

Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2012

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:02 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Mr. Mark Olivier. Mr. Mark Murphy was absent.

Secretary's Note: The vacant seat on this board, formerly held by Mr. Christopher Horn, has not been filled as of this date.

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

Application 2012-1 by Candice W. Channing for property at 9251 Stafford Road

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

The zoning inspector's letter dated January 19, 2012 was read.

Ms. Candice Channing, Property Owner and Mr. Art Temple were present to represent this application.

Ms. Channing testified that she has been at this address for almost 30 years, she has a house and a barn on the property and she would like to divide the house and barn. She said she is divorced and her ex-husband still runs the boarding facility which is in the back. She referred to the GIS aerial photo and showed the location of the house and noted that they purchased the home nearly 30 years ago which has 10.9 acres.

Mr. Temple testified that according to the deed it is exactly 10 acres.

Mr. Lewis said it is 10.09 acres.

Ms. Channing said that Mr. Temple is the man who did the survey on the property for her. She said this is still all family owned and what she would like to do is have three acres here for the house which she dwells and still have her farm and association back here be split from the house so they would have two separate entities there and two separate addresses. She said she still has an involvement here with the farm but it seems to be better off if it was split and what she would like is to keep three acres and the rest of it to go back here because they need it for the horses.

Mr. Lamanna asked when this is done if there will be no residence on the other lot.

Ms. Channing said they have an apartment back there that is used sometimes, it has its own driveway and Mr. Channing is there sometimes, sometimes he is not.

Mr. Olivier asked if it is in the barn, part of the barn structure.

Ms. Channing replied yes, part of the barn structure. She said the neighbor on the other side called her last night and she has known her since she has lived there and is in favor of it but she doesn't have any interaction with the other neighbors which have three acre lots all around but her neighbor was for it and she would like to divide the property.

Mr. Temple said he knows that the zoning in that area is five acres but he is not sure that the five acre zoning is set up so that the area in the road right-of-way cannot be included in the size of the lot.

Mr. Lamanna said yes, technically no it is not included but generally the board has granted relief to people because some people have had lot splits for two five acre lots.

Mr. Temple said the problem is with the buildings situated the way they are on the property, you can't make two five acre parcels out of it and the way they have it set up currently there would be a 2.9 acre lot for the front house and of course the residual would go with the barn. He said each facility has its own septic system so that shouldn't be a problem and there is plenty of frontage to meet the requirements. He said the only thing is, she is asking for a variance to be able to establish the lot in the front.

Mr. Lamanna said if these were two residences on this property, he does not think it would be much of an issue but the problem is you are creating a separate lot that now is no longer a residential lot and when you are over ten acres you qualify for an agricultural exemption but now when you go below ten acres he is not sure the property standing on its own can have it.

Ms. Channing said it is all in one right now.

Mr. Lewis asked if her property is being taxed under agricultural status.

Ms. Channing said yes, she believes so.

Mr. Lewis said because once you go below ten acres, a single parcel, even by a tenth, you will lose your agricultural status.

Ms. Channing said she can't do that so we are dead in the water.

Mr. Lamanna asked Ms. Channing if she talked to the county auditor about that.

Ms. Channing said no, nobody said anything, she thought that she would be able to keep that agricultural with the seven point whatever that her farm would still have.

Mr. Lewis said she would lose that status so his suggestion and as the Chair has suggested would be to go up to the auditor's office and visit with one of the appraisers and he is sure they probably have some documentation of this on the state website.

Ms. Channing said that is the whole thing, she wanted to keep the agricultural for the back.

Mr. Temple asked if anyone asked that question to the county auditor.

Ms. Channing said she does not know.

Mr. Temple told Ms. Channing that she needs to know and needs to find that out.

Mr. Lamanna said that creates a problem for this board if this is a free-standing use.

Ms. Channing said there are people living back there part-time.

Mr. Lamanna said that is another issue because you are not allowed to create second dwelling spaces either on a single lot and if it has been there for 50 years it is one thing but it has probably been since zoning and it is potentially a zoning violation. He told Ms. Channing to check into that first but the board has issues because now there is a free-standing agricultural use on a lot that is not really big enough for a free-standing agricultural use that would be exempt from zoning so now it is creating a potential use variance for that property which the standard for granting that goes way up and at this point in time, you want to divide this lot for your own convenience basically.

Ms. Channing said yes she does.

Mr. Lamanna said that is not enough basis to grant the variance. He said since this whole question is moot if the tax exemption for it is lost then it doesn't make sense for this board to go forward.

Ms. Channing said it is important for her to keep that because she is still involved with all of that.

Mr. Lamanna suggested tabling the application for a month.

Ms. Channing said she appreciates that.

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

Motion BZA 2012-1 – 9251 Stafford Road

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held February 16, 2012.

Mr. Lewis seconded the motion.

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

Application 2012-2 by R. A. Young Construction, Inc. for Roger and Kim Jones for property at 7310 Brighton Park Court

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

The zoning inspector's letter dated January 19, 2012 was read.

Mr. Ron Young of R. A. Young Construction and Mr. Roger Jones, Property Owner were present to represent this application.

Mr. Young testified that he has been working to develop a new home on Sublot 7 for Mr. Roger Jones and his wife. He said as the designed developed and they have been working on it for six to eight months or maybe even closer to a year they would like to build a detached garage and they have purchased both Sublots 7 and 8, the two side by side so the thought was let's explore a detached garage in looking at the way the house is sited and the limitations of the lot. He said Sublot 7 is a flag lot, it sits back about 500 ft. and given the ravines and the setbacks, they are not able to slide the house further in and they are also doing a circular drive in the front. He said he has a full size site plan for the board if they would like to see it.

Mr. Lewis asked about the dimensions.

Mr. Young said that is just a preliminary coming from the surveyor but this is fully finished for Sublot 7 so you can see the ravines and they will have a large circular drive coming in and so to move the house this way (he referred to the site plan) to get the garage and the house, it pinches here so they just don't have enough room to get the house in as well as the level is better for storm run-off and also these are the riparian areas we have to stay out of at this point.

Mr. Lewis referred to the site plan and asked what the dimension is from the side yard.

Mr. Young said right now it is 32.5', close to a 30' side yard.

Mr. Lamanna said you originally started here with Sublots 7 and 8 and you want to reconfigure the lots.

Mr. Young said they want to split and consolidate this back section here (he referred to the site plan) and they want to bring the line straight across so it becomes a T, it will be a separate lot and the acreage on it is 1.89 acres which is larger than probably at least five of the other lots on the street so the two lots that Mr. and Mrs. Jones purchased are probably two of the larger lots in this subdivision. He said he had written down the Sublots and Sublot 2 is 1.75 acres, Sublot 3 is 1.83 acres, Sublot 4 is 1.77 acres, Sublot 13 is 1.47 acres and Sublot 14 is 1.37 acres so there are quite a few lots that have set a precedence there.

Mr. Lamanna said yes but this is a platted cluster development. He asked if after the lot split if the plat has to be redone.

Mr. Young said they got approval from the developer Mr. Rick Dinallo.

Mr. Lamanna asked Mr. Young if he talked to the Planning Commission.

Mr. Young said that Mr. Wrench told them they had to come here first and get this approval and then when they go to planning it is pretty much a done deal.

Mr. Lamanna said he was wondering if the plat has to be re-filed for the development.

Mr. Young asked if it is hard to re-describe a new lot description.

Mr. Lamanna said the engineer may want the plat redone because what happens is most of these are deeded with the plat filed with it and if you come in and want to do lot splits and consolidations of that it mucks up the title work for the property, it makes it much harder to track it back because now you have two lots that are no longer the same so they may want a new plat to describe the two sublots. He said it should probably be checked out with the engineer's office to find out what they want and how they want it.

Mr. Young said they will still have Sublots 7 and 8 but they will be modified from how they were originally platted.

Mr. Lamanna said yes and they may want you to re-file the plat with the lots redrawn to the new configuration especially since all that is being done is changing the internal boundaries so then the lots will still be deeded to the plat.

Mr. Young asked what would be required to change the plat, just a legal description.

Mr. Lamanna said the drawing would have to be resubmitted.

Mr. Young said so it is just a matter of getting the engineer who did it to make those changes.

Mr. Lamanna said you need to check to see how it is to ultimately be done and it is up to the engineer's office and the planning commission. He said a lot of the time they don't want to see much tinkering because it defeats the purpose of having plats. He said since this is a cluster development all of the lots were sub-standard anyway so the main interest is whether what is left is going to be consistent with the rest of the lots in the plat.

Mr. Young said he thinks that it is and he thinks business creates business and he knows Mr. Dinallo is encouraged and excited about a house going in on a lot next door and so we have got more tax dollars, the community is going to get a return from the Joneses with the detached garage as well as more income for the local people in the community here that we hire.

Mr. Olivier asked if the lot they are not building on will be a new buildable lot.

Mr. Young said yes.

Mr. Olivier said it looks like there is a riparian issue in the front so they have to push that house back on 8A.

Mr. Young said the normal setback is behind that riparian area already. He referred to the site plan and said this is the normal setback that is shown on here so you really couldn't build on this anyway.

Mr. Lamanna said that is a 160' setback.

Mr. Young replied yes.

Mr. Olivier asked what is between that house and this proposed garage from the standpoint of visual screening, obviously you are going to have somebody that is buying a lot that their home is going to look back towards the detached garage.

Mr. Young replied true but Mr. Jones owns this lot and maybe someday one of his kids might want to come there and hopefully we will get a chance to build it for them. He said he really bought the lot as a buffer, he just wanted more land just to do a buffer given that his house was relatively close here so as we went down the road with design, they said why don't we take advantage of that, we can put some equipment in there, we can put some lawn mowers, garden tractors, maybe a sports car etc.

Mr. Jones testified that it is completely wooded so their intention is to only clear what they need for the building of the home.

Mr. Lamanna asked about the size of the proposed garage.

Mr. Young said it is 28' x 28' with a 6' porch on the backside and showed the board a sketch. He said it goes with the same kind of design of the house, there is some stonework and carriage style garage doors. He said the porch is 6' off the back so it is a square 28' x 28' so it is not a big humongous kind of pole barn, it will have a footer with concrete floors and they are going to put in a drain and tie it into the sanitary.

Mr. Lamanna asked if it is a single story.

Mr. Young said a single story absolutely.

Mr. Lamanna asked if it will be the same style as the house.

Mr. Young said yes exactly.

Mr. Lewis said the perimeter setbacks are fine and the acreage is fine.

Mr. Lamanna asked if there is a list of the four other lots in there.

Mr. Young said yes, he just picked these up today on the GIS. He said 1.37 is the smallest and there is a 1.89.

Mr. Olivier said on this map a lot of those are right across the street from it and on the culdesac where the smaller lots are lining up with this lot.

Mr. Lamanna said there are a number of lots that are similar or smaller in size and this would not be the smallest lot.

Mr. Olivier said the density of the cluster is not increasing.

Mr. Lamanna said no, it is still the same cluster, all we are doing is rearranging the area of two lots in order to make the one lot more usable because of the topographical challenges and the shape of the original lot. He said the only issue would be that this is a modification of the approval of the cluster plan, it is not technically a variance. He said the board will approve a modification of the cluster plan to the lots in this shape and that should be fine for the planning commission that this board approved it.

Mr. Lewis said if the building is modified the setbacks have to be met and no violations should be created.

Mr. Lamanna said before any construction is started, this has to be completed, whatever the county requires and whatever has to be recorded has to be done prior to going ahead.

Mr. Lewis said technically the house could be started now.

Mr. Young asked how they will proceed now.

Mr. Wrench said he will send a note to Mr. David Dietrich, Geauga County Planning Director that it was approved.

Mr. Lamanna said technically this board's actions don't become official until next month when the minutes are approved.

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

Motion BZA 2012-2 - 7310 Brighton Park Court

Mr. Lamanna made a motion to grant the applicant a modification of the approval of the cluster development with respect to the existing Sublots 7 and 8 involving a transfer of a portion of the property of Sublot 8 into Sublot 7 resulting in new acreage of Sublot 7 of 3.5542 acres and Sublot 8 of 1.8931 acres all as shown in the survey included in the application.

Based on the following findings of fact:

1. The reason for granting this modification to the conditional use permit is that due to the topography of the property, Sublot 7 is difficult to build upon because of the substantial setback from the street and the usable width of the lot at the point where a structure can be built.
2. The new Sublot 8 will still be consistent in size with many of the other lots in the approved cluster development therefore it will not change the character of the cluster development and the shape and size of the lot still allows ample area for the construction of a residence consistent with the other residences in the development within the permitted setback areas.

Mr. Lewis seconded the motion.

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

Application 2012-3 by Cicogna Electric Sign Company and McGill Property Group for property at Market Place Drive (Bainbridge Shopping Center)

The applicants are requesting area variances for the purpose of installing an additional multi-tenant monument sign and four (4) directional signs within the shopping center. The property is located in a CR District.

The zoning inspector's letter dated January 19, 2012 was read.

Mr. George Dragon of Cicogna Electric Sign Company was present to represent this application.

The board reviewed the application and variances requested.

Mr. Lamanna said these are designed to be internal directional signs to get people to where they want to go and one is just a more conventional on-street sign for the businesses.

Mr. Dragon testified by saying correct and the property owner (McGill) felt this was a need to try to alleviate some of the congestion through there so they came up with the four directional signs, including the tenants on there which are aluminum, non-illuminated and the panels are replaceable so if a tenant goes out a blank goes in and then if they get a new tenant they can just switch it out, they are very flexible in that case and number three is double-faced.

Mr. Lewis asked Mr. Dragon if he has been on this property.

Mr. Dragon replied yes.

Mr. Lewis said and you don't think when you get into the middle of the property you can't see the 38' tall Walmart sign.

Mr. Dragon said yes but it is all of the other ones too but the smaller ones are trying to alleviate any problem. He said he thinks Walmart tends to lure people in by themselves.

Mr. Lewis said Walmart, Dicks, Marshalls, Michaels, Kohl's, all of these have very substantial wall signs and their place of business is extremely visible the minute you come in from anywhere. He said the area up by where monument #4 is which is an L-shaped building when you first come in has maybe eight to twelve small boutique type businesses in there. He said he might be able to understand that but he is having a really tough time understanding why you need a sign to get you to Dicks or Walmart or to Kohl's when they are visible from anywhere.

Mr. Dragon said that is very viable but the thing they are looking at, when they get people coming in there, you want to keep them out of certain areas if they are looking for Kohl's etc.

Mr. Lamanna said if you have ten tenants and nine of them are small and one of them is big it doesn't make much sense not to have all ten of them on the list with the arrow.

Mr. Olivier said he wouldn't have known where TNT Tanning or the Dental Works was without driving back there.

Mr. Lewis said he just brought it up for conversational purposes.

Mr. Lamanna said if there were four big stores then what do you need another sign for but if there were ten stores back there and two of them happen to be big put them on the list too.

Mr. Dragon said the signs are in the parking lot so they get behind those front retail buildings to kind of separate them and send them in different areas.

Mr. Lewis asked where monument #4 is, do we already have a monument sign at that entrance.

Mr. Dragon said you have a monument sign yes, it is just across the driveway from it, basically its right here and showed the board on the site plan. He said it is a single face back on the end of that curbing or island.

Mr. Lewis said when the cars are coming out of this area and they have to cross over which essentially is a divided boulevard and they are going to cross over and make a left to get in the exit lane to go out, we are going to have a sign right here (he referred to the site plan). He said he has some concerns that as he is sitting here in his car and there is a 6' tall sign, he is going to stick his nose out and these cars coming in are going to cross and he has no visibility.

Mr. Dragon said but it will be set off of that curbing about 2' and that was the question that was brought up too when they were discussing it, the traffic visibility.

Mr. Lewis said because that one is tricky.

Mr. Dragon replied yes and that is why they would keep facing on this side of the black line so they would have enough room to pull up ahead of a car and be able to visually see any cars coming in.

Mr. Lewis said that sign has got to be about 8' off of the pavement and the curb coming across because you have got the nose of your car, the bumper, another foot or two to where the passenger is sitting, he is almost 8' from the front of his car.

Mr. Dragon said that is a large area there.

Mr. Lewis said that is good that it is a large area but his concern is he is working with just the footage off the curb that way.

Mr. Dragon said he understands.

Mr. Lewis said and this corner is high volume because it is McDonalds and you've got a ton of youth drivers coming through the drive-thru and you come out here (he referred to the site plan) and there is a right and now you have to cross a boulevard to get out of here so it is one of the more risky areas.

Mr. Dragon said correct and when we were discussing this that was one of the things that was brought up on this one and that is one of the main things that we are trying to do is try to alleviate traffic and get traffic moving.

Mr. Lewis said he understands the directional signs.

Mr. Olivier asked who is monument #4 directed for and who are they trying to capture. He asked which direction it is facing.

Mr. Dragon said it is facing Route 43 so when you pull in you will see it.

Mr. Lewis said that is servicing all of the little shops to the left.

Mr. Dragon said correct.

Mr. Lewis said so right on top of the intersection.

Mr. Lamanna said people are going to turn and they are going to slow down to look at that sign.

Mr. Lewis referred to the site plan and said how about putting the sign back here at the back end. He said direct them into the back entrance rather than crossing the boulevard and he thinks it can be really safe and actually what it could do is simultaneously reduce a monument and this one becomes two sided.

Mr. Olivier said it is really just directing back to this little sub-section of the shopping center.

Mr. Dragon said yes they were trying to alleviate some of the traffic coming back here (he referred to the site plan).

Mr. Olivier said he understands Mr. Lamanna's point, people will slow down and it will create a back-up with people turning in.

Mr. Lamanna said it could be a real hazard because people will come in and start looking at that sign to see where they are going and they will slow down and people are trying to make the light.

Mr. Lewis asked if it is two lanes all the way up on each side but when you get to this point (he referred to a site plan) people start going into two lanes.

Mr. Dragon said it is two lanes all the way through.

Mr. Lewis said it is a tricky area.

Mr. Dragon said what you are saying is basically putting it in that island right there (he referred to a site plan).

Mr. Lewis said if you put monument #4 right here (he referred to a site plan) with your arrows directing them into this plaza section right here what about putting the other monument sign right here (he referred to a site plan) where you have monument #1. He said leave monument #4 here, you see that first and you direct them into this entry into this area so it is safe and move monument #1 to just the other side.

Mr. Dragon said correct.

Mr. Lewis said it would keep it consistent with what they are doing with monument #2 and monument #3 to direct them down the center area and what we are doing is keeping the clutter off the street too.

Mr. Olivier said he is not sure if monument #4 is needed, you are going right past those.

Mr. Lewis said sign #3 is two-sided.

Mr. Olivier said as you drive down that boulevard you see those shops that front the boulevard, the only ones that you might miss are the ones in the front.

Mr. Dragon said the ones that face Rt. 43.

Mr. Olivier said if you are coming from the west, west to east on Rt. 43, you may not see what is in that front exposed section east of the boulevard.

Mr. Lewis said he is also getting the impression that the landlord is trying to be fair to all tenants so everybody gets a slat.

Mr. Dragon said these signs are not meant for advertising and when we talked about this when we were discussing what they wanted to do with this that was never brought up because they have the wall signs. He said when they come down everybody is going to be looking straight ahead they shouldn't be gazing and they want to be able to see that if they are going to Walmart or Big Lots, this is where they should be turning.

Mr. Lewis said he sees it more as a traffic management.

Mr. Dragon said once they are in the parking lot they will know.

Mr. Lewis said most of this serves the local community and once you have been to the store the first time you know what is here and you know your way back.

Mr. Dragon said yes you do.

Mr. Lamanna said sign #1, #2 and #3 are directional signs because they are visible from the street. He said he has an issue where #4 is just because it is right down by the street and he is concerned that now it is more of an advertising situation and he is a little concerned about that position of the sign there. He said it concerns him that they are going to be reading the sign to figure out where they are going and then they are going to slow down and there will be a back-up.

Mr. Dragon said so move #4 back into that right behind McDonalds and then move #3 across and he will submit it to the zoning inspector.

Mr. Lamanna referred to the other ground sign and asked why it cannot be added to the existing monument sign.

Mr. Dragon said the tenants said they will pay for the sign if they can have a sign and they said there were stipulations so they agreed to move it down and keep it 200' from the other sign and they didn't want a lot of variances but having the third sign is the variance there.

Mr. Lamanna said there is already an existing sign right at the entrance where you have to come into the center anyway and with this additional sign people will get confused and think that they are going to be able to get in the shopping center where the sign is and the next thing that is going to happen is Bob Evans, Home Savings Bank, McDonalds will all want their signs too.

Mr. Lewis said they will want their own or there is going to be more group signs.

Mr. Lamanna said there will be more people making the same request and then there is no rational way to tell the other people no once you let some people have the sign.

Mr. Dragon said he understands but there is an AT & T business that has two signs on the building because they are on that corner lot and Subway is down here and basically that is what Subway is saying, they (AT &T) have the availability to put two signs on the building which they don't and they said their business will flourish if they have something out on the road and again the anchor tenants draw in the people so they have to have top billing and they pay the biggest amount and that is why the little ones came up. He said the landlord wasn't going to allow anyone in the front to have one they just wanted it for the people in this one shopping center being an outpost building so to speak and being able to help them out on the side.

Mr. Dragon continued by saying they had a couple of stores leave and Subway said they could be doing a lot better and they were the big advocates on this so they really kind of pushed the peanut forward with the landlord and with the other tenants.

Mr. Lamanna said he understands what their motivation is but the trouble is everybody else has the same argument and it is not just one sign.

Mr. Dragon said he doesn't agree with that because the tenants up front, most of them probably already have two signs like AT & T and AT & T doesn't want any part of this, they think they have adequate signage and they don't want to be a part of this in paying for it, it was just the tenants basically on the side that wanted that extra exposure.

Mr. Lewis said but they are happy to take a directional sign pointing to their business. He said as far as Subway goes Aurora Road is not Brookpark Road connecting the east to the west of the airport and it services a local area.

Mr. Dragon said they get a lot of out-of-towners from Solon and from Streetsboro etc.

Mr. Lewis said he believes Solon has a Subway and Streetsboro probably does.

Mr. Dragon said he travels as a salesman and a lot of people travel to every town.

Mr. Lewis said that is a really small part of what this retailer's overall scope of business is. He said they are here with a Subway franchise to service the local community and once a customer has been there one time they know where it is.

Mr. Dragon said he is from Ashtabula and he travels all over Ohio and if he has to eat at a Subway it is nice to be able to find one.

Mr. Lamanna asked where the future Mexican restaurant is going to be.

Mr. Dragon said along the side.

Mr. Lamanna said that Vinny's is on the end there where the KFC used to be so they already have frontage on Rt. 43. He asked where the other restaurant will be.

Mr. Wrench said it is on the Subway side.

Mr. Dragon said correct.

Mr. Olivier asked if there is no monument sign on Rt. 43 for these businesses.

Mr. Dragon said not for that particular building.

Mr. Lamanna said there is a monument there for the center but he can't remember what is on that versus the other one.

Mr. Olivier asked if there is space on it.

Mr. Lewis said there are a lot of little shops in here that could say they need a monument sign of their own out front or that they need a big group monument sign.

Mr. Dragon said the owner said they had to stick within the code and if they got anymore they had to separate the sign with t-bars.

Mr. Lewis said he is thinking that these smaller tenants need to have this conversation with their landlord and say there are two monument signs and they want billing on it somehow and let those guys work it out. He added that he does not have any issue with the directionals but he is not inclined with more.

Mr. Lamanna said the problem is once you go down the path it is hard then to say how is this different from the next guy who wants one etc.

Mr. Dragon said it is a large area and you have to take it by size too. He said if the mom and pop store down the street wants two monument signs you have to take everybody at their own validity and look how huge this place is.

Mr. Lamanna said he knows it is big but his problem is then the others will come in and start asking for more than two.

Mr. Dragon said it comes down to hardship and the side, people do have a hardship technically on this separate building but if they are in the back then they don't have a hardship, they are going to hope that Walmart and Dick's lures their business in and that is a given.

Mr. Lewis said that is the incentive for somebody taking one of these smaller spaces here that they are really using marquee big box stores for free, they are getting drive-by traffic and it doesn't cost them a penny, they don't have to advertise.

Mr. Wrench said and there is a Subway in Walmart.

Mr. Olivier said he agrees, you are opening yourself up to some of these smaller shops further back that will want the same exposure on Rt. 43 that Subway has.

Mr. Lamanna said we want to deal with one monument sign there, if there are too many businesses then if we need to address the size of the monument sign then we need to but he just really does not want to create another one. He said with the sign there it is going to create people looking for the curb cut by the sign, they will be slowing down looking to see where they are to turn in because they expect to turn in by the monument sign so if there is an issue with the capacity of the existing monument sign, we can address that if it is a problem.

Mr. Dragon asked if this part can be tabled and he can reiterate the board's sentiments on that monument sign to McGill and tell him that maybe he should come down and give his input on that in the interest of that sign.

Mr. Lamanna said he understands what the issue is, he understands that the people want separate visibility but the board doesn't want to create multiple signs but there is an issue with the size and we have so many tenants and we are running into a problem with the existing monument sign, he would rather adjust that than adding new ones down the road because more of the businesses will want one and then there will be a lot of monument signs going up the street.

Mr. Lewis said they also have some big box spaces available or un-rented at this point too with the furniture company and some of the others moving out such as Circuit City so the landlord still has to figure out how to put those big box names on the existing marquees when he rents.

Mr. Lamanna said right now there are signs next to the entrances where they should be and adding more signs where there are no entrances is just going to create an issue because there is no curb cut there with the sign and it creates an issue with who gets that freestanding sign and once you start down the road, everybody has a reason for more signage.

Mr. Dragon said he has been in this business for 25 years and has gone to a thousand zoning meetings and they give that same excuse but he is a firm believer that when you come to these meetings, you are based on your hardship individually because if McDonalds comes in tomorrow with a monument sign and you have a problem with that, McDonalds should have to worry about how you handle that.

Mr. Lamanna said the second part of it is, the zoning ordinance forms the comprehensive plan and you can't come in and present a hardship that is not unique to you if it is the same hardship that applies to everybody who has a commercial business then it is no longer a hardship and that is the difference. He said your situation is no longer your situation it is everybody's situation.

Mr. Dragon said you are dealing with size here and dealing with a parcel that is huge.

Mr. Lamanna said everybody can raise the same concerns and what happens is when everybody raises the same concerns then it totally undermines the entire signage regulations.

Mr. Dragon said you base it on each individual applicant that comes in here.

Mr. Lamanna said he understands that but this situation isn't really different from a lot of other people's who can all raise the same thing and once you go down that path it totally subverts.

Mr. Dragon said he understands where the board is coming from but he would like to table this part of the application and if Mr. McGill wants to come in he can.

Mr. Lewis said monument #1 was on this corner and we are moving it across and we are moving monument #4 from the front street back so people will get directed to come into this entrance and all these buildings and will see all of the rest of the traffic before they go through the intersection.

Mr. Olivier asked if it is okay to put signs in the green space.

Mr. Lewis said that is not green space, it is a platted lot.

Mr. Olivier said the board gave them the ability to build on it.

Mr. Lamanna said the only place you can't put it is in the conservation easement.

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

Motion BZA 2012-3 – Market Place Drive (Bainbridge Shopping Center)

Ground Sign

Mr. Lamanna made a motion to table the portion of the application regarding the separate ground sign on Rt. 43 advertising the businesses in the corner of the shopping center.

Mr. Olivier seconded the motion.

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

Four Directional Signs

Mr. Lamanna made a motion to approve those signs as they are shown, four 6' x 3' signs, for the purpose of being directional signs with the change that the location of Monument Sign #1 will be moved across the roadway from where it was shown to the opposite side which would be then the southeast side of the roadway and the sign formerly designated as Monument Sign #4 would be moved from the front entrance back to the location where Monument Sign #1 was originally shown on the northeast side of that interior roadway.

Motion BZA 2012-3 – Market Place Drive (Bainbridge Shopping Center) - Continued

Based on the following findings of fact:

1. The reason for allowing these signs, although they are in excess of the normally permitted directional signs, the purpose of these signs is to provide for internal traffic flow within a very large shopping center with a large number of tenants.
2. Given the size of the signs and their locations, they are not designed to attract people in from outside of the center but only to provide information to those who have already gone into the center and to improve the traffic flow within the center.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:10 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier

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

Date: February 16, 2012

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
January 19, 2012

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:10 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Mr. Mark Olivier. Mr. Mark Murphy was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 15, 2011 meeting as written.

Mr. Lewis seconded the motion.

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

Meeting Schedule

Mr. Lamanna made a motion to change the starting time for the next regularly scheduled meeting to be held on February 16, 2012 from 7:00 P.M. to 6:30 P.M.

Mr. Lewis seconded the motion that passed unanimously.

Applications for February 16, 2012

Application 2012-1 by Candice W. Channing for property at 9251 Stafford Road -
Continuance

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

Application 2012-3 by Cicogna Electric Sign Company and McGill Property Group for
property at Market Place Drive (Bainbridge Shopping Center) - Continuance

The applicants are requesting area variances for the purpose of installing an additional multi-tenant monument sign and four (4) directional signs within the shopping center. The property is located in a CR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for February 16, 2012 at 6:30 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.

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. Olivier, 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. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Election of Vice Chairman

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

Mr. Olivier seconded the motion.

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

Election of Chairman

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

Mr. Olivier seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, 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. Olivier seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, 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. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, 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. Lewis seconded the motion.

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

Since there was no further business, the meeting was adjourned at 8:28 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier

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

Date: February 16, 2012