

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 20, 2016

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:09 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2016-30 by Michael Turner for property at 7651 Chagrin Road

The applicant is requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Mr. Michael Turner was present to represent this application.

Mr. Turner testified that he is here looking for a front yard setback from the street right-of-way. He said the current house was built in 1920 and as you can see from the aerial the house is in the very northeast corner of the property and in order to do any additions to the house it would require a variance in some capacity, off the back or off the side we would need either a front yard or side yard setback variance. He said they are putting on an addition to the west of the existing house which probably has the least impact on the adjacent neighbors there. He said the current house is approximately 48' off of the street right-of-way so what we are proposing is an addition, we need a family room and a fourth bedroom so that is what is driving the addition plus taking advantage of the addition it will provide for a larger kitchen and dining room etc. He said he thinks the reason behind the variance here is that the addition will be no closer to the street and the addition will actually be further back from the street to try to mitigate the problem of the front yard setback so it is 40' back versus 75'. He asked if he needs further explanation.

Mr. Lamanna said no it is pretty well described. He asked if there is anyone else here who is interested in this application.

Mr. Murphy asked if he could see the site map on this, he is not familiar where this house is.

Mr. Turner said it is across from the old Frohring house, we are almost directly across the street from it.

Mr. Murphy said he knows exactly where it is now.

Mr. Gutoskey asked Mr. Turner if he is going from three to four bedrooms.

Mr. Turner said yes.

Mr. Gutoskey said to check and make sure the aerator is sized for a four bedroom.

Mr. Turner said correct.

Mr. Gutoskey said he thinks it will be a nice addition to the neighborhood.

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

Motion BZA 2016-30 – 7651 Chagrin Road

Mr. Lamanna moved to grant the applicant the following variance:

1. A variance to the front yard setback requirements from the existing 48' to 62' for the purposes of adding on an addition to an existing house that has been there a long period of time.

Based on the following findings of fact:

1. A practical difficulty exists because the existing house is already at 48' so it would be impossible to add an addition without putting it within the footprint of the house.
2. It will be located approximately 15' farther away from the street so it will not exacerbate the existing encroachment of the pre-existing house.
3. On that side of the house the adjacent property line is nearly 100' away after the construction of the addition so it will not create any further adverse effect on any of the adjacent properties nor will it be any more inconsistent with the neighborhood than the existing house already is.

Mr. Gutoskey seconded the motion.

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

Application 2016-31 by Jason A. Ice for property at 18015 Lost Trail

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District.

Mr. Jason Ice was present to represent this application.

Mr. Jason Ice testified that they bought the property in April of this year and currently they are looking to build a shed and are requesting three variances, a side line, rear and lot coverage variance. He said he has a Power Point that gives some detail. He said there is an existing structure and use with just over 3,000 sq. ft. of living space, we have an attached two-car garage, 576 sq. ft. and currently they are using it for one car. He said this property is significantly larger than the property we had before so we have a riding lawn mower, lawn equipment, they do have two boys so all of their stuff is there, bikes and all kinds of different things. He said the previous owners built a screened-in porch in 2011 that is 308 sq. ft. and was intended as a hot tub and indoor/outdoor space and then they do have a few unfinished sections in their basement which are really just for water and mechanicals, tools, workshop etc. He said the proposed structure is a 14' x 13' x 11' shed and they will mimic the design of the main dwelling and he has pictures he will show, it will have the same siding, matching shingles, windows and doors and the intended purpose is for the riding lawn mower, snow blower, lawn and garden equipment, the kids' toys and recreational and we do have a lake in our community so we would like to have a kayak or a kids kayak etc. and keep it out of the weather. He said he has reviewed this with the Pilgrim Village review board and the architecture board has signed off, the president of Pilgrim Village has signed off and the three neighbors have also signed off on the shed. He said these are photos of the existing structure and to give the board an idea, we are going to use the exact siding, the exact shingles and again try to match the look and feel of the house. He said here is a mock-up of the shed, 14' x 13' and again double doors with the windows so they access it. He said for the variance requests, for lot coverage, in 2011 the previous owners came to this board for a living room addition and the screened-in porch and the front walkway and they also constructed a non-permitted patio which is about 750 sq. ft. and he wanted to add it to make sure the records were up to date for this property. He said they are requesting to add the shed about 182 sq. ft. which would be .4% of the lot coverage so he is trying to do the math here, the total proposed lot coverage is 14.37% and this is above the request in 2011 and if you take the unpermitted patio and add the shed we would end up around 14.37%. He said it is just over an acre lot, the 10% is restrictive, we do have a substantial driveway due to the 100' setback in that part of the neighborhood and that is about 2,400 sq. ft. in total so it is a very large driveway and he will get to learn what it is like to snow blow that, hopefully not soon, but soon enough. He said for the north side yard, they are requesting a variance to construct the shed 20' from the side yard boundary, they are requesting a 30' variance there for the rear yard they are requesting a variance to construct it 45' from the rear depth so a 45' variance. He said there are utilities that run through the back and on the south side and the rear utility is 25' from the rear line and we would still be 20' from that.

Mr. Ice continued by saying on the south side the electrical lines run from the utility to the house so if we were to move it there we would have to build it under those lines as well. He said he doesn't know if the board wants to review the site plan now, he does have it at the end of the presentation. He said in terms of the utilities and the location and obviously the shed there is in blue, the green is where the patio is constructed. He said they looked at what the reasons were for requesting the variance is the previous owner had actually cleared the yard in the back but did leave a few areas with trees and there is a nice opening where the shed would effectively be hidden and still keep the yard open for use. He said there is a path back behind the utility which is still their property that we access for trails and for the kids and if we were to move it out the shed potentially could block that and also First Energy had to bring a line truck into their yard three times and if the shed were built to the code at that point they would not have been able to bring the line truck in and they were without power for almost three days so they had to bring line trucks in to fix that. He said they do have some water run-off in the area and it is much better in the area where we are proposing for the shed and then he already mentioned the utility lines on the other side that run to the house. He said in taking a look at what is currently in the development there are at least 10 properties on Lost Trail with a shed that are either on or close to the boundary lines and they requested variances and he looked it up on ReaLink just to take a look at if putting it here would impact the overall neighborhood look and feel etc. He said the next slide shows the trees there, where they put the shed and there is a path to the back of the property. He said the next slide shows we would build it where those trees are so it effectively will be hidden from the street and to the right and the next slide gives you a little closer idea and then you can't really see it but just to the right there is also a kids playset that was existing there as well and a couple of large trees that are around that playset and so they were taking a look at other options on where to build the shed and it would require them to potentially cut down trees and remove landscaping and unfortunately since they moved in they have already had to cut down seven trees and that has been a financial burden and they will have to replace those at some point as well. He said the next slide is the site plan. He asked if there are any questions.

Mr. Murphy asked Mr. Ice if the board can send all future applicants to him.

Mr. Ice said he had good coaching along the way.

Mr. Lewis said the application is based on practical difficulty and there is a pretty large backyard and the board can't base a decision on necessarily your preference, we have to have a basis so a few talking points. He asked Mr. Ice if his property is on sewer or septic.

Mr. Ice said sewer.

Mr. Lewis said so there are no leach fields or anything having to do with sewer in your backyard.

Mr. Ice said no but there is a well on the north side of the house.

Mr. Lewis asked Ms. Endres if the board could see a topo of the property, he wants to see how it slopes.

Mr. Gutoskey said those are 2' contours.

Mr. Lewis said he is looking down the driveway and it was mentioned that you (Mr. Ice) want to tuck it into this stand of trees.

Mr. Ice said that is correct and added that those are his trees on the property line.

Mr. Lewis asked if those are Pine trees or if they are lose your leaves trees.

Mr. Ice said actually there are a few Pine trees in the back and most of them will lose their leaves or he is anticipating in some cases.

Mr. Lewis said that tells him that six months out of the year it will be visible looking down your driveway because the Pine trees are behind it.

Mr. Ice said there are Pine trees behind it and there is enough coverage and it feels like there is enough coverage of just the actual trees themselves. He said they talked about it because we have cut seven trees down, we want to potentially add additional pines to replace those and we talked about doing that in that area as well because there were several trees that we cut down in that space.

Mr. Lewis said so other than some trees around the perimeter your backyard is pretty much open.

Mr. Ice said the previous owner planted Pine trees all along the back row.

Mr. Gutoskey said the property lines in Pilgrim Village are not quite right on the lots and when you look at the survey the house is almost centered in the lot.

Mr. Ice showed on the aerial photo where the Pines are planted and said again they are talking about additional Pines being planted in the Spring.

Mr. DeWater asked where the CEI trucks drive to.

Mr. Ice explained on the aerial photo that they have to drive up through here and through the driveway this way back here to get to the utility in this corner. He said there is no access this way.

Mr. Gutoskey said the problem is the wires run behind the houses down through there and with all the dead Ash trees every time there is a good wind, believe him, he knows. He said from what he remembers there is a 30' easement down the back, he would have to look at the plat, but it runs all the way out to Apple Hill so they would either have to come from Apple Hill and go down because they really don't have an easement to cut through the yard.

Mr. Lewis said with no leaves on the trees there really isn't much screening around where it is placed.

Mr. Gutoskey said we have the same problem with the one resident who put up a shed that is about 2' off of the property line.

Mr. Ice referred to the aerial photo and explained the existing landscaping.

Mr. Lewis said the garage is 39' 6" and we ask for 50' and if you are less than 50' the board's preference is that it sits within the shoulders of the house and with the garage shoulders on that side, it would be 39' 6" and we are down to 20' and he thinks there were some minutes in this packet about the previous ruling and lot coverage.

Mr. Gutoskey asked if there were any neighbors present and noted there were none.

Mr. Lewis said in the current location you (Mr. Ice) have a fair amount of large trees kind of surrounding it and his thoughts are on some permanent screening so that when these trees lose their leaves and he doesn't know from these pictures how dense the trees are around it to take additional plantings where you start looking at 6' tall Pine trees and saw-tooth them and stagger them because once these trees lose their leaves there is great visibility from the street and there will be visibility with your one neighbor. He asked if the neighbors are here the Poe residence so if they are not here with testimony we have a presumed agreement. He asked if anybody's packet has the Pilgrim Village ARB approval form.

Mr. Ice said he can give the board a copy.

Mr. Lewis said from his standpoint he is more concerned on the side yard setback than he is with the lot coverage particularly in lieu of this huge driveway.

Mr. Lamanna said we have existing lot coverage and this is insignificant.

Mr. Ice said if there is still enough space they could plant arborvitae around the shed for the Poes and then from the front so that way you are getting coverage, even with the leaves down, it would be covered and still blend in fairly well.

Mr. Lewis asked Mr. Gutoskey if Pilgrim Village has 50' side yard setbacks.

Mr. Gutoskey said this house was built at 42' and 40'.

Ms. Karen Endres, Zoning Inspector testified that back in the seventies, on one acre lots, it is 75' from the right-of-way, 20' from the side lot line and she thinks it was 30' from the rear.

Mr. Ice said he would like to try to somewhat keep it away from his kids' playset and that was another factor on having it tucked away, they have a six year old and a three year old.

Mr. Gutoskey said in looking at this one picture basically you will have to clear trees out.

Mr. Ice said it will be behind those trees and if you go back to the Power Point drawing, that whole area is open because over the years with the previous owner there had been trees cleared out of that whole yard anyway, this area is basically completely open so he has to do something there anyway, but that is clearly open and he actually staked it out to make sure all of the measurements are correct and they have plenty of room to plant other things even behind the bulk of the trees you are seeing are to the left right now or to the left of the shed and there is a big landscape rock and other things that are over there.

Mr. Lamanna asked how far it will be from that large tree in the middle of the picture.

Mr. Ice said it would be about 15' or so.

Mr. Gutoskey said that one tree that is showing up in there, is that this tree right here where the arrow is pointing at. (He referred to the photo).

Mr. Ice said no that is actually closer.

Ms. Endres said she is not sure how accurate this is and if the overlays match up perfectly with the picture.

Mr. Lamanna said he wanted to get an idea of where it is but it could be measured off of the house addition then you will know how far off the lot line it is.

Mr. Gutoskey said the south side of the shed would be 6' north of the edge of the garage.

Mr. Lamanna said the garage is roughly 40' from the lot line.

Ms. Endres said 39' and referred to the aerial and asked what the object in the photo was.

Mr. Ice said it is the neighbor's woodpile and bushes there too.

The board asked about another object.

Mr. Ice said that is his woodpile and they are replacing seven Ash trees with seven Pines.

Mr. Lamanna asked if this can be moved any further away from the property line.

Mr. Ice said there is access to the back property line behind those Pine trees and moving it in would effectively block that access, he would have to create access somewhere else and then he has the kids' playset.

Mr. Lamanna asked about the access to where.

Mr. Ice referred to the aerial photo and said basically there is access to the back property so any brush etc. they store back there, they have a little trail that runs back there but right now and the only way to get there is right here because there is a mound here where these pines are planted and basically this is all unused space there with the exception of the way it is planted so the only way to get there is here so if we still want access back here we have to figure out a whole new path or something there. He added that there is all this landscaping around here so they would have to figure out a way around it.

Mr. Lamanna asked about the path.

Mr. Ice said that is the path and there are a lot of trees that run this way along the property line so this would be tucked back so that way we could still access that and the kids don't interfere with it from the kids' play area over here and it is out of the way if they had to access the line trucks the kids won't be around it and then essentially we can still have access to the back.

Ms. Endres said Pictometry might show what you are looking for, these are the power lines right here.

Mr. Ice explained the path.

Mr. Lamanna asked if the entrance to the shed is facing the street or the yard.

Mr. Ice said it faces into the yard.

Mr. Gutoskey asked which way the door faces.

Mr. Ice said into the property.

Mr. Gutoskey said so you won't see it from the street.



Mr. Ice said you won't see the door from the street. He said he could probably go another 5' but it is going to have a ramp to come down so he could potentially take it to the edge of those trees with the ramp and might have to go around it a little bit to get to the back.

Mr. Lamanna said another 5' sure would help a lot that would give 25' off and added that the lot coverage is insignificant.

Mr. Lewis said he is looking at the color of the shed.

Mr. Gutoskey said you are going to be seeing it from the side.

Mr. Lewis said that side is attractive and the shingling will match the roof and it will all look that taupe, woods color.

Mr. Lamanna said some conventional landscaping could be done there.

Mr. Ice said they will match those Pines.

Mr. Lamanna said the board is only looking for appearance, not landscaping if you can match up with those trees it will be fine, just something for appearance, he thinks there is a lot of screening going on so just for a little appearance, it will break it up there. He asked if the lot coverage of 14.32% covers everything including the patio.

Ms. Endres said it should cover everything and her inclination is to include the non-permitted structures so there is a paper trail.

Mr. Lamanna said that will include the uncovered patio structure. He said the addition was permitted, they put in a covered porch.

Mr. Ice said yes there is a screened-in porch.

Mr. Lamanna said a screened-in porch that was not permitted and the patio was not permitted.

Mr. Ice said the screened-in porch was permitted.

Mr. Lamanna said the only thing we have to cover additionally is the patio.

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

Motion BZA 2016-31 – 18015 Lost Trail

Mr. Lamanna moved to grant the applicant the following variances for the purposes of permitting an existing 750 sq. ft. patio that has been added to the rear of the house and to construct a 14' x 13' accessory structure in accordance with the plans submitted by the applicant which will be constructed as such that it matches the trim of the existing house.

1. A variance to the minimum required rear yard setback of 90' to 45' for a variance of 45'.
2. A variance to the north minimum required side yard of 50' to 25' for a variance of 25'.
3. A variance to the maximum total lot coverage of 10% to 14.32% for a variance of 4.32%.

Based on the following findings of fact:

1. With respect to the rear yard setback this is an existing 1.03 acre lot therefore it is a non-conforming lot of record.
2. Prior zoning in this area was 20' side yards and 50' in the rear so this is consistent with the setbacks that were in effect at the time the building in this area was taking place so this will not be inconsistent with the neighborhood.
3. The location at the back will not affect any adjacent property owners in that area because of the large naturally growing area there before any other dwellings.
4. The position at the far rear is also substantially away from the neighbor's property with vegetative cover so it should not be well visible from the adjacent property owner either.
5. With respect to the lot coverage, given this is only a one acre lot and which is also adversely affected because of a longer than normal setback from the street which has created a large coverage area for the driveway.
6. This amount of coverage will not adversely affect the neighborhood or be inconsistent with the neighborhood or otherwise create any issues.
7. The board also notes that only .4% represents the additional structure, the main increase here is for the patio which has been in existence for over five years.
8. The applicant has agreed, in order to ameliorate the potential impact on the neighbors and visibility from the street, to add on the side facing the street of the structure some landscaping for appearance and some screening consistent with the other landscaping on the property in that area, Pine trees or other such items.

Mr. Lewis seconded the motion.

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

Application 2016-32 by Kevin Kraemer for property at 17109 Woodmere Drive

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District.

Mr. Kevin Kraemer was present to represent this application.

Mr. Kraemer testified that he lives in Lake Lucerne and has lived there for about two years and storage is a little tight, the lots are pretty small and you really can't get anything added onto your property without a variance so here I am. He said the purpose of the shed is to have general storage, he likes to park his cars in the garage but he can't really do that, he has a golf cart and it is not going in the shed but all of the other stuff will. He said the shed will sit completely out of view from the street, it is approximately 19' from the side, the east property line and 24' from the rear line. He said the shed will be completely engulfed in woods, trees and he has actually designed the shed to blend in, it is going to have a Cedar shake side and very natural looking so even in the winter he is expecting it to be harmonious with the woods.

The board members commented that they liked the shed.

Mr. Kraemer said Lake Lucerne is really tough, the property lines are really small.

Mr. Gutoskey said this is behind the house and there is a creek going through the lot so you are kind of setting it on top of the bank behind the creek.

Mr. Kraemer said yes and it is good run-off, we have not had any flooding, we removed a few small trees, about the size of his wrist, nothing big and we do have the ARB approval.

Mr. Gutoskey asked what is directly behind.

Mr. Kraemer said just more woods and then it backs up to another house. He said all neighbors have consented that they don't have a problem with it.

Mr. Gutoskey said it is a typical Lake Lucerne application.

Mr. Lamanna said it is within his house and it is still 24' and it is typical for the rear lot line in Lake Lucerne.

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

Motion BZA 2016-32 – 17109 Woodmere Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a 10' x 8' shed, 80 sq. ft.

1. A variance to the minimum required side yard setback to the south from 50' to 19' for a variance of 31'.
2. A variance to the minimum required rear yard setback of 90' to 24' for a variance of 66'.
3. A variance to the maximum total lot coverage from 10% to 23.25% for a variance of 13.25%.

Based on the following findings of fact:

1. A practical difficulty exists because this is an existing lot of record and due to the small size of the lot it would not be practical to have to maintain the setbacks.
2. The originally permitted setbacks were 10' on the side yard so this is well in excess of that.
3. It also places the accessory structure well behind the shoulders of the existing house.
4. With respect to the rear yard depth the formerly required rear yard was 30'. In this case there is a stream that crosses the property and it is a drainage stream which would place the shed in the middle of the stream if it met the zoning so it is being placed on the top of the bank which puts it at a 24' setback.
5. Also because of the small lots in Lake Lucerne this is consistent with the neighborhood
6. Due to the heavily vegetated part of the rear lots here it will not adversely affect the neighboring properties.
7. Again because of the small lot size all of the areas are covered in excess of 10% substantially and in this case we are adding only 80 sq. ft. to the overall coverage which is an insignificant increase from the current coverage on the property.

Mr. DeWater seconded the motion.

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

Application 2016-33 by Parkside Church for property at 7100 Pettibone Road

The applicant is requesting a modification of a current conditional use permit for the purpose of holding a preschool in the existing facility. The property is located in a R-5A District.

Mr. Mike Bowerman, Ms. Kelly Coy and Ms. Linn Nash were present to represent this application.

Mr. Bowerman testified by introducing Ms. Kelly Coy who is the Director of the Children's Programs and Ms. Linn Nash is the Administrative Assistant for preschool program that they are planning and he is the Director of the Facilities at Parkside Church. He said they are requesting approval to commence a preschool and as you know they finished several expansions and their children's wing has been opened now for two years and it has received great acceptance with the congregation and they think a preschool would be an additional community service that they can begin to offer and use the facilities that have already been constructed. He referred to a Power Point presentation and said this is a recent aerial that we had taken about a year ago and this is Pettibone Road, this is the new children's wing where they propose the new preschool to go and this is the sanctuary. He said they have an entrance here with a stop light right across from Market Place Drive and they have a center entrance which is more of a formal entrance here on Pettibone and they would propose that the preschool would go in that building right there. He referred to slide #7 and said zoning regulations speak of distances from property lines and because they have a 40 acre site their distances are well in excess of what the zoning anticipates, these dimensions are approximately how far the entry to a building will be off of their site property lines and everything that they have will not be visible from adjoining neighbors or streets. He said their appearance here tonight is really the first step in approvals, as you are probably aware, the State of Ohio regulates preschools and daycare centers and first they need to come to this board to get permission to modify their permit to conduct this activity and now if they get the board's approval they can go forward with the State of Ohio with whom they have already begun discussions but there are a series of regulatory requirements and inspections that they will insist upon which includes work and approval and sign-off by the Fire Department and Health Department as well as other certifications from the educational side so we will start that process next officially with the state. He said he will ask Ms. Coy to give the board an overview of the building itself. He said this is the original building that they built in 1992 and they added this addition which they call the commons which is their big banqueting facility and then the children's wing was added two years ago and opened two years ago and that is where the preschool would go.

Mr. Murphy asked if there is a second level to that wing.

Mr. Bowerman said yes there is a second level on all floors.

Mr. Murphy asked if that is part of this request, what is that area being used for now.

Mr. Bowerman said it is still a children's classroom and eventually they would fill it with students, they use it for kids on Sundays and weekly ad hoc programs but they don't have a regularly scheduled use as an education facility, this will allow us and the community to use it on a regular basis.

Ms. Coy testified that the next slide shows the layout of that main floor, the first floor of the children's wing and there are six classrooms on the first floor all of which have been designed for preschoolers and the entrance to there is the proposed entrance for the children's wing. She said you are looking towards the west here with the children's wing proposed drop-off location and the north side of the building would be the back side from the street with an attached covered portico. She said the picture actually shows what it looks like for the proposed drop-off, arrival and dismissal for children and it is obviously a good place to drop off children in the winter or if it is raining. She said the next slide is the proposed outdoor play area although they don't have the intention necessarily if they get approval to move forward, they don't have any intention to build a play area necessarily but this is the area they have been looking at if they decide to do that down the road, it is already surrounded on three sides by buildings and they obviously will build fencing to comply with zoning regulations as well as state regulations for the safety of the children.

Mr. Lamanna asked if that is not required for preschool.

Ms. Coy said it is not required if you are doing the program for less than four hours a day and that is what we are looking at for the preschool program.

Mr. Lamanna said maybe with the daycare people, they have to have an outdoor play area.

Ms. Coy said sure, anything over four hours you are required to offer an outdoor play space. She said this is a picture looking from the entrance into the main gallery, the main floor, so the six classrooms are off to the side, four on the left side and two on the right side. She said up here is the stairwell to the second floor or to actually the lower level as well and you are looking at this area here is their welcome and information desk and it is also where the visitors and guests of the preschool would come in, there would likely be a receptionist there and then these doors here are the doors that lead into the auditorium building. She said the next slide is the back which is the portico area and an airlock entrance that is a nice entryway where you come from the weather and you are inside that second foyer area there. She said this is a picture of one of our preschool classrooms and as you can tell it already has furniture that is designed for two, three, four and five year olds and they have six preschool classrooms and there are two designed for preschoolers on the second floor although they wouldn't necessarily intend to use them right away. She said this is their indoor play area, it is about 1,000 sq. ft., it is an open space that is right off of the main entrance and would be used for large motor activities etc. for the preschoolers.

Ms. Coy continued by saying this is to give you an idea of the stairwell and murals on the wall and their hope is that we can use this building in more ways to serve the community and the young families in our community and it is a really warm and welcoming space and we would just like to continue using it even more.

Mr. Bowerman said that handles the overview of our facility at least, we have addressed in our application Section 117 provisions and we can go over them one by one or if you have questions, however you would like to proceed.

Mr. Lamanna asked if there are any questions.

Mr. Gutoskey said they have sewer and water there.

Mr. Lamanna said they have all of the infrastructure necessary to handle this.

Mr. Lamanna asked if there is anyone interested in this application.

Mr. Gutoskey asked what area the kids will be coming from.

Ms. Coy said members and people from within the community and they would desire very much for it to be an opportunity for people in the surrounding neighborhoods to see it as a place they would send their children, such as Bainbridge, Aurora, Solon and maybe Twinsburg, they have some families from Twinsburg that have said they wished there was a preschool here.

Mr. Lamanna said initially you are starting out with just four hours and asked if that will be a single four hour block or will it be staggered.

Ms. Coy said what they are thinking about what that would look like is that for three year olds that is a lot so three year olds would not be there for a four hour program but a five year old pre-kindergarten would be but it would not be for four hours.

Mr. Lamanna said some kids might come at 8:00 AM and some would come at 10:00 AM would it be staggered or would they all come at once.

Ms. Coy said they would look at both models, a staggered start time or a constant arrival.

Mr. Lamanna said with staggered dismissals.

Ms. Coy said they will look at both models.

Mr. Lamanna said at some point you may go to a longer day.

Ms. Coy said if they went longer it would change the regulations required by the State of Ohio.

Mr. Lamanna said then you would be more of a daycare model.

Ms. Coy said yes regulations change.

Mr. Lamanna said but you are really going for a preschool model.

Mr. Bowerman said that is how we will start and if things go well and there is a demand in the community they may expand it to a daycare but at the present time they want to walk before they run. He said the provisions in the code are generally for daycare, if we comply, that would be our request.

Mr. Lamanna said if there is a possibility to go to daycare as well and there is no reason not to the board might well deal with that whole range, we are not talking a substantial difference in what we are doing, there is no use in having you come back again.

Mr. Lewis said your category of operation is really going to be dictated by your application to the state and what certifications they give you but as far as use of the facility which is the board's concern having youths in there, having an acceptable legal program.

Mr. Lamanna said as long as the program is appropriately licensed by the state you can conduct either preschool and/or daycare or a combination of the two of them so long as you are appropriately licensed for that because he thinks otherwise he doesn't think there are any issues. He said if you need an outdoor play area you have a location that is fully satisfactory and we aren't going to have to worry about the neighbors complaining about the noisy kids like we've had in a few other areas.

Ms. Endres said it sounds like we are going in the direction with playgrounds to go in in the future or will they need to come back.

Mr. Lamanna said no, if they locate the playground in the area that they suggested then they won't have to come back. He said this is an opportunity and there is no reason not to cover as much as we can because it all fits together, all of the infrastructure is there that will cover both of these things probably better than any other place or probably anywhere. He asked if there are any other issues that need to be addressed.

Mr. Gutoskey asked about signage.

Mr. Bowerman said they will have signage in accordance with what the state requires.

Mr. Gutoskey asked if it will be directional or are you going to put a sign up saying "Daycare", "Preschool" etc.



Mr. Bowerman said they will have signage on the site, we haven't anticipated putting it on the street.

Mr. Lamanna said what the board will not cover here is signage on the street because we don't want a proliferation of signage. He said obviously there might be a sign that says "Daycare This Way" on a directional basis, typical directional size sign, not a sign that says "Parkside Preschool" 10 x 10 sign. He said we are not giving anything for signage and in some point in time if you want a sign like that you will have to come back to address that because that gets into a whole bigger issue with the site.

Ms. Endres said she has been approving directional signs 3 sq. ft. and smaller with a letter of exemption.

Mr. Bowerman said okay, great.

Ms. Endres said she wants to see an application but then typically if it is small and meets the criteria for a directional sign she will give them an exemption.

Mr. Bowerman said super, thank you.

Mr. Lamanna asked when Parkside Church is next up for renewal.

Ms. Endres said probably in three years.

Mr. Lamanna said the board is changing the conditional use permit, for the record, to allow the preschool, this does not change the renewal date for the overall conditional use permit, that will come up in its normal order and this will be a part of that review. He said when the board modifies things it should be clear to people to understand that that doesn't start the clock over again unless we concurrently do it because it would be coming up in six months anyway but in this case no, so this doesn't affect the overall review cycle. He said this attaches onto the conditional use permit and will all come up together, it will not restart the clock.

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

Motion BZA 2016-33 – 7100 Pettibone Road (Parkside Church)

Mr. Lamanna moved to grant the applicant a modification to the current conditional use to also include the operations of a preschool and/or daycare facility at the property in accordance with the details of the application that was submitted including the items set forth in Addendum “H” Draft which details the specifics addressing the issues set forth in Chapter 117.13 of the Bainbridge Township Zoning Resolution.

Based on the following findings of fact:

1. With respect to the application the reason for granting this is it is a permitted use in this area.
2. The applicant submitted plans that satisfies all of the requirements with respect to that use and it appears to have a facility well suited for that.
3. With respect to signage, the board is not addressing any signage at this point other than normal directional signs which will be submitted to the zoning inspector for her approval as consistent with permitted directional signs.

With the following condition:

1. One condition is that with respect to this activity the applicant must maintain the appropriate state licensure for either a daycare program or preschool program as is applicable and consistent with its actual use of the property for these purposes.

Mr. DeWater seconded the motion.

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

Application 2016-34 by Patrick Flanagan for Chagrin Falls Congregation of Jehovah’s Witnesses for property at 8634 Washington Street

The applicant is requesting area variance(s) for the purpose of installing a new ground sign. The property is located in a R-3A District.

Mr. Gutoskey recused himself from this application.

Mr. Patrick Flanagan and Mr. Art Grant were present to represent this application.

Mr. Flanagan testified that Mr. Art Grant is also present from his sister congregation and explained that two congregations share this facility so he is representing the Aurora congregation. He said they have a bit of a dilemma here in that they wanted to update their sign, you are all probably familiar with the sign on Washington Street, he moved here in 1979 and that sign was there and as they wanted to update the sign that is standard with their branch and he and Mr. Grant were on the operating committee and they were given the assignment and to make sure they were covering all of the bases and to make sure they were meeting zoning so he had a conversation with Ms. Endres and found out their current sign doesn't meet zoning so he simply asks "don't shoot the messengers". He said what they are doing is they only have 10' between the right-of-way and their parking lot. He said the sign they are asking for is 4' x 6', it is a standard size 24 sq. ft. which is within the zoning, the side lot restrictions are not a problem so their hardship is that 12' past the right-of-way puts it in the parking lot which is a hardship, they have enough problems with their parking already, so plainly said that is where they are at instead of 30' plus 12' which are the zoning requirements is to alleviate the 12' and come to the 30' right-of-way setback and that is what they are asking to do.

Mr. DeWater asked if this outline would be the new sign.

Mr. Flanagan said that is correct. He said Mr. Gutoskey's firm has done a survey for us that has it pretty well pinned down, the right-of-way runs right through the "m" in the Kingdom Hall sign. He said that was a pretty good give away that maybe we were encroaching on the right-of-way. He said he submitted the first path to Ms. Endres and she suggested that maybe we need a survey and we chatted and the right-of-way generally is 30' from the centerline of the road except here it is 36' and the survey that Mr. Gutoskey's firm had done for us pointed that out.

Mr. Lamanna said we will get the sign out of the right-of-way but it won't be 12'.

Mr. Flanagan said exactly and the variance they are asking for is to get relief on the 12'.

Mr. DeWater asked if the other stones from the island will be moved back up to the boulder.

Mr. Flanagan said they will have to move the rock and they would like to keep the sign kind of centered where it is at, it is in the center of the property so we will get the right kind of view coming from both directions so we will remove the stone or relocate it.

Mr. DeWater said he has been seeing this sign since 1965 because he lives nearby but the sign itself is really not an obstruction.

Mr. Lewis said it is low profile, soft colors.

Mr. Flanagan said some of the sign will be the color of the building, a sandstone color with darker lettering and the blue JW.ORG will be on it.

Mr. Lamanna asked if the elevation was changed at all.

Mr. Flanagan said it will be just a foot off of the ground and we have to put a foundation in that will go down 42" to code.

Mr. Murphy said he has no problems with the new sign.

Mr. Lamanna said he was wondering if it made any sense to mound this up a little bit only on the idea that if somebody did get off the road they might be deflected away from that mound rather than hitting into the sign.

The board discussed the traffic and speed on E. Washington Street.

Mr. Lamanna said we have actually improved the situation and he doesn't think there is any road hazard here because there are already plenty of other things somebody might run into so he doesn't think we are creating any hazard and there is an existing restraint of the parking lot and the sign will actually be a smaller target.

Mr. Lewis asked if the sign will be illuminated or have an LED or anything like that.

Mr. Flanagan said they have spotlights, ground mounted and referred to the photograph.

Mr. Lamanna asked on the base of this sign, how high is the foundation going to be, just above ground level.

Mr. Flanagan said 1'.

Mr. Lamanna said the board would like to limit that to no more than 1' and again if somebody does get off the road, if it is 1' high they will go over it and take the sign, the sign will be a casualty but we don't want somebody to hit something that is going to bring them to an abrupt stop, so 1' above grade will be fine.

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

Motion BZA 2016-34 – 8634 Washington Street (Chagrin Falls Congregation of Jehovah’s Witnesses)

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a new 4’ x 6’ x 5’6” tall ground sign to replace an existing ground sign.

1. A variance from the requirement that the sign should be located at least 12’ from a street right-of-way. In this case the sign may be permitted right up to the right-of-way line of E. Washington Street. The foundation will be limited to no more than 1’ above grade.

Based on the following findings of fact:

1. A practical difficulty exists because of the applicant’s existing parking lot it would not be possible to place the sign 12’ from the right-of-way.
2. The existing sign actually extends out into the right-of-way by 4’ to 6’ so this will improve the situation.
3. Again because of the actual location along the right-of-way here and the width of the property it won’t adversely affect the adjacent residential properties because they are a substantial distance away.
4. The sign is also a very modest size and it is unlikely to present any additional road hazard because of other existing obstructions such as telephone poles in the area so this will not create any unusual or unreasonable road obstruction.

Mr. Murphy seconded the motion.

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

Mr. Gutoskey joined the meeting.

Application 2016-35 by Joann Randall for property at 8358 Lucerne Drive

The applicant is requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Mr. Steve Ciciretto, Architect and Ms. Joann Randall were present to represent this application.

Mr. Lamanna swore in Mr. Ciciretto and Ms. Randall.

Mr. Ciciretto testified that he is the architect for Mr. and Mrs. Greg Randall and they are long-time residents of Lake Lucerne but they have just bought a new property on the lake and the issue is that the current house is about 4-1/2' in the back off the property line and about 6-1/2' off that eastern property line right now to continue an addition and also a rear yard addition that doesn't encroach but they need a variance for the 10' setback on the side yard. He said the house is skewed from the property line so it actually gets larger and the addition is actually further from the property line than the existing house is. He said there is a minor lot coverage consistent with Lake Lucerne properties at 20% lot coverage and of course the Lake Lucerne standards permit 40% but the township zoning of course is at 10% on a three acre parcel. He said this is 1.18 acres, a little bit larger for Lake Lucerne but it is a little bit deceiving because of that western line and you can see the creek bed outlined there and there is a bank that drops down 50' or so. He referred to the elevations and said the house is very similar to what it is right now and the mass of the house is there and it is just a straight project of the garage line. He said you can see it is tight on the site and we have to turn around so the grade on the far side of the building starts impacting how far we can push that also. He referred to the site plan and said this is the addition and you can see the dotted line which is where the garage is and it is about a 20' addition or so and on the property adjacent to it from the aerial you will be able to see there is a tool shed in the front that blocks the neighboring view of this and it is a wooded side yard.

Mr. Gutoskey asked if this is three lots up from the intersection.

Mr. Ciciretto said no it is actually kind of buried in and it is actually closer to the causeway, it is kind of a double wide lot so it is actually a very large lot for Lake Lucerne.

Mr. Murphy said there is a big creek ravine through the left side of that that is totally unbuildable.

Mr. Gutoskey said it is like a 20' drop.

Mr. Murphy said which is why the house was built where it was.

Mr. Ciciretto said it was built in 1950.

Mr. Lamanna asked if there is a riparian.

Mr. Ciciretto said yes but we are outside of that.

Ms. Karen Endres, Zoning Inspector testified that it does miss the riparian.

Mr. Ciciretto said it is a 16 x 16 room and 6' off the house (he referred to the site) so it is no further than here and the riparian.

Mr. Lamanna asked if it is going to hang in the air.

Mr. Ciciretto said no, it actually looks that way.

Mr. Lamanna said it is at the top of the bank and that bank drops off.

Mr. Ciciretto said right, exactly, but it is kind of a nice element because it allows us to actually use underneath it for some outdoor storage instead of coming back for a shed. He said there is a heavy timber frame similar to what we are doing, it is dramatic house with Tudor styling and he thinks the scale of it stays the same. He said they did get a letter from the ARB of Lake Lucerne.

Mr. Gutoskey said then you just have to get Soil and Water.

Mr. Ciciretto said he thinks because they are disturbing less than an acre.

Ms. Endres said she doesn't need a storm water plan but a sediment control plan.

Mr. Gutoskey said a silt fence.

Mr. Ciciretto said it is a small house and there are technically three bedrooms so they are enlarging the master suite and adding a bedroom up to replace that and just by adding a couple of dormers they can get some head room in there. He said you can see a shed structure in that area.

Mr. Murphy asked if the basketball court is still there.

Ms. Joann Randall testified by saying no.

Mr. Lamanna asked how much we are adding to the current lot coverage.

Mr. Ciciretto said they are only adding a few percent because this part is all hard surfaced already and our total coverage is at 20% but what happens is with the new addition and there are some pavers and the hard surfaces that are in here that are going to get taken out so in the end we will be 20.5%.

Mr. Lamanna said you are adding 1,700 sq. ft.

Mr. Ciciretto said we are adding 3% which we should say it is up to 3% because we have included some backyard patios and courtyards that may or may not get technically built but he put it in a worst case condition to cover that.

Mr. Lamanna said pretty much the side yards are going to match what is existing.

Mr. Ciciretto said it will be further from the side yard than the current building.

Mr. Gutoskey said it is skewed to the property line.

Mr. Ciciretto said yes.

Mr. Lamanna asked if there are any other issues.

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

Motion BZA 2016-35 – 8358 Lucerne Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing an approximately 1,100 sq. ft. rear addition and a 600 sq. ft. garage addition in accordance with the plans as submitted with this application.

1. A variance to the minimum side yard requirement of 50' to 6.6'.
2. A variance to increase the lot coverage to 20.52% from 10%.

Based on the following findings of fact:

1. The reason for granting this variance is a practical difficulty. This is a modification to an existing dwelling that is located on an irregular shaped lot.
2. The lot has a steep and substantial drop off to one side and this was the apparent cause that the existing property on the short side varies from between 4.6' and 6.6' off the property line so this addition will actually be within the existing boundaries of the house and will actually be farther away than parts of the existing structure.
3. The adjacent property on that side is a substantial distance away from the property line so they will not be adversely affected by this extension of the existing dwelling.
4. With respect to the lot coverage the actual increase here is approximately 3% to 4% total coverage and the permitted lot coverage with prior zoning was 20% per dwelling and 10% per accessory and at 20.52% lot coverage it is consistent with other lot coverages in the neighborhood so it will not adversely affect the neighborhood.
5. Again the adjacent property owner is a significant distance away for this area and will not adversely affect the adjacent property owner as well.

Mr. DeWater seconded the motion.

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



Since there was no further testimony, the public hearing was closed at 9:00 P.M.

Respectfully submitted,

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

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

Date: November 17, 2016

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 20, 2016

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the September 15, 2016 meeting as written with the correction of one word on Page 40 changing one to done.

Mr. DeWater seconded the motion.

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

Applications for Next Month

Application 2016-26 by Federated Church by Sarah Northcraft Spann, Senior Director of Operations for property at 16349 Chillicothe Road (Family Life Center) - Continuance

The applicant is requesting a renewal and modification of a previously granted conditional use permit for the purpose of a church community center with short term lease for temporary use as a public school for the Chagrin Falls Exempted Village School District. The property is located in a R-5A District.

Application 2016-36 by Exscape Designs (Celina Jechna) for Mark and Laura Kikel for property at 16347 Franklin Street

The applicant is requesting area variance(s) for the purpose of constructing additional decking and hardscaping. The property is located in a R-3A District.

Application 2016-37 by New Wembley LLC for property at 8345 Woodberry Boulevard

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

Application 2016-38 by Ethelann Duncan for property at 8311 Summit Drive

The applicant is requesting area variance(s) for the purpose of constructing a storage shed onto the home. The property is located in a R-3A District.

Application 2016-39 by Terry Markoff for property at 9514 Taylor May Road

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

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road

The applicant is requesting a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic. The property is located in a R-3A District.

Since there was no further business, the meeting was adjourned at 9:22 P.M.

Respectfully submitted,

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

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

Date: November 17, 2016