

Bainbridge Township, Ohio
Board of Zoning Appeals
January 21, 2010

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:06 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent.

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 2009-32 by Parkside Church for property at 7100 Pettibone Road-
Continuance

The applicant is requesting a modification of a prior conditional use permit and an area variance for the purpose of permitting the sanctuary addition to be 45 feet in height. The property is located in a R-5A District.

Mr. Dale Markowitz, Attorney for the applicant, Mr. Anthony Paskevich, Project Architect, Mr. Jason Kekic, Project Engineer, Ms. Cynthia Paschke, Wetlands Consultant, Mr. Mike Bowerman, Director of Facilities for the Church and Mr. Andrew Comer, Traffic Engineer were present to represent this application. Ms. Amy Holtshouse-Brennan from the Chagrin River Watershed Partners was also present.

Mr. Lamanna explained that this application was continued to obtain additional information and review some additional matters relative to some potential riparian locations on the site.

Mr. Dale Markowitz of Thrasher, Dinsmore & Dolan testified that he represents Parkside Church and said for those of you who were not at the last meeting, a good bit of time was spent going through engineered and architectural drawings and unfortunately the projector is not working tonight so they cannot be shown. He said there were three issues that the board wanted to have Parkside Church consider and the zoning inspector was directed to deal with the fire department and have them review the plans and secondly for the riparian way that was shown on the township's riparian map to be reviewed to determine whether it was a watercourse subject to the riparian regulations and third of all there was some discussion with Mr. Wierdsma who lives on Root Road about his home because he gets his drinking water supplied from that lower lake that is back there. He said since that meeting they accomplished all of those issues and he will summarize them and answer questions. He said as to the fire department, the plans were submitted to Assistant Chief Lovell who had asked to meet with Mr. Shane Wrench, Mr. Tony Paskevich, Mr. Mike Bowerman and himself and they went through the plans regarding everything that he (Assistant Chief Lovell) was concerned about and he memorialized that in a letter to Mr. Wrench dated January 14, 2010. He said every item on that list is acceptable to them, they went through it and understood it and the reasons for it and many of which he had heard before when they did the Weils of Bainbridge because of communication problems they

had and there were a couple of things so they will certainly assume that the board will incorporate that letter into the conditions assuming the board grants approval that they will comply with those points and for those in the audience, what Assistant Chief Lovell is asking the church to do is to put in ladders to make access to the roof and that was because of the height of the facility and a necessity to avoid having to put in ladders on the outside and the second thing was they have two fire alarm systems in their building and presumably they would have had to have a third separate system and he has asked us to incorporate all of those into one system and they will accomplish that. He said the third thing they asked the church to do was to put fire hydrants behind the building to the north going to the west and then bring that waterline back down to Pettibone Road which will help improve the pressure and the quality of the water for them as well for firefighting. He said the fourth item is because of the location of their property and the size of their buildings they want them to put in a system that is called a BDA (Bi-Directional Amplifier) which they have talked about here in the past for those of you who have been on the board for some of these other projects such as Target, Home Depot and the Weils of Bainbridge. He said they put in a repeater system so that when they are communicating right now inside and outside of the building, they cannot hear each other on the walkie-talkies which is not a good thing from the side of the building from one end to the other so this system they would build would create a method for their system to work inside of their building so it would go to a repeater tower just down the street from here and then it signals it back to them on site so they will all be able to hear each other in or outside of the building. He said those are all acceptable to his client, they are not inexpensive but they recognize the importance and the safety features of those and they will do those items.

Mr. Lamanna noted that the letter from Assistant Chief Lovell to Mr. Shane Wrench dated January 14, 2010 will be officially added into the record.

Mr. Markowitz said his client met with Mr. Wierdsma because there were issues about where surface water drainage was coming from and questions about whether some of it was going under the railroad right-of-way and what is going on, on their property, in terms of snowplowing and the ponds that they have across the street and he believes they have satisfied his concerns. He said Mr. Wierdsma can certainly speak for himself and presumes he will be able to tell the board that we have tried to accomplish his concerns. He said when the board hears their third part which deals with the riparian way it will also help to understand what they are talking about because he (Mr. Wierdsma) was concerned about what kind of chemicals were put in the ponds on the two lots that are on the other side of Root Road, their property, and they are going to propose as one of their solutions with the Watershed Partners and the riparian way to convert that pond back to a natural stream so that will stop that issue and there was a question about whether the surface water drainage coming from what would be their northeast corner of their property that flows down to his pond and there is a very small amount of their area that flows in that direction and almost everything flows towards the northwest away from the drainage from those ponds so he thinks they have satisfied Mr. Wierdsma on those issues. He said the third item is the riparian way and that is an issue that they spent a lot of time on, they had a lot of discussions and a lot of phone calls and site visits and letters.

Mr. Markowitz continued by saying he can make it easy and say to the board that the clear answer from the Watershed Partners was that the map the board has which shows that area in the northwestern portion of their property has a riparian buffer area and it is their opinion it is correct and in their expert's opinion and of course they disagree, however, we decided that we are never going to get past that issue because neither side is going to change their opinion. He said they were confident that it was a solution that the Watershed Partners would want for mitigation because we are going to impact that stream area that would be acceptable to us and with his discussion with Ms. Amy Holtshouse-Brennan there were a lot of questions about how we should deal with mitigation and we came up with a number of designs on our property where the church is and Ms. Brennan had first said she didn't think those would work unless they were off site so she came back to us and they (Ms. Brennan and Ms. Mindy Hayes) suggested trying to do something at the Solon park. He said they immediately put up red flags and said no, it doesn't work because it takes forever with too many committees and too much bureaucracy. He said they can't have this project depending on what happens there but as a result of going out there and meeting with Mr. Bowerman, they walked across the street and looked at this pond that we have and the suggestion that Ms. Brennan made was their goal is to get rid of ponds when they can and it can become a natural stream again, they think it is environmentally preferable for a lot of reasons. He said his conclusion is that they believe that is probably the right approach but because there are some issues they have to look at they are not sure it is the only or the best solution at the moment and they will need a little bit of time to work through that but if not they have other potential solutions on other parcels that they own or possibly go back to Solon to do mitigation but the pond is the highly, likely resolution. He said they will ask the board to approve it conditionally upon them putting the mitigation plan in place so it is acceptable to the Watershed Partners and Mr. Wrench and give them 90 days to accomplish that. He said they are confident they can accomplish it in a lot less than that but just in case something happens and the pond is not the best solution from either Ms. Brennan's perspective and ours that we have some time to work something else out and they want to get it done quickly for the benefit of everybody so they would still have to pipe the drainage in the direction if you recall, they had an underground pipe going underneath the parking lot out letting towards the north going to the Solon property and the surface water on the parking lot is going to the west to their retention basin and that surface water will be piped out over the pipe that is going to the natural outlet. He said there is approximately 100' of area that the Watershed Partners believes is a riparian watercourse but there is a much longer pipe they are putting in than 100' but it will be about 100' of area in the riparian way but they will clearly have to impact that. He showed the board a site plan and said the suggestion was to move parking either to the old evaporation pond or to remove parking across the street and for engineering reasons on the evaporation pond it was not a feasible thing to do and it was also suggested to land bank or make the parking lot smaller to try to make room but it turned out that the parking lot isn't by itself enough to eliminate the impacts to the buffer.

Mr. Markowitz said because of where the retention basin has to go because of the topography and the engineering that the water is going to be flowing from the hard surface into the retention pond and then they will be piping the water under the parking lot here (he referred to the site plan) and this is going to drain into its natural course just like it was before and they have got a lot of water quality improvement going on here and under the Phase II rules they have to improve the water quality by 20% as this is designed to do in addition to retaining the water. He said what they would propose is that if the board wants to approve this it can do so conditionally on satisfying Watershed Partners and Mr. Shane Wrench on what mitigation they would do. He said their preference is to keep it on their property and to keep it in Bainbridge if they can and if they can't there is the possibility of going into Solon but from his own personal experiences it takes a long time to get approvals in Solon on things and he thinks Ms. Brennan can express her thoughts on that as well. He said those are the three items that were open when they left the meeting last month and if there is anything else the board thinks they want to hear from the applicant all of the consultants are here for the open issues. He said they also have their traffic consultant here in case any questions come up on that.

Ms. Amy Holtshouse-Brennan testified that she went out and took a look at it, particularly that area of the pond, and it really looks like it is similar in drainage area and eventually drains to the same stream and it is currently not a stream so it really is impacting one stream and recreating a stream in another location so if it can be worked out, it is a great alternative.

Mr. Murphy asked if the pond they are going to eliminate is across Root Road.

Mr. Markowitz said yes it is actually on both of the lots and the north end is on the smaller parcel.

Ms. Brennan said it is a fairly sizable pond.

Mr. Lamanna asked if they will get rid of the larger pond.

Mr. Markowitz said it will become a riparian area with buffers and it will not be as wide as the widest part of this but it accomplishes the goals of the county and the Watershed Partners about trying to eliminate ponds when they are in areas that are natural drainage ways and streams.

Mr. Murphy said then during construction it shouldn't interfere with the neighbor's drinking water downstream in that waterway and if that is correct.

Ms. Brennan said correct.

Mr. Markowitz said that should improve and he should have a lot less concern because they wouldn't be treating that pond anymore.

Mr. Murphy said you don't have to treat that pond.

Mr. Markowitz said by getting rid of the pond it eliminates the maintenance obligation on their part and they believe that will be the correct solution but because it only came up in the last 24 hours they have not had time to give it all the thought that it needs but they have other potential solutions on their properties in this area and if they have to go to Solon they will do that.

Ms. Hannum asked about the wildlife in the pond and said she is assuming there is fish in there, if you have a pond you have fish. She asked when they remove the pond and turn it back into a stream if they made any arrangements for the fish or whatever is living in there.

Ms. Brennan said because they know there is another pond directly down stream, allowing those fish to move downstream is certainly an option. She said when the plan gets put together making sure that any of those sediments during the removal of the pond outlet structure that that is stabilized and those sediments don't go downstream to the next pond and those are part of the things they have not had the opportunity to flush out.

Ms. Hannum asked if the lower pond is not going to increase in size, the second pond.

Mr. Markowitz said they hadn't talked about that.

Ms. Hannum asked how big that pond is.

Mr. Markowitz said they did have a calculation.

Mr. Jason Kekic testified that it is 60,000 sq. ft. or a little more than an acre.

Ms. Hannum said if there are wildlife and fish in that, there will be too many for the pond going down stream.

Mr. John Heun of 7433 Jackson Road testified that it goes to the Solon park.

Mr. Markowitz explained the retention pond per the site plan.

Mr. Lamanna asked if anyone else had a comment on this application.

Mr. David Berry of 7416 Pettibone Road asked if there is any discussion on what the church is going to do for pedestrians and testified that there are a lot of joggers and bikers and the traffic on Pettibone Road is so busy it is almost like a freeway when that church lets out and it sounds like the church is going to expand.

Mr. Berry continued by saying the church is causing a safety problem and he knows there are a lot of people that jog around the neighborhood and asked if a bike path is going in because there is a safety concern here and he knows the church picked that area because it is quaint and it is nice but there is one road in and he understands they are good to the neighbors and everything but the traffic is huge, it is like 271 on a Sunday and it is all day. He said maybe a better place would have been where you have major intersections, not a small street. He said his question is has anything been done for the older residents who may still want to continue jogging or walking and stay safe. He said Solon made a bike path and asked if there are plans on continuing that bike path to Root Road or Geauga Lake Road.

Mr. Lamanna said not that he is aware of.

Mr. Berry asked if that can be put into a condition.

Mr. Lamanna said that is probably beyond what the board can put into a condition.

Mr. Berry asked why.

Mr. Lamanna said because it is not within the board's authority to require an improvement.

Mr. Berry asked if there is authority to deny them approval for expansion.

Mr. Lamanna said there would be but somebody has to demonstrate that this is creating a significant adverse impact.

Mr. Berry said safety to the residents and he can invite the board over on a Sunday and asked how many more cars he is going to see.

Mr. Lamanna said the traffic was covered in detail last month.

Mr. Berry said somebody dropped off letters to everybody and a lot of residents didn't know what was going on and added there is a concern.

Mr. Andrew Comer asked if the board wants to know the additional generated trips.

Mr. Murphy said that may give us some answer for what he is asking. He said they are changing the shape of the church and they are adding seats so he would assume they are assuming more people.

Mr. Berry said there is a projected increase which is fine but asked how many seats, 1000.

Mr. Markowitz said approximately.

Mr. Berry said 1,000 more seats and asked how many seats are in there now, 2,500.

Mr. Markowitz said no the total when they are done will be about 2,588.

Mr. Berry said so they have 1,300 now and they want another 1,000 so they are going to double the size.

Mr. Markowitz said no, they are adding about 1,000 seats.

Mr. Berry asked who is representing the church.

Mr. Markowitz said he is.

Mr. Berry asked Mr. Markowitz if he would consider putting in a bike path.

Mr. Markowitz said the bike path is in the public right-of-way and we have no control over the public right-of-way, the township trustees do, the board of zoning appeals does not. He said if the residents want a bike path the church can't solve their problems on Pettibone Road because that is out of their control and it is even out of the township's control.

Mr. Berry said the church is causing more of a problem so what the church is doing is the problem we have right now; the church is making it a larger problem so his question is, and obviously the church has the money to do it for the safety of the residents, continue the bike path to Geauga Lake Road.

Mr. Markowitz asked Mr. Berry when he says to continue the bike path to explain.

Mr. Berry said people jog on Root, Geauga Lake, Pettibone and Jackson.

Mr. Markowitz said people jog on every road, he sees people jogging on Route 43.

Mr. Berry said you do but if you take a look they use that route.

Ms. Karen Bartlett of Geauga Lake Road testified that she can back Mr. Berry up.

Mr. Berry said there are a lot of people who take that path around and there is not a lot of area in their general area that people can access but they use that turn-about and it is used quite often and it is a concern to him. He said he is asking if it is a possible solution to maybe put this in the building plans and make it a solution for the residents. He said he is not coming here to stop it, he is asking if the church can come up with a solution to a problem that the residents have and it is going to be made larger.

Mr. Markowitz said he will try to answer the best he can and he has been down this road before. He said first of all it is his opinion and he has gone through hundreds and hundreds of traffic evaluations and the joggers and bikers are more safe rather than less safe on Sunday mornings if they want to go out there because we have traffic personnel that are directing traffic. He said on that road which he drives a lot, people are constantly driving 55 to 60 mph when there isn't all of the traffic. He said on Sunday mornings and he has gone down there himself to observe, the traffic is driving significantly slow for a couple reasons, one because there is more traffic and two, because the people at that facility are told time and time again to respect the traffic situation that is going on and third of all, there are off-duty police officers that are down there directing traffic so it is his opinion and experience that joggers and bicyclists are not less safe during that time and fourth of all, as it was testified last time, we do not have services going all day on Sunday, it is a Sunday morning session, there are certain peak hours in the morning and in the afternoon there are not services and it is the only day of the week that you have that traffic unless it is at Christmas time. He said if the site were to be used for other uses it would be permitted to have much more intense activity on a regular basis every day of the week so overall he does not see how this is creating a negative situation but to answer the question, can the church do a bike path from our property to Geauga Lake Road, the answer is no, we cannot do that, we couldn't possibly justify the cost. He said it is the same reason why the township doesn't do bike paths, they are extremely expensive, and you have no idea how expensive it is for additional right-of-way, engineering designing, all of the soft and hard costs; it is not feasible for a client doing a project of this size to do that. He said if the township wanted to do a bike path project in that area, would we contribute part of our frontage for that and contribute our fair share of the burden for that, he does not think it would be an unreasonable request. He said he can say that with a lot of comfort because he does not perceive this township having the funds to be able to do that unless they get a third stimulus package from the Federal government that says, okay, let's start doing bike paths so it just isn't likely to happen. He said the bike paths in this county are all put in by the Geauga Park District and some of the township park districts have coordinated off of those and that is where the focus and the money has gone so he doesn't have the ability to give that answer. He asked Mr. Bowerman if he had anything to add.

Mr. Bowerman said no, Mr. Markowitz covered it.

Mr. Berry said he respects Mr. Markowitz's opinion on the safety and his opinion is not just driving down the road occasionally but he is a person who actually lives on the road and has children who are on the road and in his opinion this is going to cause more of a safety issue and understands that there is a large contingency of people here that have invested a lot of money in this site but where is it going to stop, are you going to continue to grow. He said he really respects the church but if you want to grow to such an extreme size maybe there should have been a little bit of thought of access roads before you started so in his view, we are adding safety concerns if we don't address the residents and the pedestrians and it is really a disturbance to the residents of Bainbridge.

Mr. Dennis Silvia of 18860 Geauga Lake Road testified that he is curious regarding the traffic study that was done and what percentage of the cars go west coming out of the parking lot versus east because westbound traffic obviously is moving right into Solon immediately and that was engineered to handle traffic so is there less percentage that goes east as opposed to west.

Mr. Andrew Comer of TMS Engineering testified that the percentage is much higher going west with almost over 80% in the two peak hours and they looked at it heading west and either straight through or making lefts and rights on Aurora Road, so between 15% - 20% heads east so the majority heads west.

Secretary's note: Mr. Andrew Comer's name was incorrectly spelled as Komer in the December 17, 2009 meeting minutes.

Mr. Silvia said so it is less of a burden for going east into the township then.

Mr. Lamanna said the traffic is definitely heavier to the west.

Mr. Silvia said so it is moving out of the township almost immediately.

Mr. Lamanna asked as far as doing traffic studies, are pedestrians ever a part of the studies and is there some standard for looking at pedestrian impacts or is there more of a case if you have a school in the area.

Mr. Comer said it is more based on urbanized areas with heavier volumes and we do collect pedestrian data when there are sidewalks because mostly for signal aspects but we do collect that data, he does not remember what the pedestrian volumes show here, he does know that it was very low but he could get that information, but it was very low, very minimal during those time periods.

Mr. Lamanna said so probably because of the level of pedestrian traffic it wouldn't be something that would normally be considered in a traffic study under these kinds of circumstances.

Mr. Comer said no you are typically looking at crossing volumes at intersections etc.

Mr. Ron Pollock of 17414 Beech Grove Trail asked if the traffic study ever indicated how much traffic went into Target and Walmart because when the church was first built they weren't there and asked if they are causing a substantial amount of the traffic problems.

Mr. Lamanna said their traffic study evaluated the traffic as it exists now and then as it would be if they expanded so to the extent that the existing traffic caused by the existing stores, that is their baseline, they don't have anything that says there used to be this much traffic and with the addition of the shopping center there was this much more so all that baseline includes is everything that is there presently so we are looking at what is there presently and what will happen after they build this, the projection of what the traffic will look like after that.

Mr. Murphy said the stores were there when the study was done right.

Mr. Comer replied yes.

Mr. Lamanna said that study can't tell what the differential is, what was added with the stores but if you look back you can probably find the traffic study that was done for the shopping center and there is probably an indication of what their expectation was in terms of the amount of traffic that it would have added.

Mr. Markowitz said they had to do that for ODOT when they did the Marketplace at Four Corners and they did another one when they did the shops across the street because they were changing all of the street alignments and the signaling and it was very expensive and that information was available to them but we did traffic counts a couple weeks before the meeting here because we were waiting for Pettibone Road to reopen before we did it because we didn't think it was fair to do it until then.

Ms. Karen Bartlett of 18591 Geauga Lake Road testified that she has lived in Bainbridge since 1985 and she has lived on Geauga Lake Road between Pettibone and Jackson since about 1991 and basically she wrote a letter to the trustees at the end of December of last year and said she is the one that runs everyday and she doesn't happily bring what she is going to bring to the board because she believes that Parkside has a wonderful message and does some wonderful things but as a runner and she has researched basically in her letter, she got a letter back from the trustees to make sure she is standing on solid ground from what she is going to say is that the board has told Parkside from the very beginning that they needed to do some things and they have not done them and one of them, how minimal you think it is, is to keep the gate closed on Root Road. She said she guesses for somebody who enjoys the neighborhood and it has a lot of really positive things and that is why Parkside probably chose to come out here to Bainbridge but when you have the gate left open all of the time and you have people that learn the routes of going down Jackson and Geauga Lake Road is a main road to Parkside, she can't argue with that but she basically, sadly started taking pictures of what she would run by and see and she would bring them up to you (board). She said this is what she sent to each one of the trustees (photos) in December of last year and it took the trustees two months to answer her. She said she had to call the Prosecutor's office two times and basically make sure that a person, as a taxpayer, deserves an answer and she was told she was going to get one.

Ms. Bartlett continued by saying she got a letter that basically is dated in January but was not mailed until the end of February and in this letter the trustees basically stated that indeed, Parkside is to keep their gate closed and indeed they need to make sure there is natural coverage around the church and there were some other questions she had but for the most part were cleared up in the letter but one of the things that was said to her in the letter and she has copies and pictures and things like that and she does not say this lightly. She said basically what was answered was that Mr. Joyce would be her contact person and that he would answer everything but one of her questions in the letter was who was to keep them accountable and she assumed it would be this committee or Mr. Joyce himself and when she called Mr. Joyce and she asked him when he thought the construction was going to be over, about the coverage and questions about the gate, he basically said he would get right back to her but she never, ever heard from him. She said she called back because it got into the summertime and she has some real concerns because she thought that also they were only supposed to open the gate when they were supposed to leave, she did not realize that they were allowed to come and cut through the neighborhood and this was kind of what was told to her as far as the variance and she is no means an expert but she does know a few things and right now does not believe that anybody is keeping them accountable on this until perhaps she talked with Mr. Wrench a week ago on Monday and he highly recommended that she go to the township meeting and he highly recommended that she come here and she is here. She said she again believes that on both the township's side and Parkside that the residents in this neighborhood have really, it has been terrible, it is like a freeway whether you are talking Pettibone or Jackson and on Geauga Lake Road she can tell that when she was coming back from her church on Christmas Eve and Parkside was letting out and she is not the sanest person and not the best driver but she was white knuckled trying to have the other people meet her, the roads are not that wide, you have Snake Hill you don't even have the gas line going down it, you have got beautiful farms that look like tourist areas, the speed limits and again, Parkside does wonderful things but in the kind of neighborhood that we have, if you are going to allow them to do this you better monitor them because as far as she can see, they haven't been monitored and it has caused her a lot of stress. She showed the board some photos and said she does not know if she is doing this the way she should but this was the first time that she chose to take a picture because obviously this was way before their variance and she knows the board has seen this, she was horrified that they were encouraging people to go out that gate to go down Root Road to go down Jackson (she submitted the photos to the board). She said she is concerned about the coverage and was told that when construction was done that Mr. Joyce or somebody would walk with people and would discuss this and said when she built a garage on her property she had to come before you guys (board) and she knows that people got turned down because they didn't have their garage or what they wanted to do directly behind their house. She said when she went by on Root Road and there is this unpainted building that is about 20' from the road that is covering this big hole that is just there (she showed the board a photo) but she does not know anybody that could get a variance or be allowed in her neighborhood or in Bainbridge to put a shack like that up but she doesn't know what to call it.

Mr. Markowitz asked if it is the pump house.

Ms. Bartlett said yes the pump house and again she is not going to talk about that but the township right now has not done their job enforcing what the board told Parkside they had to do. She said her concern is they open up, the Sunday before, the gate was open the whole time and she even went back after her service just to take another picture and you can look at these pictures and this is all since the construction has been done and the point is she is really upset about this because she is a single person that is able to finance a house and she likes her neighborhood and one of the main things she does is she runs in triathlons and she goes back to Parkside's message that is exactly what she stands on but she does not stand on the fact that on both sides of the fence, Parkside's and yours, you have just done an injustice to us and he who knows what is right should do it and just go to James and you will find it. She said she can talk to the board about people who have waved to her as they run her straight off the road and she is the kind that goes up and says excuse me why are you putting a sign like that up and the people are not Samaritans unfortunately, they wouldn't even talk to her or acknowledge that she is a human. She said Parkside has really in many ways caused her to stumble and she asked them to pray for her because this has really caused her heartache, it caused her heartache to come today and that is all she can say. She said they know her and understand where she is coming from.

Mr. Lamanna said to Ms. Bartlett that he is having a little trouble identifying what her specific issues are.

Ms. Bartlett said her issue is regardless of what you give them, an expansion or what we are talking about she is here because she believes that this board needs to keep them accountable to what you have already told them that they need to do. She said she was told in a letter by Mr. Joyce that he would follow certain things up, he has never followed them up and that is all she will say but she told the board too.

Mr. Lamanna said the board likes to know these things but when the board imposes conditions or other requirements or whether the requirements that exist naturally that we don't specifically impose it is the zoning inspector's job to enforce those and there is a mechanism for enforcing those but the zoning inspector doesn't report to this board, we don't have any authority to tell the zoning inspector what to do.

Ms. Bartlett said she just wants to make the board aware.

Mr. Lamanna said the board happens to be aware of it but he just wanted her to understand that for the future how the enforcing mechanism works among the various bodies here.

Ms. Bartlett said she was not getting a response.

Mr. Lamanna told Ms. Bartlett that he understands her frustration.

Mr. Markowitz said he can't call his client a corporate citizen, they are not corporate but they are a good neighbor. He said when two events were going on at the same time such as Pettibone Road which was going to be improved by Solon to the west of the railroad tracks and we were installing sewer and waterlines on Pettibone Road and the timing of course, these things always seem to coincide at the wrong time, but they were being done in a relatively same period of time, we went to the zoning inspector before we did anything and we said we've got this situation where the road is going to be closed temporarily and we would like to be able to use Root Road for an access because the way this board's approval for the last time they were here for a conditional use permit was, don't use Root Road for your exits on the days of your service unless there is an emergency and the zoning inspector was asked by us and he talked to the prosecutor and he determined that in his opinion because Pettibone Road was going to be closed for a significant period of time going west and as you heard 80% of their traffic goes that way, he rendered an opinion that the church would have the right to use Root Road for their ingress and egress during services which was the only time you had a restriction on Root Road it wasn't a blanket you shall never ever come out onto Root Road. He said the other part of this and he can't tell from the pictures on the timing of it but when the sewer and waterline construction went on there was some ground cover that got disturbed because of the digging up and putting sewer and water mains in the ground but we did not disturb the required buffer that the board imposed upon us to establish which we established many years ago so to our knowledge there is no violation that has occurred, the zoning inspector has been fully informed, we have the fire department out at our property all of the time, we have the police department, we have EMS, the zoning inspector has been out, we have all kinds of governmental agencies come out all of the time and nobody has ever said we are in violation of anything and if we were, we would correct it. He said his client is not the kind of organization that is going to defy an order from the government to correct a violation. He said they understand and appreciate what Mrs. Bartlett is saying but all they can tell the board is that they have full compliance and it is with all of the board's prior conditions and beyond and he is not sure what else he can tell the board. He said for those who weren't here last time, their analysis on the traffic report was that allowing Root Road ingress and egress is the safest way to allow for this traffic flow on Sunday mornings so that is how they presented it to the board because initially he wanted them to present it so there would only be a right out and they came back and said it is best if it is a full turn so they believe that that is the best approach. He asked Mr. Comer how many vehicles during the peak hour are there leaving going north on Root Road.

Mr. Comer said there are less than 20 in an hour.

Mr. Murphy said it was said that it is the best desirable thing but he does not think it was shown that it was the safest in the study.

Mr. Comer said it improves all of the levels of service.

Mr. Murphy said it lowered the amount of time for the church to get out of the parking lot.

Mr. Comer said right and when you have an un-signalized intersection and vehicles are waiting to access the through traffic stream, what happens is the longer they have to wait for a gap, the more impatient drivers tend to become and then they are more willing to take risks in the smaller gaps so by being able to lessen the wait time it tends to lower their impatience and they are able to get into a more acceptable wider gap in the traffic stream so there is a correlation between the safety and level of service at an un-signalized intersection.

Mr. Lamanna said but we are talking about the traffic coming out the church on Root Road for 100 ft. - 200 ft. or 100 yards or ¼ mile and that is what he is trying to figure out, how many cars they have doing that.

Mr. Markowitz said there was very little stacking at Root Road and Pettibone.

Mr. Lamanna referred to what was said at the last meeting and what he does not want is traffic coming out onto Root Road, going down Root Road and over Jackson to get to Geauga Lake Road, if people need to get to Geauga Lake Road they can come out on Pettibone, go down to Geauga Lake Road and then turn on Geauga Lake Road because Root and Jackson are not really made for handling the traffic.

Mr. Murphy said 1,500 now and 2,500 in a year or two and Root Road is not where the church's address is, the church's address is on Pettibone Road and that is still an issue and the board has not dealt with that yet.

Mr. Markowitz said he would have to disagree with that because Root Road has a significant amount of frontage on their property and they have a right to use it but even with the maximum lot coverage, the number of vehicles at peak hour was 20 which is significantly below what that road was designed for, significantly below.

Mr. Murphy asked if that is north on Root Road.

Mr. Markowitz replied yes.

Mr. Murphy asked where 20 came from.

Mr. Markowitz said 20 cars will make a left turn on Root Road from the church.

Mr. Murphy asked if the departure peak hours is in the report.

Mr. Comer said it was in the additional analysis prepared and referred to a letter dated December 10th when they looked at the full access.

Mr. Murphy said he has one dated December 10th with departure peak hours.

Mr. Comer said it is Figure #1 that is attached and you will see the volumes. He said during the arrival peak hour coming from the north they estimate 25 vehicles and then five departing and then during departure, six coming from the north and ten and those are based on the percentages of volumes that are traveling up and down Root Road from their existing traffic count where in the arrival peak hour the volume towards Pettibone was 33 vehicles and then the departure is 14 and then the vehicles from Pettibone traveling down Root towards Jackson was 15 in the arrival peak and 24 in the departure peak.

Mr. Lamanna asked if the exit onto Root Road can be designed so that it is a right turn only.

Ms. Bartlett said that Chief Jimison said to put in a blockade and that is what he suggested when she talked to him and he thought that would be a very realistic idea.

Mr. Lamanna said that is why he is suggesting that we put a sign there and if it is designed to make it hard to turn left and have a sign there that says right turn only and then have signs on Root Road that say no through traffic or local traffic only and then the church can say whatever they want to say to the people like please don't use this, it is not a cut-through, you have got to go around.

Mr. Markowitz said it can certainly be done.

Mr. Lamanna said he does not want to have people putting up barricades and moving barricades.

Mr. Markowitz said there are traffic islands.

Assistant Chief Bill Lovell testified that originally he believes that the access from Root Road was to provide emergency access when Pettibone Road was waiting to be closed and if there is something that is making it so the fire department can't get there like a downed wire or something they need an alternate entrance and he believes that is why that originally existed. He said there was a time during construction where Mr. Joyce explained to him that that was going to be their primary route in and as part of the parking lot was closed while they were putting in waterlines and sewer lines etc. we would not want that to be something we would have to pre-empt earth moving machines to open up if we want to be able to access that facility.

Mr. Lamanna said all we are trying to do is encourage the people to turn right, not put a barricade there or anything like that and he thinks if people see the signs that say right turn only and some signs that say local traffic, no through traffic, he thinks people will get the idea pretty quickly.

Mr. Markowitz said unless they live on Root Road.

Mr. Lamanna said obviously if they live on Root Road or Jackson Road they are local traffic. He said you are not going to stop everybody who might want to do that but if it gets down to one or two cars, he does not think it is creating problems but if it gets to be 30 or 40 cars it could.

Mr. Markowitz said he does not even think 30 or 40 cars in an hour creates a problem.

Mr. Olivier said he does not understand why if you are going out the main entrance onto Pettibone, you can go left or right there and you have an officer there directing traffic, why you would even want people coming off Root and then back to Pettibone because it seems as though it is inefficient and if the main entrance is being monitored by safety forces and allowing people out, why let Root Road back up to get back onto Pettibone.

Mr. Markowitz said that was his question before they came here a month ago and Mr. Comer answered that for us.

Mr. Lamanna said yes the board has already gone over this and unfortunately for the benefit of the people who weren't here at the last meeting the board spent a rather significant amount of time on the traffic issues and what the results of those would be.

Mr. Berry said obviously this will probably pass but you (church) are going to make people's lives really more miserable including his but it is okay. He said what he would like to see is that the church do something, he does want safety for his children and the church has a huge facility, why don't you put a bike path in, why don't you put in a walking path, it could be an extension from the Metroparks and you could put that in, you can get blacktop at a pretty decent price so he thinks you should incorporate that on your facility and he knows you have that drainage ditch that is not attractive, spruce it up, make yourself a bike path and give back to the residents, you are taking away a little bit and you are giving back. He said he really respects the church and he is sure they can work together.

Mr. Markowitz said he is sure the church will be happy to meet with Mr. Berry but it is like an act of Congress to get a bike path done.

Mr. Berry asked even on your own property.

Mr. Markowitz said yes even on your own property and to coordinate it with the Solon park, he does not think that is feasible.

Mr. Berry said he does not want to hear how hard something is, it just would be a good thing.

Mr. Markowitz said the church will meet with him (Mr. Berry) and try to make something happen for the community.

Mr. Berry said that would be good.

Mr. Paul Todd testified that he totally gets the frustration about Pettibone but he wouldn't want to jog on it and he lives near Pettibone and Rt. 306 and he would love for there to be a bike path too but Parkside only causes traffic problems from 9:00 -12:00 on Sundays so what about the other six days a week. He said he has three young kids and he wouldn't want to run or ride bikes on Pettibone any day.

Mr. Berry said he is a person who lives there all of the time.

Ms. Terry Mills of 8215 Tulip Lane testified that it was said that Pettibone is fine all but Sunday mornings.

Mr. Todd said a lot of people would take issue with that.

Mr. Berry said it is Sunday mornings and during the week and it is not that he is mad but when you are in a car and are driving you just don't realize but we are stationary, you don't get it until you stop and stand by the road.

Mr. Todd said it is a bad road to live on and Mr. Berry's premise in the beginning was why would Parkside choose to build a church there and asked Mr. Berry why he would choose to live on Pettibone Road if you want to have a road that your kids can play in.

Mr. Lamanna said everybody has a reasonable right to use their property within the circumstances that it exists.

Mr. Berry said the only reason we are here is because the church is asking for a variance from rules that were already made and there are rules so we don't overburden roads and don't overburden utilities and they are coming here for a variance.

Mr. Lamanna said we are not here to argue.

Mr. Berry said he was just responding to his comment on why he moved to Pettibone Road.

Mr. Lamanna said they are here for a variance but the variance does not really at all relate to how much traffic is coming in and out of the property and they could configure this a different way and still have this much traffic coming in and out of the property and there wouldn't be any variance at all.

Mr. Berry said it is a variance on the use.

Mr. Lamanna said no it is not because the quantity of people this site can accommodate is not being affected by this variance. He said this variance relates to the height of the building so they could build a different configuration of the building and have twice as many people there potentially and not have to get a variance at all. He said there is not a direct connection between the two but the board is still looking at this carefully as to what the impact is on the neighborhood and we have gone through and examined the traffic impacts very carefully and because there is such limited pedestrian use of roads around here unless you have an unusual location where you have a significant amount of pedestrian traffic crossing or something like that it is not something that is going to be impacted by this especially when you look at the minimal impact that it is having on traffic flow and if there is a minimal impact it is going to be hard to extrapolate a big impact on pedestrians when there aren't that many pedestrians present at one time. He said of all the times he has been up and down Pettibone Road he is not sure he has seen anybody walking or jogging on Pettibone Road and he goes up and down there pretty regularly and maybe some do it on a regular basis or at odd hours and you may think it is a large number but relative to where you start looking at the impact it is just not there.

Mr. Berry said this is a forum to give your opinion and he respects the board's opinion.

Mr. Lamanna said this board is here to hear what the residents think the impact on their properties will be and the board has to look at it in a bigger world view to decide if it is a significant impact on the community and if the board thinks it is an unreasonable impact on the residents the board will force them to take steps to ameliorate them if it is reasonable but the board has to look at it from those standpoints.

Mr. George Wierdsma testified that he would like to point out to the board that the people leaving that church should not be prone to road rage if the minister has done his job so regarding the number of accesses and egresses from the property, even the traffic designer said there might be a problem, he does not know if it really would be.

Mr. Lamanna asked Mr. Wierdsma if he had discussions with the church on the issues he raised at the last meeting and if they are worked out.

Mr. Wierdsma said yes.

Mr. Lamanna asked Mr. Wierdsma what he understands is going to happen.

Mr. Wierdsma said basically it is what was summarized earlier and he had two conversations with them, the people involved with the facilities planning, and in every case they talked about the reasons why he had concerns, they had the MSDS that destroyed the chemicals in the lake that they were talking about not taking out and that is the one that turns green every summer and that would be actually an advantage to the lower lake because they would not have as much of the green being transferred downstream.

Mr. Wierdsma continued by saying the other is in terms of the water coming off of the parking lot, we discussed that and there are ways that they can handle that so the salt won't get into the retention pond and the third item was the drainage which was ground water from the concrete pad where all of the equipment is put on and that has been taken care of too so he is satisfied in every way and they have been open and honest.

Mr. Heun asked what the purpose is of filling in the pond on Root Road and isn't it considered wetlands because when he moved to Bainbridge he built a house on Jackson Road and before he bought the property, whoever came to his property to make sure he could build on it before he bought it said they promote water but you guys say it is better to fill up ponds.

Ms. Brennan said she can address that and she doesn't promote filling in ponds and filling in wetlands, but she does promote taking ponds that used to be streams and turning them back into streams. She said that pond was there because the driveway is there and there is an outlet structure that is forcing that water to be held at that level and because of the way it has been managed and the activities there, it is not actually a wetland, they are all wetlands on the other side of the development where part of the impacts to the riparian setbacks are happening but where that pond is there used to be just a small stream that ran through that area.

Mr. Heun asked how long ago.

Ms. Brennan said she is not sure of the age of that house but assumes when that home was built because the driveway is essentially part of that outlet structure that is creating the water to be dammed up.

Mr. Heun said the pipe.

Ms. Brennan said right but there is also some sort of standpipe structure there which again is one of those things we need to look at as far as the options for potentially removing that but she does not advocate just filling in ponds, streams and wetlands but they can actually take a feature and take it back to what it was naturally. She said some of the problems that have been happening with the management of that pond area because that is not what it was intended to be originally, it would have been a stream that flowed through that area and that is exactly what it is further downstream and then there are some additional ponds and then it actually goes back into being a stream.

Mr. Heun asked if the wetlands don't flow into that and that flows into the wetlands again.

Ms. Brennan said and that will also maintain naturally and maintaining those connections is very important, absolutely and those connections will still be there so those wetlands will filter some of that water and this will not just be a ditch that is created it will actually have plantings next to it so it will be a natural stream again and she hopes that helps.

Mr. Heun said no it doesn't really, he can't imagine that thing being wetlands because it has been there forever. He said when the church drains their parking lot they say they are not going to drain it into the pond off of Root Road but now you are going to drain it towards the Solon side instead which goes into the park pond because the creek right behind the parking lot goes right to the park pond which spills into the wetlands after that so whatever you drain into the park pond, that drains into wetlands on the other side that Mr. Lytle owns so all of that water that you have running from the parking lot is going to go into that creek that goes to the park pond which goes into Dr. Lytle's property and it drains towards the golf course.

Mr. Markowitz told Mr. Heun that at the beginning his premise wasn't correct and it depends on whether they talk about the retention.

Mr. Heun said the retention pond is on the park side so if you go towards the Grantwood side it is going to go into that creek down there which runs into it so everything is going to drain into the lower park pond now.

Mr. Markowitz said it already is and it is still going to.

Mr. Heun said so all of the salt and everything is all going to the park pond now and it goes into the wetlands.

Mr. Markowitz said you can't change where that water is going.

Mr. Heun said he is not trying to change the flow he is just trying to change what is going in it because the salt is heavy in that parking lot.

Mr. Markowitz said there is no treatment on the church site now but there will be with the new retention pond and that is part of the EPA requirements and in the retention pond you create water quality features that don't exist on that site naturally or from construction and that is mandated by the EPA that you have to improve the water quality that is discharging from your site because of the scope of their project and so that will improve the quality of the water that leaves their site from what is there today.

Mr. Murphy referred to the letter from Mindy Hayes dated January 14, 2010 which recommended to not put in as many parking spaces or reduce some more or move them to the septic area and said those have all been eliminated as a possibility and asked if that is what is being said.

Mr. Markowitz said there were four or five options in there.

Mr. Murphy asked if the board would give the ability for the church to move forward with possible contingencies, is that still being considered.

Mr. Markowitz said if the mitigation that they are all hoping will work which is converting the pond back to a stream then some of those suggestions about the parking could be a possibility but not likely because they looked at moving the parking to the irrigation pond area before the question came up and it was a very difficult engineering project and very expensive and it was not something where you would want to be parking your cars down there, there is a lot of fill they would have to move and the less fill the better obviously. He said the other part of this would be land banking and they don't feel it would work because we know from our existing experience that there would be times when we need all of that parking so the land banking wouldn't last very long, it wouldn't last one year. He said regarding reducing the size of the parking stalls and that is something that could be considered if that is one of the routes we would have to go but we are meeting your minimum size right now. He said the retention basin can't go anywhere else, it has to go where it is going and was going to cause the impact to the buffer area anyhow.

Mr. Murphy said he understands that.

Mr. Heun asked about the buffer area on Root Road that was destroyed because of parking.

Mr. Markowitz said no.

Mr. Murphy said it will be between the parking and the proposed retention basin.

Mr. Markowitz explained per the site plan that they are moving it so it will be to the west of the existing retention and where they are impacting is a water course in this area (he referred to the site plan). He said there is a 25' buffer on either side of the watercourse and there is a riparian way that they are not disturbing near the northeast corner of the site, they are not doing anything at all.

Ms. Paschke explained the area per the map.

Mr. Olivier asked if the circle is the existing detention basin and it is being moved to the other side of the riparian.

Mr. Markowitz replied yes to the west.

Mr. Murphy asked about the increase in square footage for new asphalt.

Mr. Markowitz said it is on a later page of the site plan and the percentage is broken out.

Mr. Murphy asked if the lights are all full cut-off.

Mr. Markowitz replied yes.

Mr. Kekic testified that there are about 3-1/2 acres of new hard surface and most of the building will go over what is already paved.

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

Mr. Lamanna thanked the applicant for providing the board with very detailed information on this project and coming back in and responding to all of the questions that the board had asked at the last meeting to clarify some of the points that were of concern to the board. He said at this point in time he thinks the board has addressed all of the potential impact from the property and the board is addressing basically a modification to the conditional use permit with respect to expanding the use of the property by additional building and parking. He said these additions are within the use that was permitted there and the only variance before the board is a building height of 45' which is 10' over the code maximum of 35'. He said the applicant is also looking for a modification because there was a requirement in the original conditional use with respect to the use of Root Road and there has been a requested modification to allow regular traffic flow on Root Road with respect to Sunday services and other events whether it is large usage to improve the overall traffic flow.

Motion BZA 2009-32 – 7100 Pettibone Road (Parkside Church)

Mr. Lamanna made a motion to modify the existing conditional use permit to permit the building and parking expansion as shown on the drawings submitted with the application and to grant a variance to the maximum building height to 45' for a variance of 10 additional feet.

Based on the following findings of fact:

1. With respect to the building height the reason for granting this variance is that the upper part of the structure will not be occupied space. The building is constructed in a way that it will not create any safety hazard or hazard to fighting fires in that building or pose a risk to potential occupants at a height that they would be unable to be rescued in the event of an emergency.
2. Given the location of the building and the large size of the applicant's property and the surrounding topography of the land this additional height will not create a building which is out of character with the community or would unreasonably block anybody's view or create a visual eyesore to the surrounding properties.

With the following conditions:

1. With respect to these modifications of the conditional use the applicant will comply with the recommendations set forth in the January 14, 2010 letter from the Bainbridge Township Fire Department which has been admitted into the record.
2. The applicant will take efforts to contain its snow piling so that all of the melt-off from that snow piling is directed into the retention basins and does not flow to the ponds on the east side of the property.

Motion BZA 2009-32 – 7100 Pettibone Road (Parkside Church) - Continued

3. The site contains a location which is potentially a riparian area that would be affected by the project covered by this conditional use. Whether this location qualifies as a riparian is disputed. Also, the applicant intends to remove a section of stream and replace it with piping which is permitted by applicable federal regulations, however it is not certain that this would be permitted by applicable Bainbridge Zoning. Once the piping is completed, the project will not then affect a riparian area and the project will not substantially affect any upstream drainage. Since the applicant has agreed to perform a mitigation project, the board without determining whether the subject location is a riparian or can be placed in piping, will permit the modification to the riparian as a variance. As a condition under the conditional use (and as a condition necessary to make the findings in support of the variance) the applicant will complete a mitigation project. The planned project is the removal of the large pond to the east of Root Road and returning it to its original stream condition or if that subsequently proves not to be feasible after final engineering another mitigation project on another location satisfactory to the Zoning Inspector with advice from the Chagrin River Watershed Partners. Unless the mitigation project is completed the board finds that the factors necessary to support the variance would not have been proved.
4. With respect to the Root Road access, the board will allow the applicant to use Root Road as an access to the parking lot under those circumstances where there is Sunday services or other major uses where large attendance is expected. At the point of egress onto Root Road from the parking lot the applicant will have a “Right Turn Only” sign and will construct the driveway so as to discourage people from turning north on Root Road and there will also be signs placed immediately beyond that access stating “No thru traffic – local access only”.
5. The board has determined that these conditions are necessary to mitigate any of the adverse effects that would otherwise occur by this expansion and expanded use of the premises and are necessary in order to grant the variances and the conditional use provided herein.
6. All other conditions not specifically modified herein from the original conditional use granted to this property as it may have been amended from time to time and any of the provisions for conditional uses generally applicable will all continue to apply.
7. The board notes for the record that this conditional use has now been expanded to include the additional property to the east of Root Road as it has been outlined in the application so those additional parcels will be added to the original parcel to which this conditional use applied.

Mr. Olivier seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Secretary’s note: Section 3 was modified by a motion of the board on February 18, 2010. See minutes dated February 18, 2010.

Application 2010-1 by Waterway Gas & Wash for property at 7010 N. Aurora Road

The applicant is requesting an area variance for the purpose of installing a third ground mounted menu sign. The property is located in a CR District.

Secretary's note: Application 2010-1 was postponed to the next regularly scheduled meeting to be held February 18, 2010 at the request of the applicant.

Since there was no further testimony, the public hearing was closed at 8:52 P.M.

Respectfully submitted,

Joyce Hannum, Alternate
Michael Lamanna, Chairman
Mark Murphy
Mark Olivier

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

Date: February 18, 2010

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
January 21, 2010

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:52 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Mark Murphy, and Mr. Mark Olivier. Mr. Todd Lewis was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 17, 2009 meeting as written.

Mr. Murphy seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

ORGANIZATIONAL SESSION

Sunshine Law

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

Mr. Olivier seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy 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. Olivier seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy 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: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy aye; Mr. Olivier, aye.

Election of Chairman

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

Mr. Murphy seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy 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: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy aye; Mr. Olivier, aye.

Zoning Secretary

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

Mr. Olivier seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy aye; Mr. Olivier, aye.

By-Laws

Mr. Lamanna made a motion to adopt the following by-laws as amended on January 15, 2009.

Mr. Olivier seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy aye; Mr. Olivier, aye.

Applications for Next Month

Application 2010-1 by Waterway Gas & Wash for property at 7010 N. Aurora Road -
Continuance

The applicant is requesting an area variance for the purpose of installing a third ground mounted menu sign. The property is located in a CR District.

Application 2010-2 by Paul Voinovich for property at 17110 Hidden Point Drive

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

Application 2010-3 by Highway Garage Inc. for property at 8410 E. Washington Street

The applicant is requesting an area variance for the purpose of installing an electronic sign. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for February 18, 2010 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Joyce Hannum, Alternate
Michael Lamanna, Chairman
Mark Murphy
Mark Olivier

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

Date: February 18, 2010