

Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. The following matters were then heard:

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

Application 2005-59 by Almon Corrigan for property at 9380 East Washington Street - Continuance

The applicant is requesting a substitution of a use for the purpose of selling and repairing horse trailers. The property is located in a R-5A District.

The zoning inspector's letter dated December 8, 2005 was read and photos of the site were submitted.

Mr. Almon Corrigan was present to represent this application.

Mr. Corrigan testified that last time the board thought it would be okay if he did not have outside storage of trailers. He said after reviewing the business plan and talking to his wife they feel that they can try to do it without the outside storage because Chagrin Valley Farms will store the larger trailers and he will use the indoor show ring to store the smaller trailers.

Mr. Lewis asked about the trailer parked in the front and who it belongs to.

Mr. Ed Radick testified that it belongs to the mower shop in the back and he has no idea why he parks it there but it will be moved.

Mrs. Corrigan testified that it had been parked in the back, but maybe it was moved because of the snow.

Mr. Corrigan said he has not taken possession of the building whatsoever.

Mr. Lewis asked about the other tenants.

Mr. Radick said the mower shop was in the front but wanted to down-size so we had the people evicted that were in the back and he just never really moved that trailer back to where it goes in that back area.

Mr. Lewis said it is confusing as to whether it is for sale or for storage.

Mr. Olivier asked if they had any plans to change the driveway, parking or anything beyond what already exists there.

Mr. Corrigan said not at this time.

Mrs. Corrigan said they are not foreseeing a lot of traffic there, they are planning on working on only two trailers at a time, and will not have horse trailers lined up.

Mr. Corrigan said he is trying to get into this and if two years down the road he makes \$100,000 per year then he will come back to the board and talk. He said as the board knows, this is a large horse community and he is involved with the horse shows at the Chagrin Valley Farms and runs the school and is involved with the polo fields and all over northeast Ohio, New York and New Jersey so a lot of what goes on in the horse industry is by word of mouth. He said he plans on advertising nationally and most of the people won't ever see their trailers until he drops them off at their house, so he does not expect a lot of influx of traffic at all and regarding the service part, most of them will be when people are at the horse shows because when we have horse shows at the Chagrin Valley Farms, those people come in from Pennsylvania and New York and that is the time they want their trailers serviced so if anyone would drive by and see a trailer out there, he would be surprised. He said it may become an issue for a day or two and if it does, he can take the trailer over to the farm. He said when the farm has a show there, people bring in their trailers and there is a parking area in the back so there is plenty of room for him to store some trailers and he added that he will not have the inventory that he originally envisioned so that will work fine for him. He said people who walk into the shop and buy a trailer that day, will buy a two horse trailer, a small trailer that will fit in the showroom, they are not going to buy a five or six horse trailer because most of the time, when they get that big, they want some custom work done on it so it is a special order.

Mr. Lewis asked if the issue on the little dump trailers was resolved.

Mr. Corrigan said his understanding was that anything inside that was not going to be stored outside was okay and regarding the dump wagons, he has not done anything more with those because he has had enough getting his two horse trailer manufacturers at this point so they are a long way away from selling dump trailers.

Mr. Lewis said the board is just trying to clarify the products that will be sold as long as they are relevant to the type of use.

Mr. Corrigan said he may get into that but right now it is not going to happen, and he feels that there is not a market for them so he would rather stick to the horse trailers where there is more of a mark-up and it is an industry that he knows and that is really his focus.

Mr. Lewis referred to the repair business and asked if he will be offering service repair on the trailers.

Mr. Corrigan replied yes.

Mr. Lewis asked if there will be any chemicals that will be used and what he will be planning to do with the waste from the horses, such as when a trailer is hosed out etc. and where it will be placed.

Mr. Corrigan explained that the trailers will be clean so he can work on them so they will be cleaned at whatever farm they will come from. He said that is the last thing he wants is manure all over the horse trailers and he does not plan on washing trailers and if he were to provide that service he will take them to Manfredi and have them wash the trailers.

Mr. Lewis asked Mr. Corrigan how he would describe the nature of the repair work.

Mr. Corrigan said greasing, axles, wheel bearings and electrical and added that he is not a mechanic and will not be dealing with engines and he will not be changing oil, he will be greasing fittings and ball bearings and doing minor electrical repairs.

Mr. Lamanna asked what the last business was that was in that space.

Mr. Radick said a mower repair shop was there and before that it was a rental place for equipment.

Mr. Lewis asked about the hours of operation.

Mr. Lamanna said he didn't think there was anything special about this that would necessitate an hours of operations issue because most of the repair work is going to be done inside and not outside at all.

Mr. Corrigan said he has no desire to work outside and the repair work that he does is going to be a couple of hours and very minimal repairs. He said he will take them in and grease them and even if an axle were to go on one of those trailers, it would take only a couple of hours to replace it and it would be inside and he would get it in and out quickly.

Mr. Murphy asked Mr. Corrigan if he will advertise as part of the advertising for horse shows so if there are 100 people showing up at the horse shows on a Saturday morning and they need some work done and they know you do a good job at a reasonable price, if they will all bring their trailers to you or will you offer the service of picking up the trailers.

Mr. Corrigan said he will offer the service of picking up the trailers and it will be done by appointment only, it will not be something where they can stop in and his schedule is such that he will only be able to do it by appointment only as far as the servicing of the trailers.

Mrs. Corrigan said if someone were to pull in and he was not there but she was there, she would check the calendar and make an appointment for them.

Mr. Murphy asked what if they are only in town for that Saturday or Sunday.

Mr. Corrigan said right now, we are having a horse show at the farm and the last time he was here, we were having a horse show at the farm and they are generally the same people. He said last weekend we had a large horse show and those people all left on Sunday, they took their trailers and their horses home and then they all came back so they are going to make an appointment because they don't want their trailer tied up and it will be the only way for him to be able to handle it, by appointment only and that would be his only schedule.

Mrs. Corrigan said that she owns a horse trailer and she has to take it to Pennsylvania to have it serviced because that is where she bought it and most of these people don't live right here, they live far enough away so they would have to work it in their schedule somehow and added that she would never drive to Pennsylvania to have it fixed right now, she would call first so that is the routine of the industry.

Mr. Corrigan said they are not like cars where a transmission falls out, a horse trailer can go for a long time.

Mr. Lamanna said he thinks some kind of measurable standards is that with respect to any new trailers arriving for delivery, it could be kept outside for five days.

Mrs. Corrigan said that is more than enough time.

Mr. Lamanna said that also any of these outside trailers can be parked in the back, not on E. Washington Street and as far as people bringing in trailers for repair, up to two trailers could be kept outside at any one time and they could be there for no more than a couple of days, so that should give enough leeway to shuffle things around and again they must be parked in the back and this should give enough flexibility to do things in the normal course of business and you will not have to worry about 25 of these things piling up out there.

Mr. Murphy asked if the parking in the front and back is community parking for the whole building.

Mr. Radick said yes basically it is but now that the mower shop is in the back, we have asked them to park in the back to leave Mr. Corrigan the complete front, but no matter how we had it, nobody really parked up in front of the store, everybody that comes there, parks right in front of the door and it has been that way since he has opened, over ten years, and nobody parks in the parking spots.

Mr. Murphy said the E. Washington Street side would be the least desirable.

Mr. Radick said they usually use the Snyder Road side which would be to the back and to the north and there is really no visibility whatsoever there.

Mr. Lewis said the board has Radick's landscaping site plan that seems to imply the property in general may be refreshed and have some new plantings and asked if the trees all around it are existing.

Mr. Radick said the new landscape plan was to cover up any trailers that may be parked outside for sale and we had added more bushes for coverage but considering now that there will not be trailers parked out front, the only thing we really have are the large Blue Spruce trees in the front of the building on Snyder Road where the ID sign is.

Mr. Corrigan said they were trying to come up with something that the board would approve of so we changed it but now we don't think it is necessary.

Mr. Radick said we really updated the property compared to what it was.

Mr. Lamanna asked if the existing sign will be used.

Mr. Corrigan and Mr. Radick replied yes.

Mr. Radick said there is a 4' x 8' lit sign, both sides, that we want to use and we will have decent overhead lighting and we will have one in the front by the body shop, not so much for visibility, but for the corner because it is pitch black and a light on that corner would not hurt anything but the light by Snyder Road near the residential area will not be put on.

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

Motion BZA 2005-59 – 9380 East Washington Street

Mr. Lamanna made a motion to grant the applicant a substitution of a non-conforming use for the purposes of operating a trailer/sales and minor repair facility at this location.

Based on the following findings of fact:

1. This area was previously used as a mower repair shop and equipment rental shop subject to the conditions hereafter imposed.
2. This use is not substantially different from those uses and will not generate any additional traffic than that of the prior uses were generating so it should not create any additional burden or create any significant change in the area.

Motion BZA 2005-59 – 9380 East Washington Street - Continued

With the following conditions:

1. Any repair work will actually be conducted inside of the building.
2. There will be no outside storage of trailers offered for sale with the exception that any sold trailers that are delivered for the purposes of making final delivery to the customer may be kept for five days on the premises provided that they are parked at the north end of the parking lot.
3. The applicant may have two trailers parked in that same area which are awaiting or have recently completed repairs provided that those trailers are not left in that position for more than two days, either awaiting service or awaiting pick-up after service.
4. The applicant will not have any other outdoor storage of any scrap, junk or other trash except in dumpsters or other containers maintained for that purpose that are regularly picked up.

Mr. Takacs seconded the motion.

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

Application 2005-60 by Marty Glaserman (Adams Signs) for Dollar USA for property at 7435 Market Place Drive - Continuance

The applicant is requesting area variances for the purpose of replacing a wall sign. The property is located in a CR District.

The zoning inspector's letter dated December 5, 2005 was read and photos of the site were submitted.

Mr. David Kubaitis of Dollar USA was present to represent this application.

Mr. Kubaitis submitted some photos to the board and testified by saying that he took some bad pictures but the board can get a general idea of his sign and originally when he was here last month, he proposed a 150 sq. ft. sign and the board was willing to give him something that was no more than 100 sq. ft. with small letters and the USA letters in caps. He said that this new proposed sign comes in less than 90 sq. ft. and the USA is on a little bit of a slant but those are 4' letters also and that is the same as their logo.

Mr. Takacs asked if this is 90 sq. ft.

Mr. Kubaitis said they are 4' letters and the USA letters are 4' also but they are on a slant so it actually is 84 sq. ft. and all white letters.

The board reviewed the variance requested.

Mr. Lamanna said there is already a height variance.

Mr. McIntyre testified by saying yes.

Mr. Lewis said it has some personality.

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

Motion BZA 2005-60 – 7435 Market Place Drive (Dollar USA)

Mr. Lamanna made a motion to grant the applicant the following variance for an 82 sq. ft. wall sign as shown on the submitted drawing.

1. A variance from the 69 sq. ft. permitted to 82 sq. ft. for a variance of 13 sq. ft.
2. This action will also include continuation of the variance previously granted to the maximum height to 23'.

Based on the following findings of fact:

1. It is consistent with the other variances that have been granted for signage at the center.
2. It is a small variance.
3. It is necessary because of the re-configuration of the store and the size of the façade in which the sign is being placed and the other size relative to the other signage that already exists so it will be consistent with the development already located at the shopping center.

Mr. Takacs seconded the motion.

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

Application 2006-1 by Carol M. Freebairn for property at 16760 Park Circle Drive

The applicant is requesting area variances for the purpose of maintaining a storage facility. The property is located in a LIR District.

Motion BZA 2006-1 – 16760 Park Circle Drive

Mr. Lamanna made a motion to grant a continuation of this application to the next regularly scheduled meeting to be held February 16, 2006 at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2006-2 by Mark J. Glavic & Karen O'Hara for property at 7846 Scotland Drive

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

The zoning inspector's letter dated January 6, 2006 was read and photos of the site were submitted.

Mr. Mark Glavic and Ms. Karen O'Hara were present to represent this application.

Mr. Glavic testified that they had a 10' x 12' steel shed that was there when they purchased the house on a slab that was falling down and ugly so he decided to build over it and added about one-half the size more and he thought that he was grandfathered in but the zoning department had no paperwork on it. He said there was a shed there before and has satellite pictures of it to show that there was one there already, and the other reason he built it in that spot was because their whole backyard is septic now and there is no other place to put it and added that the front of the building is right up to the curtain drain now so this was the most feasible place to build it on the property. He said that his neighbors had their property surveyed and there is a stake on their property and it measures 50' from their stake as far as the rear property line goes, but if he scales off the drawings it is more like 25' so he is going with the 25' because he is not sure the neighbor's stake is right and he is going by what the satellite picture shows.

Mr. Takacs asked if the 25' is versus the 50' from where he thinks the stake location is.

Mr. Glavic said he measured it from the stake and it is 45.5'.

Mr. Lamanna said he would go by the stake and not the satellite picture because it is a surveyor's stake and satellite pictures are notoriously inaccurate.

Mr. Glavic said he will go with the 45.5' for the variance request and added that they have hundreds of acres behind them that will not be built on and there is no one behind them for ½ mile or so.

Ms. O'Hara said it is protected back there.

Mr. Takacs asked who the owner is.

Ms. O'Hara said some woman on Geauga Lake Road owns it and she has a grounds-keeper there.

Mr. Olivier asked if it is part of the Henry property.

Mr. Murphy said the property is by Fields Road.

Mr. Glavic said their whole backyard is septic.

Mr. Lamanna asked how big the other structure was.

Mr. Glavic said it was 10' x 12' and this one is 16' x 20'.

Mr. Lamanna asked if the other structure was on a slab.

Mr. Glavic said yes and he built over it and put poles in the ground around it.

Mr. Olivier asked if this structure is closer to the rear and side property lines.

Mr. Glavic said that is correct.

Secretary's note: Mr. Lamanna noted that the board secretary will enter into the record the site plan submitted by the applicant of his septic system that was prepared by Father & Son Septic.

Mr. Glavic stated that all of the neighbors love the new shed better than what was there and he will add some landscaping.

Mr. Murphy asked Mr. Glavic if he did some work on the shed.

Mr. Glavic said yes, it was a weekend project with his boys.

Mr. Olivier asked if there was a flag parcel to the south of the southerly border.

Mr. Glavic said it used to be part of the property previously at 7846 but the Magees bought it next door and explained the part that is owned by them. He said the corner of their drive is actually on the corner of his property according to the satellite picture and the area where the shed is, is the only part that is dry, everything else is so wet. He added that he does plan to put trees in front of the shed so you won't see it from the street as much.

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

Motion BZA 2006-2 - 7846 Scotland Drive

Mr. Lamanna made a motion to grant the applicant the following variances to the side yard and rear yard setbacks for the purposes of maintaining a shed.

1. A variance from the minimum required rear yard setback of 90' to 45' for a variance of 45'.
2. A variance from the minimum required side yard setback of 50' to 40' for a variance of 10'.

Based on the following findings of fact:

1. The applicant removed the previously existing structure on this particular location and replaced it with a somewhat larger structure without realizing that it was required to get a zoning certificate and variance since the building was within the setback requirements.
2. The applicant has a practical difficulty in that most of his rear yard area is a septic field and you would have to move back this far from the house to find a place for this accessory structure to be placed.
3. Due to the configuration of his lot and the adjacent lot there would be no adverse effect on the adjacent neighbor whose house actually faces away from this particular structure and due to the position and the size of the property adjacent to the west, there would be no adverse effect to the property on the rear property line as well.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:24 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: March 28, 2006

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:24 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 15, 2005 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for February 16, 2006

Application 2006-1 by Carol M. Freebairn for property at 16760 Park Circle Drive - Continuance

The applicant is requesting area variances for the purpose of maintaining a storage facility. The property is located in a LIR District.

Application 2006-3 by Anne Rex Schwed for property at 18821 Geauga Lake Road

The applicant is requesting an area variance for the purpose of creating a lot split. The property is located in a R-5A District.

Application 2006-4 by Robert and Ann Chaney for property at 17131 Cats Den Road

The applicants are requesting area variances for the purpose of constructing an addition. The property is located in a R-5A District.

Application 2006-5 by Howard Hanna/Smythe Cramer for property at 8537 Washington Street

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

ORGANIZATIONAL SESSION

Sunshine Law

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

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Mr. Takacs, 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 7:30 P.M. at the Bainbridge Town Hall and which some meetings may be continued from time to time, at the discretion of the board, and also that the board may assess additional meetings during the month upon its motion.

Mr. Takacs seconded the motion.

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

Election of Vice Chairman

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

Mr. Olivier seconded the motion.

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

Election of Chairman

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

Mr. Takacs seconded the motion.

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

Notice of Meetings

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

Mr. Takacs seconded the motion.

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

Zoning Secretary

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

Mr. Takacs seconded the motion.

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

Meeting Proceedings

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

Mr. Takacs seconded the motion.

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

Application Requirements

Mr. Lamanna made a motion that all applicants, other than individual single family dwelling units, be required to provide at least seven days prior to the Bainbridge Township Board of Zoning Appeals meeting, six copies of any exhibits they plan to introduce at the meeting and six copies of any expert report from any expert they plan to have testify at the meeting, and if not provided, such exhibits and expert reports may be refused admission to evidence at the meeting, all subject to the discretion of the chairman.

Mr. Takacs seconded the motion.

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

Proposed Joint Zoning Meeting

Mr. Lamanna reported that the township trustees will be scheduling a joint zoning meeting (work session) between the township trustees, board of zoning appeals, zoning commission, zoning inspector, prosecutor's office, Geauga Soil & Water Conservation District and Chagrin River Watershed Partners in the near future.

Side Yard Setback Requirements

The board discussed current side yard setback requirements for accessory structures.

Since there was no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: March 28, 2006

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