was said earlier today he is fully prepared to litigate.

Mr. Nick Yuhas of 8320 Woodberry Boulevard testified that he happens to own the home right next to Dr. Kellis and as we look straight at the proposed site and that is not exactly what we signed up for, we signed up for a small residential tennis club and pool club and the thought of having that structure that close to the road, you can't plant enough trees to hide it, especially if you are talking about a proposed structure that is going to exceed our rooftops. He said what Dr. Kellis said with parking it is up and down both sides and actually on the way in and on the grass so before he thinks we can even think to start to entertain another facility that facility that is already still in the course of construction needs to be completed, a traffic study needs to be evaluated, not for a month or two but over a 12 month period so we can really find out how much that is going to be impacted because he heard several times here it mentioned about a private club and that is what we thought it was but we have got summer members, the gentleman over there said you can come as a guest so you have paddle, you have regular tennis, you have pool, you have dining, all of those things need to be figured into the traffic and the parking because what he is seeing with regard to the parking that will be eliminated by that new structure he doesn't believe it can support what you have at the club today let alone when that new structure is completed and the proposed new structure so the Yuhas family opposes it and will join in litigation, Mr. Barr we want you to be successful but not at our demise so we would join the litigants to stop you from building that building.

Mr. Stephen Reljanovic of 8485 Woodberry Boulevard testified that we are opposed as well for the same reasons everyone mentioned. He said they have a one year old and they walk her just to get her out of the house and they have a dog, there is a lot of traffic, cut-through and he doesn't know about the club, they noticed a lot of people just going into the driveway. He said they don't really want any more traffic and they moved there for the quiet neighborhood and want their values to remain what they are so just for the record they oppose.

Ms. Deborah Kellis of 8330 Woodberry Boulevard testified that they are directly across from the current parking lot so her concern is quite frankly it is a bit of an eyesore, they will be empty nesters in just four or five years and the resale in her opinion will take a hit for that because most of the people coming into the neighborhood are families and with the traffic, with the aesthetic and quite frankly you don't know who is coming in and who is coming out, it is a concern. She said they do not have sidewalks so walking on the edge of the street is a concern and she agrees with Mr. Yuhas, she wants Mr. Barr to be successful, she really does and she thinks looking around the room she knows a lot of people have created and dedicated their time and energy to help create programs to help the Wembley Club but you have got to give a little to get back and she thinks that the divide she is feeling is that we are all feeling a little jaded because we are not getting meat and potatoes, when we say something she thinks it doesn't hold water so she certainly firmly opposes it and she is in agreement with Mr. Yuhas that we will litigate and that is all she has to say, thank you.

Ms. Laura Simmons of 16480 Crown Pointe testified that she is not going to reiterate what everyone has said but she wants to go on record as being strongly opposed to this, they moved to the neighborhood for 15 plus years, they have been a member of the Wembley Club the entire time and continues to be a member, she wants to support the club but her support is not extended to giant warehouses being plunked down in the middle of our neighborhood. She said it is not good for all of the reasons that everyone articulated so she is strongly opposed to that.

Mr. Lamanna asked the applicant if he has anything to add.

Mr. David Barr stated that he has heard what everyone said about the traffic and there may be some solutions to that if anybody wants to work with him he is definitely willing to think about what is creating traffic, excessive traffic, what is the primary creator of traffic issues when they have them and he would have a discussion about that. He said he is hearing what everyone is saying and there may be solutions he is willing to work on.

Mr. DeWater said just what he has provided to the board doesn't even show enough information for anybody so you (Mr. Barr) have a long way to go anyway for consideration from the board.

Mr. Lamanna stated that the board needs a lot more refinement on what the uses are going to be, what this is going to generate and he thinks you (Mr. Barr) should probably collect some statistics yourself on how many trips you are generating a day in and out. He said traffic studies are very interesting, generally when people are doing traffic studies they are looking at the level of service and how much a particular use is going to affect the level of service on the road and what that means is whether or not there is going to be enough traffic there to significantly interfere or slow down the use of that road and he can tell you from looking at a lot of traffic studies you've got to have a pretty big operation before you can get to the point where you start to affect level of service because it takes a lot of cars to do that, a lot of cars going in and out before that happens. He said he doesn't know how many cars are cutting through here just because they are cutting through here, it may be a significant amount of traffic that is causing this problem whether it is related to the Wembley Club or not he doesn't know so he may need to investigate how many trips he is generating and see how many trips are going to be generated if he wants to add additional facilities and how those are going to be used because somebody has got to look at whether or not that is significant or not.

It was asked if the Bainbridge Police can do a study for us.

Mr. Lamanna said they can't do a study for us.

Mr. DeWater said you would have to ask the county engineer but they will probably recommend a traffic study engineer.

Mr. Ed Smith said do one without those facilities and see what happens.

Mr. Lamanna said by placing your measuring devices in different places you can get an idea.

It was stated that it is most obvious to the most casual observer that it has increased and parking.

Mr. Lewis said there is the time of year and what events are going on and time of day, there are a lot of factors to a study as opposed to a one-time snapshot.

Ms. Knific said people aren't out walking in the wintertime, it is summertime when the kids and families are out.

Mr. Lamanna said the Wembley Club has been there for a long time and somebody could look back and say we have this many members that are using the club this much time, we have a lot more people coming in and out.

Ms. Knific said they didn't though and she has been there since 2000 and she knows the Wembley Club was there before 2000 but it has significantly increased but she can't say that it is all Wembley.

Mr. Lamanna said aside from what is going on through the neighborhood he can look back and look at how much activity he is having and say 10 years ago he had this many members and we had this many courts and we had this many people coming and going and today we've got the same, 10% more, 10% less, he doesn't know, somebody could look at these numbers and then we would have some idea of what has changed, something may have changed but it may not be the Wembley Club, he may have the same amount of cars going in and out and you may have three times as much traffic going through there because there is twice as much traffic everywhere in Bainbridge, he has lived here a long time and he goes Haskins Road and turns on E. Washington Street and today it is nothing like it was in 2000, it is five times as hard to turn left through that intersection because there is that much more traffic, it is not one place in this township it is everywhere in this township, there is just a lot more traffic unfortunately but we have got to address the problem, we can't sit here and say no we are not going to allow this because we think there is too much traffic going through Woodberry because there are 500 people cutting through here to avoid going the intersection of Rt. 306 and E. Washington Street, they are not creating the problem necessarily. He said we have to look at these things and decide if we have a problem here and apparently do because we hear the complaints. He asked who is causing that problem, how can we address the problem, what is permitted to be done here. He said the zoning created a long time ago this tennis club and people talk about they don't like these style of buildings, it is a tennis club, any tennis clubs have that style of building, you go anywhere, you go to the Chagrin Valley Athletic Club, you down to Western Reserve, you go all around and that is the kind of building these are. He said we tried to improve as much as we can because we have very limited architectural jurisdiction to try to make these buildings look a little bit better and a little bit more residential than something that would be sitting in a commercial area so we are trying to address all of these issues so he thinks we need to really get back and look at some of these questions on the traffic because that seems to be the biggest issue here.

The residents in attendance said no.

Mr. Lamanna said he just listened to several people talk about traffic.

Ms. Donohue said with respect to what he was saying about the traffic, their point is putting that facility in, it is going to increase it no matter what.

Mr. Lamanna said he agrees that is why we need to know a lot more about what this facility is going to be used for.

Mr. Weathers said you mentioned that the board is not responsible for enforcement and asked who is.

Mr. Lewis asked if he is talking about speeders down his road or if he is talking about zoning. He said if he is talking about zoning, right over here.

Ms. Endres said that would be me.

It was asked about membership and the number of people.

Mr. Lewis said that was part of what his comment was related to is what is going on here is that they are asking for a renewal of their existing conditional use permit and they were talking about some potential modifications so the first thing is the renewal, so when you are evaluating a renewal and this is really interesting because then you get into the private versus public criteria of this club and what this approval is for already and he is real interested in exploring that and that starts with day one renewal and this isn't to cause the club any hardship, this is just to say, club, there are a set of standards that go with your conditional use, he needs to be absolutely sure you are complying with those first before he is willing to talk about anything additional you want to do. He said then you are talking about another building, that is another physical structure which of course has aesthetics and impact on property values and potential traffic and all of that kind of good stuff but we have got two new buildings that used to be outdoor courts that are now going to be indoor courts that haven't even been completed yet which is going to bring more activity to the club all year-round because we are not outdoor seasonal and he has no idea once those are open and they are in full tilt what kind of impact they are going to have on the community and he is being asked to consider, well we haven't even done that yet but we want more and this is beyond the aesthetics and some of the other things so from his point of view he is ready to just drop an anchor on this and just to be clear it doesn't mean that we cannot proceed with hearing what this applicant's plans are, they are a property owner and they have the same rights and privileges that every one of you has so it is really hard to forecast future impacts when we haven't even established what today's impact is yet so he thinks this board has made it pretty clear, they want to hear a whole lot more from this applicant and it has nothing to do with whether or not something does or does not get approved but when you only have a very small slice of information it is tough to go forward either way.

Mr. Lamanna said we really need some projections and this is what we were talking about right in the beginning is what are you planning to do here and how many people is that going to bring in and out. He said the board can't even really address what the parking needs are because we don't really have enough detail on how the building is going to be used and for this type of structure it is generally the rules are pretty cut and dried, you have this type of use and it is this many spots for whatever but here there is actually several different things in play that change how it is going to be used. He said if you've got situations where you are going to have people sitting or watching etc. all of these things change the required number of parking spots there are going to be so we are going to have to really drill down onto those aspects of it and he thinks obviously anybody who is doing this thing has got some kind of business projection as to what the use is going to be and that certainly can be translated into a lot more detail on if there are this many tennis courts and typically on the average it is 75% doubles and 25% singles that means this many people and the utilization is usually around 80%, you can sit there and crank the numbers through and say okay that means every hour and one-half there are going to be this many people coming and going on average. He said his guess is there are a lot of people during rush hour in the morning but you can get the board an idea of what that means for traffic.

Mr. Brent Barr said he is in agreement too, he would like to see the finished part of the parking lot just so we can have the number of spaces versus the drawing, the drawing is not to scale and it is not done, once it would be done we can see if there are going to be changes made to it, again, things happen when building it, just the timeframe on this is extended so thinking where this is at and like everybody said if this was in an industrial park it would not be a big deal and now he thinks it is and we need to see once this is completed, plan A before plan B, it would be very important for the board to see the impact because we are making a lot of variable guesses.

Mr. Yuhas said he just wants to make sure and he knows projections are subjective but what he would like to know is once that building is completed that an actual study will be conducted over a six, or eight or ten month period of time to really properly evaluate because of the seasonality of the club for parking and for the traffic, he knows we can measure the traffic in and out of the club because there is only one entrance going in and out so that and the parking, he would have those evaluated over a period of time so that before there is permission for a new building you can probably evaluate to see if the parking is sufficient or if it is overflowing through the neighborhood.

Mr. Lamanna said that is definitely a concern of ours that the traffic is overflowing on a regular basis into the neighborhood that either they are going to have to modify what they are doing so they don't end up with that traffic or they are going to have to make accommodations on their own property for parking for that level of use, there is a point at which people do their best, they have standards for these things where they figure out how many parking spaces are needed for certain kinds of uses and most of the time they work pretty well and probably generally they tend to be on the conservative side but there are instances where they don't work out that way and that is part of what we try to deal with in a conditional use process is to say enough, there is a point at which you reach the capacity of the property to handle this and what we don't want to end up with is a situation where we build up this property to the point with buildings and we don't have enough parking and when we use up all of the lot coverage and we are going to do that, we are not going to end up with a situation where we have inadequate parking and we don't have any more land available to build parking on because the lot coverage has already been consumed by buildings and as with every property there is a point of time which the property kind of reaches its development capacity, it is not endless, it is a finite quantity here and he thinks we are at the point with this application now he thinks the board does not have enough information to really go forward with it, we certainly could not approve it based upon the information that we have here. He said his suggestion is that we table this for some period of time for Mr. Barr to go back and get the details the board needs to really evaluate it, you can see there are a lot of issues here and the community has raised a lot of issues and he thinks Mr. Barr, in the course of time that you come back before us, should spend some time talking to people in the community a little bit and see what their issues are and see what their concerns are and try to arrest those concerns and make sure that they understand what you are trying to do and what the impact is. He said you have to seriously look at these things because you can't have some hockey facility or soccer facility where you've got leagues and teams and people are coming in because that is not what this was designed to be and he is not sure that is being contemplated but it is not what this type of facility was ever meant to be, the kind of thing where you have a large number of people going in and out, it was meant to be a membership style facility.

Mr. Lamanna continued by saying you (Mr. Barr) have a pretty broad latitude of what you can offer your members but it is still supposed to be in some way a membership style facility but he would point out to people that the law is not really well defined in this area and it is not real specific as to what constitutes a membership, there is a lot of creativity that can go on and like he said the board has been around this track a few times before so that whole area is not as hard and fast as you might think it is as to what constitutes a membership. He said people say they have memberships for golf, they have memberships for tennis, they have memberships for paddleball, they have memberships for a health club and he doesn't think anybody can argue with that, you can have a perfectly well run facility that has got multiple different aspects to it and have members for all of those aspects so he thinks there is a line that in some point in time, he is not sure he can say it is a bright line, but certainly there is a point in which you move from a member club to being some kind of open facility with lots of people coming in and out. He said part of the problem you are going to run into is if it looks like that is the way it is going he thinks the parking, at some point in time, will become the limiting issue here. He said he is concerned about, if we are having people overflowing onto the streets all of the time, twice a week, all summer long, that is really not what should be happening and he thinks we really have to look at that, how many people you are having come for those situations and either figure out a way to manage it with the other people who are coming, somehow get them to reduce the number of vehicles coming, or you have got to come up with a different way of doing this or maybe not be able to do it anymore. He said in the past you thought a few times during the summer but now people are saying it is happening twice a week all summer long and he thinks that is not what we anticipated five or ten years ago when we looked at these issues, we weren't getting this kind of negative feedback from the neighborhood so he thinks you really need to look at that issue. He said we got a lot of negative feedback here, we have not gotten this kind of negative feedback in the past and that is concerning to the board.

Mr. David Barr said he wanted to go on record to say that he thinks the opinions shared by the people concerned that the only time they have the overflow traffic is in the summer, it is all centered around the pool when we have home swim meets or Memorial Day is a big day, sometimes the parking spills out onto the street, that is probably the biggest pool day of the year if we have nice weather.

Mr. Lamanna said we understand there may be an occasional time when that is going to happen, nobody can control that like when you go to Heinen's at Christmastime and can't find a parking spot anywhere but not twice a week, every week, all summer long. He said there is a point in which the line is crossed.

Mr. David Barr said the traffic is directly correlated to the pool and swim meets and big pool days, the traffic is never a problem for anything else.

Mr. Lamanna said we have to look at that and a lot of concerns have been raised here and he thinks we can't go forward without having a lot more information so he thinks you guys (Mr. Barr and Mr. Novak) should go back and work on that a little bit more, talk to Ms. Endres, she has a good feel of what we are thinking about and can help with what kind of information the board would like to see.

Mr. Lamanna continued by saying people don't like what they can't understand and they can't get their arms around and he thinks that is the problem, nobody can really get their arms around what this is going to be and what it is going to mean and the board needs that ability, we have to be able to get our arms around it and say what is going to happen, we can make reasonable decisions based on the facts we have before us, we have enough facts to say this is what is likely to happen if this is done or that is done, x, y, or z is done and then we can say it either works or doesn't work under our zoning code. Mr. Lamanna asked about two or three months.

Ms. Knific said he is not finished yet, nobody is in there.

Mr. David Barr said they are telling him it will be finished before the end of February.

Mr. Lamanna said he has a lot more comfort that somebody is going to extrapolate what is going to happen from some tennis courts then he does with the information he has now about the proposed multi-purpose facility. He said tennis courts are fixed size things, there are only so many people who can be on them.

Mr. Lewis said there are miles of this stuff to cover. He said the applicant is entitled to go forward at a reasonable pace with the board to present information which by the way has absolutely nothing to do with any approval or denial timelines or additional information being requested, we can table an applicant for six months, particularly when there is a mountain of research and material we are demanding, they are entitled just like you would be for your property to be able to go forward at a reasonable pace.

Mr. Friedman stated that he wanted clarifications on the difference between tabling and denying because what we have here today is certainly insufficient to approve and it can be denied yet today and Mr. Barr can bring it back at any time so he was just wondering why with such little information here today, the applicant as it has been given, it just can't be denied, he can bring it back at any time. He said if he has money to fund a 32,000 sq. ft. facility he has money to put in another application so he doesn't understand why it is not being denied and so he asks for clarification as to why.

Mr. Lamanna said number one, the applicant can always request that it be continued and we regularly grant continuances and especially in complicated cases because people come to us often with less than complete plans because they want to get a sense of what they need to do to finish or put together a fully acceptable plan and they can understand that we would say we think you can do this or this is probably not a good idea so they can get a sense of what is feasible before they spend a lot of money on doing final engineering drawings. He said this is the process we go through, to do otherwise would be inconsistent with what we have done with other people for the last 20 years and poses its own issues as you well know if we don't do it in a consistent manner.

Mr. Friedman said he appreciates that and he is asking you to explain the history and he appreciates that you are volunteers and meet once a month, he was just asking for clarification between the denial and tabling it.

Mr. Lamanna said technically the applicant can ask for a continuance to finish out their application, we don't deny because people have incomplete applications, we give them a chance to complete the application and have a full hearing on it. He said we have had projects that have gone on for six to nine months and we have had hearings every month on some projects for five or six months, on this he would anticipate it is probably going to be two or three months, have another hearing and see what is there then probably another period of continuance to examine other things and if it looks like a possibility of going forward or going forward in a different manner, a lot of this happens along the way here, this is a very fluid process, sometimes it is a big change from what was originally proposed by the time it cranks through our process and people listening to the neighborhood and other interested parties and then down the line you find something that satisfies everybody's interest and our interest in making sure the zoning is upheld, the residents' interest, the property owner's interest so we try to keep it a flexible process and we try to encourage open communication between the various interested parties because it helps everybody move the thing forward and understand what is feasible and not feasible, what is reasonable and what is not reasonable and what is the improper burden on other property owners either one way or the other so that is why we do the process this way and in all honesty it wouldn't be fair to force people to do all of the details and expensive engineering on a project and then find out they should have done this and people look at things and maybe it would be better oriented a different way or make it longer this way or shorter this way after the applicant has spent a lot of money on detailed inside engineering on a building and so it works to the board's detriment because the more people get invested in the project the harder it is for them to make changes whereas if somebody comes in with a more generalized plan it is a lot easier for the board to get them to change things and be flexible on things because they really haven't spent a ton of money on a particular design for that project, we have a lot more ability to massage what is going on if we do it that way so it works to everybody's benefit too. He said this board has been at this awhile, he has been on this board for over 25 years so he has seen a few of these and what we try to do is keep everybody understanding what is going on and try to keep everybody talking and find a solution that is going to make everybody as happy as we can make everybody in this case.

Mr. Friedman said thank you.

Mr. Lamanna acknowledged Mr. Knific and said unless you have some procedural question.

Mr. Knific said he just had the one question because it was referenced earlier with respect to the application which is both a review and an application for approval with the new facility and the comment with respect to the review it raises the consistency as against the original plan and where is that part of this, is that tabled as well.

Mr. Lamanna said yes that has to be tabled as well because part of it is he would rather get a little farther along with finishing the construction and unfortunately construction is construction, sometimes it gets done on time and sometimes it doesn't get done on time and our druthers would be we would rather complete that aspect of the review a little later now because of the delays in the construction because otherwise we have to address it now and we would have to address it in this state, it is everybody's benefit to just push that off a little bit too.

Mr. Weathers said his question is when do you expect to get tournament traffic to actually measure, we need more information.

Mr. David Barr said tennis tournaments go 12 months a year, the junior tournaments at least. He said the adult programs basically are split into three seasons, there is fall season, spring season and summer season so tennis is year around.

Mr. Weathers asked Mr. Barr when he expects to start seeing an increase in traffic.

Mr. David Barr said when the building is finally done. He said when the building is done and added they had tournaments scheduled in 2018 but canceled them because we weren't ready for them but we are hoping and expecting to start having tournaments soon, if this building completes in February you can expect tournaments happening.

Mr. Weathers said in tournament season you will start using it.

Mr. David Barr said junior tennis tournaments happen all through the year. He said some of them are during the week but when school is in session it is on the weekends.

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

Motion BZA 2019-2 – 8345 Woodberry Boulevard (Wembley LLC)

Mr. Lamanna moved to table this application for three months for the applicant to collect additional information regarding his plan and to address the issues that have been raised during the course of the hearing today.

Mr. Lewis seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Since there was no further testimony, the public hearing was closed at 10:00 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: February 21, 2019

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
January 17, 2019

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; and Mr. Todd Lewis. Mr. Joseph Gutoskey and Mr. Mark Murphy were absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lamanna moved to adopt the minutes of the December 20, 2018 meeting as written.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

ORGANIZATIONAL SESSION

Election of Chairman

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

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Election of Vice Chairman

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

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Sunshine Law

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

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

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 7:00 P.M. at the Bainbridge Town Hall; which meetings may be continued from time to time, at the discretion of the board, to such other dates as set at the meeting; and also that the board may schedule additional meetings during the month upon its motion.

Mr. Lewis seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Zoning Secretary

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

Mr. Lewis seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

By-Laws

Mr. Lamanna made a motion to adopt the Bainbridge Township Board of Zoning Appeals By-Laws and Procedures effective January 18, 2007 and amended on January 15, 2009.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

APPLICATIONS FOR NEXT MONTH

Application 2018-50 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

The applicants are requesting a review, renewal and expansion of an existing conditional use permit to include an existing patio. The property is located in a R-3A District.

Application 2018-51 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

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

Application 2018-59 by Kyle Lawrence and Anthony Pfenning for properties at 8158 and 8162 Chagrin Road - Continuance

The applicants are requesting area variance(s) for the purpose of a lot split and consolidation. The properties are located in a R-3A District.

Application 2019-3 by Mark Panzica for property at 9545 Nighthawk Drive

The applicant is requesting area variance(s) for the purpose of maintaining an in-ground swimming pool, hardscape and storage shed. The property is located in a R-5A District.

Application 2019-4 by St. Luke the Evangelist Antiochian Orthodox Church for property at 18060 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of establishing a place of worship. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for February 21, 2019 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:42 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: February 21, 2019