

Bainbridge Township, Ohio
Board of Zoning Appeals
October 16, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis; and Mr. Mark Olivier, Alternate. Mr. Mark Murphy was absent. Ms. Karen Endres, Zoning Inspector was present.

The board acknowledged that Mr. Ted DeWater has been appointed as a regular member and Mr. Mark Olivier is now an alternate member at his request.

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.

Mr. Lamanna stated that the applications will not be heard in the order they are on the agenda.

Application 2014-24 by The Wembley Club (David Barr) for property at 8345 Woodberry Boulevard

The applicant is requesting a conditional use permit for the purpose of constructing an addition including indoor tennis courts. The property is located in a R-3A District.

Motion BZA 2014-24 – 8345 Woodberry Boulevard (The Wembley Club)

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held November 20, 2014 at the request of the applicant.

Mr. Lewis seconded the motion.

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

Application 2014-30 by Robert Henderson for Chris Petrovic for property at 18900 Geauga Lake Road

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

Mr. Robert Henderson was present to represent this application.

Mr. Henderson testified that this is an addition to an existing residence, 22' 8" x 13' 4". He said the 13' 4" would be the distance and the difference from a 50' setback which would be a 36' 6" setback after the proposed addition. He said it is a single family residence and they need more room in the house, they are a growing family and they are expanding and they need the room to expand.

Mr. Lamanna stated that the lot next door is a flag lot and it looks like it is an access road for somebody.

Mr. Olivier asked if the aerial map can be pulled out a little to see the lot.

Ms. Karen Endres, Zoning Inspector showed the GIS aerial photo and where the flag lot goes to the neighboring house.

Mr. Gutoskey said it is along the railroad tracks and his math comes up with 36' 8" for the side yard and they have 36' 6".

Mr. Lamanna said it should be just at 36' instead of finding out later that they are 2" off. He asked if anybody else is interested in this application or have any questions.

Mr. Lewis stated that for the record, he does not have an elevation on this. He asked if it is going to be consistent and asked Mr. Henderson to explain what this is going to look like.

Mr. Henderson said the roof is consistent in terms of the actual shingles and the pitch of the roof is consistent with the home, the siding will match the siding and the roofing will match the roofing of the home so it doesn't look like an addition to the home so it is all to match and it is in the contract.

Ms. Endres showed the board an elevation of the proposed addition.

Mr. Henderson said it is not a big project but they need a little bit more space.

The board discussed the riparian on the property.

Ms. Endres said that it is a riparian but the addition is not close to it.

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

Motion BZA 2014-30 – 18900 Geauga Lake Road

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of adding an addition onto the house.

1. A side yard variance on the south sideline of the property from 50' to 36' for a variance of 14'.

Based on the following findings of fact:

1. It is an existing house that is on a 1.62 acre lot with a width of only 150'.
2. It is currently a 50' wide house that is sitting exactly 50' on each side which would not allow it to be expanded in this case without a variance.
3. Further, the adjacent property is actually the access way to a flag lot behind this property and used only for an access road, therefore, this will not adversely affect the neighboring properties in any way.
4. This addition or the granting of the variance will not be inconsistent with the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2014-32 by Matt England for property at 18690 Snyder Road

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

Mr. Matt England, applicant and Mr. Dennis England were present to represent this application.

Mr. Matt England testified that his dad his here and he is a contractor and will help him out with the process. He said when they purchased the house it had a one-car garage on it and it needs desperate help and they have two cars and a couple of other things they would like to store so a one-car garage would not fit for them and they are hoping to put up a two-car garage instead.

Mr. Lamanna asked what the new garage will look like.

Mr. England said it is a 22' x 28' two-car garage, the siding and shingles will match the house.

Mr. Lamanna asked if it will have a dual garage door or two singles.

Mr. England said it will have a double in the front and a single in the back.

Mr. Olivier asked about the existing garage.

Mr. England said there was a smaller building in the back which is not there and explained the location of the existing one-car garage.

Mr. Olivier asked if they are expanding to the north.

Mr. England said it is coming south.

Mr. Olivier asked if it is a little closer to the house.

Mr. England replied yes, south a little bit and back.

Mr. DeWater asked about the building in the back.

Mr. England said that building was already removed when they bought the property, they just moved in the first of July.

Mr. Lewis said so you are going to build this garage over the garage that is there and then get rid of the old garage when the new garage is built from within.

Mr. England replied yes.

Mr. Lewis said so you are not going to have three pods parked in the front yard.

Mr. Gutoskey asked about the height of the proposed garage.

Mr. England said it is 20'.

The board discussed the setbacks.

Mr. Gutoskey said it looks like the existing garage lines up with the house more or less.

Ms. Karen Endres, Zoning Inspector testified that according to the site plan it is 112' and it should be to centerline.

The board discussed the right-of-way for Snyder Road.

Ms. Endres said she used 82'. She said she does the best she can without requiring applicants to get surveys for these things.

Mr. Lamanna said the board wants to be somewhat accurate and in this case precision is not really an issue here.

Mr. Lewis said the board needs to talk about the height because it can't exceed 15'. He asked how high the house is.

Mr. Dennis England testified that the house is 27' and it is a two-story house with a 7/12 pitch so it is much higher than the garage.

Mr. Matt England said the back of the house where the garage is located sits on the ground.

Mr. Lewis said the house is taller than what the garage will be.

Mr. Dennis England said this will complement the house well.

Mr. Lamanna said the trouble with this provision is they were thinking of the lots that are one-half an acre, much smaller lots than 2.37 acres. He said he thinks given the size of this lot, the size of this building is certainly reasonable. He asked if there was anyone else interested in this application.

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

Motion BZA – 2014-32 – 18690 Snyder Road

Mr. Lamanna made a motion to grant the applicant the following variances for the construction of a two car garage, approximately 616 sq. ft. and 20 ft. high as shown on the applicant's submittal with the application.

1. A variance from the minimum front yard setback of 100' to 80' from the road right-of-way.
2. A variance from 165.10 (b)(3) to allow the square footage and the height and also note that this is a pre-existing lot with a 199.14 sq. ft. minimum lot width and a 2.37 acre lot area so those variances will also be granted with respect to this lot.

Motion BZA – 2014-32 – 18690 Snyder Road - Continued

Based on the following findings of fact:

1. This is a practical difficulty because the house on this lot has been long existing and it is in fact much closer to the road than this garage will be so that the fact that the garage does not meet the minimum front yard setback it will not affect the nature or character of this property.
2. There is already a building about one-half the size there and the greater permitted height and size given that this is a 2.37 acre lot is reasonable for this and will not adversely affect either the neighboring properties nor be inconsistent with the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2014-31 by Jim “JP” Ptacek, Project Manager, Larsen Architects – Acting on Behalf of McDonald’s Ohio Regional Office - Mary Dolby, Development Manager for property at 17638 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purpose of a modification to the site for ADA improvements and dual lane drive-thru. The property is located in a CB District.

Mr. Jim Ptacek, Project Manager for Larsen Architects, Mr. Dave Gnatowski and Ms. Margo Keres, Owner/Operator were present to represent this application.

Mr. Ptacek testified that the McDonald’s restaurant at present has a single lane drive-thru and as part and parcel there is a menu board at the back of the store and fortunately or unfortunately as business has continued to grow with the drive-thru this lane can stack up pretty severely and so one of the ways that McDonald’s has remedied that is to consider splitting the order points. He said McDonald’s has found that the order point is the weak link, you go up there and are not sure what you want to order and it can stop traffic whereas if you are the person who knows what you are going to order it allows the movement of traffic so it is really a customer service, customer experience benefit to help traffic move forward which eliminates a safety bottleneck down here. He said secondarily there are some ADA concerns that they can address, walks, doors etc., that will be part of this as well and in an effort to keep this movement fairly rapid for the customers there is a policy now that if your order is going to be delayed for any length of time they will pull your car forward and a staff member can bring it out so they are actually extending the walks to allow a car to park here, he referred to a site plan, or here so that other cars can bypass once they receive their food and can move on.

Mr. Ptacek continued by saying as part of what they are trying to do by adding signs obviously will create some variances which is also a reason why they are here as well. He said the building is also proposed to be slightly modified in the paint color as well which will be discussed in their Power Point if that is helpful. He said it is presently a light shade of pink that most people don't take notice of, they are trying to turn that into a beige color along with a little darker trim color as well.

Mr. Lamanna asked if there are any other local McDonald's around here that are doing the same thing.

Ms. Margo Keres testified that the one in Chesterland is the closest. She said there are two order points.

Mr. Ptacek said it was just done about a year or so ago.

Ms. Keres said it will help to get the traffic off of Rt. 306.

Mr. Lamanna said yes, the stack-up is an issue.

Mr. DeWater asked how many parking spaces are being eliminated.

Mr. Ptacek said the net loss is seven and there used to be a much higher number of people who went in but that has changed.

Ms. Keres said that 70% of their customers go to the drive-thru.

Ms. Karen Endres, Zoning Inspector said the parking will still comply with zoning.

Mr. Olivier asked where the existing drive-thru is with regards to ADA and he sees some walks there.

Mr. Ptacek said they are trading spaces essentially. He referred to the site plan and said right now with the drive-thru they are kind of flipping that arrangement so basically they are taking the parking stalls and pushing them against this so they will have a clear path for anyone who is disabled to get into the store and there were two walks here for a single walk and putting the entrance on the front, they are eliminating the vestibule here and have a straight access in here with a walk towards the back here but essentially they are just trading the spaces, they are creating a little more green space here and in net total the aggregate green space goes up by 118 sq. ft. of pervious surface at that point. He said this area (he referred to the site plan) will be re-landscaped essentially.

Mr. Olivier asked if it just going to be beds or plantings.

Mr. Ptacek said yes, they are taking out walks that can become landscaped beds at this point.

Mr. Lewis said and the patrons don't have to cross over the drive-thru area to get to the door.

Mr. Gutoskey asked how hard is it going to be to back out of these spaces with cars stacked behind you at the drive-thru.

Mr. Ptacek said that is the beauty of the drive-thru because that was asked by the trustees and because they are actually pulling the stack further back and it is more efficient because you don't have a single load of point that can stop traffic so we are not anticipating a back-up for this in fact most stores built new have this exact configuration because it operates so efficiently and they are eliminating the cork in the top of the bottle here to allow traffic to move forward and this should be a very clear path of movement so that should not be an issue.

Mr. Olivier asked on the side where they pick up their food are they moving the pick-up window.

Mr. Ptacek said one of the other customer experience improvements is the cash area is sliding back about 7' – 8' and what they have found is the existing window space is 31' – 32' and if you have been through the drive-thru there is a car at the window waiting to get their food and there is a car in front of you and you are almost at the window but you can't reach it so by sliding it back to 42 or 45 it puts equal space there. He said there is one in the middle and one picking up and one paying.

Ms. Endres said they have a very good power point presentation and it might answer some of the board's questions.

Mr. Ptacek referred to the Power Point presentation and said this is the existing front of the building, the existing single lane drive-thru, at the very back you see the menu board, at the drive-thru site you can see the extension of the bushes and hedge, the present configuration and the new proposal. He said that is 31-1/2' to the middle of the spacing and it will go to 42' which allows that two-car stack and that is the number of cars that will fit in that arrangement so there should not be any back up condition. He said there will be a new cash route condition and they are going to change the location of the doors on the main vestibule, they will eliminate the rear vestibule, they will extend the walks that they have, they will cut back the extension of the curb here to allow that kind of egress back here. He said they are going to move the handicap stalls from over here to here and they will restripe these and not move any spaces in the back, they will be repainting the trim, the dark color is Sherwin Williams Bagel and the light color is Crisp Linen, also Sherwin Williams. He said the existing signage, the directionals, the McDonald's on the front will remain, the primary monument signs will remain and explained the location of the drive-thru signs. He showed the vestibule area that they are going to put a door in and the vestibule will go away in the back.

Mr. Ptacek continued by saying the detail signs are already removed, similar is the billboard in the back, it was also removed and the primary sign was also removed as the existing side board. He said the stuff added back in is the outdoor menu board, there will be two of those, and to not incur additional signage, normally drive-thru signage is added to the total count, they have permission from corporate to remove so that will not incur additional signage. He explained the order points so with the help of Ms. Endres, they went through the calculations for the signage and what is allowed by calculation ended up to be 157 sq. ft. and they went through the existing signage to remain, the existing signage to be removed and the proposed signage that they were adding back in and in essence even though they are adding the signs back in they are approaching nearly a 20% reduction in total signage from the existing permission. He said the variances they are seeking are the two primary menu boards which are in excess of 32 sq. ft. He said this menu board is going to be 6' 9", the pre-sale board has the same condition, it is 6' 9" as well so it is a 9" variance from the existing or from what is allowable and using the configuration of the site, the minimum is supposed to be 75' from the property line condition, this configuration will be 69' and it is a very complicated geometry so the cars actually will sync as they are moving around it and if you push it further back the order point sometimes gets blocked so you can't see the menu board so this was the best they were able to create, it was the only variance they created in terms of distance. He said the view of the signage, the order points and the menu board beyond, one of the issues that was raised, the menu boards and presale boards are essentially a three-sided element and in the past with the menu board and at present when they switch from breakfast to lunch they have to send a staff member out in rain, sleet, snow, whatever to go out in the traffic and turn that panel but this is automated so with pushing a button it is automatic and will rotate from breakfast to the lunch menu and it will be rotated at least twice or three times a day and that is it.

Ms. Endres said that type of sign really wasn't defined and she thinks it is more like a changeable copy sign but she just wanted to make sure the board understood what the sign was.

Mr. Lamanna asked if the menu boards are fixed or are they LED display type signs.

Mr. Ptacek said no they are actually a fluorescent tube inside a cabinet with a display that goes over it.

Ms. Keres said it is just rotating now and we have to go out and change it.

Mr. Dave Gnatowski testified that it is not digital.

Mr. Lamanna said he was wondering if they were going to be digital.

Ms. Keres replied no.

Mr. Ptacek said they are fixed panels.

Ms. Keres said the digital signs are really expensive and this will look much cleaner.

Mr. Ptacek said there is a small LCD screen so it has your order on it but it is small.

Mr. Lewis asked about the light in the canopy.

Mr. Ptacek said there is a light in the canopy and about ten years ago they were just a meal shroud condition but the net benefit of the light is it does cast straight down and create a puddle around the car and it is just fluorescent.

Mr. Gnatowski said there is nothing glaring, it is just to give a little help to the customers.

Ms. Keres said it is for safety.

Mr. Ptacek said people like bright clean spaces.

Mr. Lamanna said the actual ordering point has moved around the corner and asked where the orientation of the speakers will be. He said any sound coming out will be heading toward the nursery.

Mr. Ptacek replied yes.

Mr. Gnatowski said there is a lot of landscaping and trees.

Mr. Ptacek said right above the monitor is actually where you speak into so there is a place to catch the sound. He referred to the aerial photo.

Mr. Lewis asked if they have any plans of putting awnings over the pay or pick up windows.

Mr. Ptacek said no but on a new store they actually have a small awning to kind of protect against the weather but in this case they are trying to be sensitive and it does not have it on it right now, so there is no intention to do it right now.

Mr. Olivier asked if the McDonald's sign in the front is staying, not new colors etc.

Ms. Keres said no.

Mr. Lewis said it seemed on the original judgment on this property, the trustees had domain authority over the colors so he doesn't know if he has something from the trustees in his packet and asked if the trustees reviewed this color.

Mr. Ptacek said they provided the trustees with the color.

Ms. Endres said McDonald's provided the Board of Trustees two meetings ago their architectural review and they really didn't have any comment, they approved the change of the paint to a more neutral beige color and there were no negative comments from the Board of Trustees.

Mr. Ptacek said the trustees did not say anything about the architecture of the building.

Ms. Endres said that the Board of Trustees meetings are recorded so if the Board of Zoning Appeals members want to hear the comments they could.

Mr. Lewis asked if they are fluorescent tubes or LED tubes behind these, he knows the panels are graphic panels that let light through and if the LED bulb is exposed.

Mr. Gnatowski said no and they prefer using the LEDs and they are more efficient.

Mr. Lamanna asked what the depth of the menu board is.

Mr. Ptacek said 21' across by 15" or 16" deep.

The board discussed the menu panels.

Mr. Ptacek said it is not less expensive but it ends up being safer from not sending people outside into the traffic. He said glare is an issue now.

The board discussed readability of outdoor screens.

Mr. Lamanna said the signage regulations were not written with this kind of situation in mind. He added that none of this is real visible from the street.

Mr. Gnatowski said they have worked hard to reduce the overall signage.

Ms. Keres said it is the integrity of the building.

Mr. Gnatowski said it has been maintained so that it looks the same.

Ms. Keres said they don't want to change anything they just wanted to get a second board basically.

Mr. Lamanna said that would be very helpful because at times it does create some issues with traffic flow etc.

Mr. DeWater said it is a requirement to have canopies over them.

Mr. Ptacek replied yes and if people have a choice to go to a McDonald's where there are two they go to that one.

The board discussed the entrance into McDonald's and turning left into the restaurant.

Mr. Lamanna said it creates a real traffic tie-up when someone suddenly stops to turn left and then it is backed up right through the intersection and people are trying to get by on the right but the bigger problem is the gas station, this is more of a secondary thing because at least it is farther down the road and it creates a little bit more room for people to navigate.

Ms. Endres said most people know to go onto Chagrin Road.

Mr. Lamanna said yes most of the people figure out that it is a lot easier to turn on Chagrin Road.

Mr. Lewis referred to the conditional use permit and asked if the area variances are tied to the conditional use.

Mr. Lamanna said the board would have to approve the restructuring of the drive-thru, the building and the addition of the canopies as part the modification to the conditional use and the signage would be separate because it is a separate area variance.

Mr. Ptacek said the reason the conditional use applies to this is because it was rendered under a court decision.

Ms. Endres said that is correct, it was a court decision. She explained that there was original litigation on how it was going to be developed and it was court ordered that this case be remanded to the board of zoning appeals and the BZA were to approve the conditional use and that is why it is a conditional use rather than a permitted use. She said under normal zoning the restaurant would be a permitted use.

Mr. Ptacek said understood, right. He said this is a residual carryover from the fact that this went to litigation to start with.

Ms. Endres said that is the way she understands it.

Mr. Ptacek said now anything that is done to the building becomes a modification of a granted conditional use.

Mr. Lamanna explained that normally a judgment is a static thing but that is not what happens when you create a judgment entry governing property so it is a continuing developing thing and new stuff is happening and a lot of times what happens is when people put these things together they don't think down the line that it will not remain the same forever and five to fifteen or twenty years down the line there are going to be changes made and they don't think it through, it sounds great in a judgment entry but now twenty plus years later. He said it looks like they created a special conditional use for this property so what they are saying effectively what this judgment did was create for this property is that drive-thru restaurants are permitted on this site as a conditional use but otherwise they would have to satisfy the requirements of a conditional use applicable. He said basically it is as if a special conditional use is written in among the list of conditional uses but it applies only to this property. He said the board is looking to approve the conditional use, the changes to the building and the addition of the canopies and the structural elements of the signage and the actual square footage of the signage has to be addressed separately on a variance basis because it is different than what was contemplated because it is different than what exists now and over what the current permitted signage is.

Ms. Endres said the signage regulations changed.

Mr. Ptacek said the window graphics were never quantified as signage before and asked if the calculation of the monument signs, would that have originally been one side counted essentially for two.

Ms. Endres explained that originally only one side of the monument sign was counted but with the current zoning regulations both faces are counted towards the square footage so anybody who has a ground sign automatically has two signs.

Mr. Ptacek said they could take away all new signs and still be out of context with the zoning code and he thinks they go over with two monument signs.

Mr. Lamanna said he doesn't think there are any issues with the existing monument signs and as far as the menu boards, they are set back and not visible from the road at all and he does not think that there was a real intention or the way the ordinance is written doesn't really address the question of this type of signage. He said this signage is there for a totally different purpose and maybe it makes more sense to do these on an ad hoc basis as far as a conditional use more so than treating them as part of the signage concept because they are being used for a totally different purpose.

Ms. Endres said they do have menu boards in zoning.

Mr. Ptacek said it is a different animal.

Mr. Lamanna asked if there are any individual objections.

Mr. DeWater said it is just a change of times.

Mr. Lamanna said this is improving some other issues with the circulation of the property as well.

Mr. DeWater asked with all of this work if the landscaping will be refreshed overall on the whole property.

Ms. Keres said yes they will probably refresh that.

Mr. Lamanna said the one thing the board would like to see is some landscaping in the triangle next to Breezewood, with some trees, to try to screen it a little bit so that area is screened off from the adjacent property.

Ms. Keres said they can do that.

Mr. Lamanna said there is already the fence there.

Ms. Endres said the current zoning does require permits for window signs and asked Ms. Keres if she is going to receive pressure from corporate.

Ms. Keres said no once they are told it is a zoning issue and added that she is looking out for the integrity of the community.

The board discussed the yellow color of the canopies.

Mr. Lewis said it is consistent with the fueling station canopies etc., there is really no text or advertising on them.

Mr. Ptacek said they are about 5' across and really just to cover that window of the car.

Mr. Lamanna said so you can roll your window down and not have water flowing in or if it is snowing.

Ms. Endres asked if it would be possible to paint the yellow another color.

Mr. Ptacek said he has never seen it done.

Mr. Gnatowski said it has to do with the branding.

Mr. Olivier said it helps delineate the drive-thru and they have taken the drive-thru signs off.

Mr. Lewis said this is so far in the back corner and so far off of Chillicothe Road and Chagrin Road and you have a nursery and a retailer next to it.

Mr. Ptacek said in terms of scale and he is 250' away he would only see the edge of it.

Mr. Lewis said a little slice of the profile.

Ms. Endres said they were great working with her and they took off the text on the drive-thrus before the hearing to bring their request more in compliance with zoning. She said she did not know it took a corporate act to make that happen and thanked the representatives of McDonald's.

Mr. Ptacek said there are some things at McDonald's that are harder to do than others and that was within the realm of possibility.

Mr. Lamanna asked if anyone had any issues with the total overall signage.

The board discussed the signage requests.

Mr. Ptacek explained that the closest approximate point from the tip of the triangle out to the property line is 69' so if he takes it to the center of the menu board it is over 75' or within inches of the correct number. He said on the variance for the height of the menu boards, the complication for them is that they have them set up high and the national standards are different but here locally and because we get as much snow as we do, having them up is when they plow the drive-thru you can't see the bottom or you are going to get water into it as it melts so it is functional and there is a motor that is going to try to turn against a pile of snow so the motor will be burned out so it is impractical.

Mr. Lewis referred to a slide that was presented which was a summary of the sign square footage, existing, what was going away and etc.

Mr. Ptacek said it is just under a 20% reduction with what is being removed and what is being added back. He said they are pulling almost 176 sq. ft. of total signage and that doesn't count the stuff they pulled off on top of that like what would be standard equipment, that wasn't even figured into the calculation.

Mr. Lewis said some of the questionable signage has already been removed so this was the remaining permitted as the baseline starting point.

Mr. Ptacek said right. He said the baseline summary outlines what is going out, what was going to stay unchanged essentially and what is already being pulled off and the new signs that are added back on.

Mr. Lewis said you are adding only three new signs.

Mr. Ptacek said yes and they pulled off eight and are putting three back. He complimented Ms. Endres and said she was great in helping them through all of the math. He added that the presale board is there.

Mr. Lewis said you are pulling off eight and putting back three so for him that is five less signs and it is less clutter and cleaner and gives a more attractive appearance.

Mr. Lamanna said on the directional signs for drive-thru facilities what is considered a directional sign and asked if the menu boards are directional signs.

Ms. Endres said no they are not directional signs, directional signs would be like arrows etc.

Mr. Lamanna referred to the zoning code regarding directional signs in Chapter 173, page 16 and said that is a pretty big directional sign.

Ms. Endres said in this context they mean menu board. She said it is more instructional signage or information signage and she thinks they mislabeled this. She said she would believe it is more like a menu board or instructional sign.

Mr. Lamanna said technically ATMs are signs.

The board discussed directional signs and menu boards.

Mr. Lamanna said what they intended to mean here when you look at the overall thing is this was intended to deal with a sign at a drive-thru facility which is being used to deliver the product or service that the drive-thru was designed to deliver. He said the setback is not an issue in this case.

Ms. Endres said there will be two bigger menu boards and one smaller one.

Mr. Lamanna said two primaries and one secondary.

Mr. Ptacek said they are counting the edges in-between each one so there are ways of calculating where it could be less.

Ms. Endres said she didn't want to count it that way.

Mr. Lewis said he would treat it as one sign.

Mr. Lamanna said this is not considered a changeable copy sign either because of the definition of it. He said in this case it is a mechanical device and you only see one face at a time.

Mr. Ptacek said with the existing menu board you could walk around the back at lunchtime and see breakfast so it is actually the same condition as the existing.

Mr. Lamanna asked if any of the existing lighting is going to be changed.

Ms. Keres replied no.

Mr. Lamanna asked if any of the fixtures were going to be changed out.

Mr. Ptacek replied no.

Mr. Lamanna explained that all of the lights go downward to reduce light glare and asked if at some point in time if the fixtures are replaced if they do look at what the current standards are because the township is trying to reduce light pollution, but the board will not require the replacement of the existing fixtures but when the time comes if they could be brought up to current code because it is different now.

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

Motion BZA 2014-31 – 17638 Chillicothe Road (McDonald's)

Mr. Lamanna made a motion to grant the following:

1. The renewal of the conditional use certificate commencing on the date this decision becomes final for a period of five years.
2. The modification of the current conditional use permit to reflect the modification of the property as shown on the drawings that have been submitted by the applicant which involves amongst other things the creation of a new relocated drive-thru lane.
3. They will have two ordering stations as well as certain modifications to the parking and modifications to the building entrances as well as the addition on those drive-thru areas of small canopies over the ordering locations.
4. With respect to the requested signage the board will grant the applicant a variance for the purposes of having signs designated in the zoning code as “directional signs” but will believe to be intended to cover not just directional signs but also signs relating to the provision of the goods or services for which the drive-thru was designed.
5. The board will allow the applicant to have two primary signs for ordering boards and one secondary pre-sale sign, all as shown in the application.
6. The board will allow the primary signs to have 44 sq. ft. versus the 32 sq. ft. permitted sign and will allow the sign to be 6’ 9” high for each of the three signs rather than 6’.
7. The board will allow a variance on the setback from the west property line for the one sign on the drive-thru menu to 69’ and they will also have a variance for the total signage on the property of 343.25 sq. ft. from the 157.2 sq. ft. allowed. In this case this variance is based upon the applicant removing the sign shown on the SN-1 sheet in the application which will have the effect of reducing the overall signage.
8. The board also notes that the applicant is having some changeable face signs and since they are mechanical, the board is not treating these as within the definition of changeable copy signs and they are infrequently changed, only three times a day, and only one face is actually visible at any one time and the two faces are concealed within the sign structure.

With the following conditions:

1. With respect to the modification of the conditional use, the provisions of 117.13 (b) are generally applicable to all conditional uses and will apply here as well.
2. With respect to lighting, if the applicant replaces any lighting going forward the lighting fixtures will conform to the current requirements of the zoning ordinance with respect to light escaping from the premises.
3. The applicant will also provide some additional landscaping along the applicant’s driveway that goes out to Route 306 along that driveway from the Breezewood parking lot over to this parking lot to provide some screening of the back part of their property if you come in that entrance.

Based on the following findings of fact:

1. This has been an existing property.
2. It has two separate road frontages which are separated by another corner commercial property, between those faces, therefore they require additional signage to make their presence known.
3. The overall increase in the menu board signs is not substantial and does not adversely affect any of the neighboring properties.
4. The neighboring property is the backside of a commercial nursery so no residential areas will be adversely affected and also the height variance is de minimis and somewhat necessitated by snowplowing concerns.
5. With the existing signage that has been there and being removed the total signage that remains will actually be less than had previously existed at the property.
6. With respect to the conditional use modification the changes being proposed by the applicant should improve the traffic flow on the property, reduce spillage of back traffic from the other side, improve the safety of people walking from their cars into the restaurant and are all consistent with the current use of the property and should not create any change in the character or the use of the property or create any adverse conditions for the neighboring properties.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:55 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier, Alternate

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

Date: November 29, 2014

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
October 16, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:55 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Olivier, Alternate. Mr. Mark Murphy was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the September 18, 2014 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2014-24 by The Wembley Club (David Barr) for property at 8345 Woodberry Boulevard - Continuance

The applicant is requesting a conditional use permit for the purpose of constructing an addition including indoor tennis courts. The property is located in a R-3A District.

Application 2014-33 by Ryan R. Cooley for property at 7072 Oak Street

The applicant is requesting area variance(s) for the purpose of adding a concrete parking pad. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for November 20, 2014 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 9:00 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier, Alternate

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

Date: November 20, 2014