

Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 15, 2001

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

Mr. Lamanna swore in all persons who intended to testify.

Application 2001-40 by Chagrin Falls Park Community Center c/o Pat Johnson for property at 7060 Woodland Avenue

The applicant is requesting area variances for the purpose of maintaining two storage sheds. The property is located in a R-3A District.

The zoning inspector's letter dated October 8, 2001 was read and photos of the site were submitted.

Ms. Pat Johnson was present to represent this application.

Ms. Johnson submitted a picture of the storage sheds and testified by saying there is no indoor storage at the center so the sheds were built. She added that there is attic space but a 12' ladder is required to access it and it is rather dangerous. She stated that one shed is located near the playground for the child care center and the other is located behind the center for storage.

The board viewed the photo of the site with the sheds.

Ms. Johnson said the center already had approval for the larger shed. She explained which one was approved and which ones were added since, per the photos.

Mr. Lewis asked where one of the sheds is located.

Ms. Johnson said it is located behind the building and the only shed you can see from the front of the building is the one for the playground. She added that when the bigger shed was built they also added a sidewalk.

Mr. Takacs asked about the entrance to the sheds.

Ms. Johnson explained the door locations of the sheds.

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

Motion BZA 2001- 40 - 7060 Woodland Avenue

Mr. Lamanna made a motion to grant an additional variance to the lot coverage from the previously granted 17.26% to 17.9%. This .64% is for the purpose of maintaining some external storage sheds which are incidental to the use as a community center and to be used for storing equipment and other items necessary in the operation of the center and for providing recreational activities that the center provides.

Based on the following findings of fact:

1. This variance is being granted because of the incidental amount of increase in the lot coverage. This incidental increase will not adversely affect or change the character of the use that is going on here.
2. The drawings are a little inaccurate regarding the sheds. Two of them are located immediately behind the building so that they are not visible from the street in front of the building. The other one is located back near a play area so with those provisions, the board will grant these variances.

With the following conditions:

1. The conditions are that since these are additional structures increasing the lot coverage, and in order not to adversely affect the overall appearance of the site, that they be maintained in good condition and not allowed to become run down or otherwise detract from the overall appearance of the site and the building.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-42 by David Spicer (Tanglewood Marathon) for property at 17675 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of a change of ownership. The property is located in a CB (Convenience Business) District.

The zoning inspector's letter dated November 7, 2001 was read and photos of the site were submitted.

Mr. David Spicer was present to represent this application.

Mr. Lamanna asked Mr. Spicer if he will be operating the station in the same manner as before.

Mr. Spicer replied yes and said he is just painting and cleaning up.

Mr. Lamanna asked if there were any changes to the current conditional use permit.

Mr. McIntyre testified by saying that Mr. Busta was going to designate an entrance only for the south drive on Chillicothe Road. He said it is the main drive that the tankers use to fill up so it could be designated as a right hand turn lane only. He said the island issue was discussed but everything looks fine and cleaner than before.

Mr. Takacs said he thought the board was going to prohibit left turns to the east on Bainbridge Road.

Mr. Lamanna said the problem is the people trying to turn south out the south drive and it would make more sense to put in a "no left turn" sign there.

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

#### Motion BZA 2001-42 - 17675 Chillicothe Road

Mr. Lamanna made a motion to grant the change of ownership to the conditional use permit as requested in the application. The applicant has demonstrated that they are coming in and will be operating the location in the same manner which was previously operated and it appears that they are in material compliance with all of the existing conditions of the conditional use permit.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

#### Application 2001-43 by Andrew J. Lenart, Jr. for property at 18445 Snyder Road

The applicant is requesting a variance for the purpose of maintaining a barn. The property is located in a R-5A District.

The zoning inspector's letter dated November 7, 2001 was read and photos of the site were submitted.

Mr. Andrew Lenart was present to represent this application.

Mr. Lenart testified that he originally built the barn for horses, 47' from the property line, and right

after it was built, his wife lost her job and a second son was born. He said that Mr. McIntyre suggested that he obtain a variance for 3' on the side because he has no horses yet.

Mr. Lamanna asked if this was built over an existing barn foundation.

Mr. Lenart replied yes.

Mr. Lamanna asked about the neighbor to the north.

Mr. Raymond Matula, neighbor to the north, testified that he had no complaints with the barn.

Mr. Takacs asked if the barn is finished off and referred to the lights in it.

Mr. Lenart said it is not finished.

Mr. Lamanna asked what is between the barn and the property line.

Mr. Lenart said that grass and evergreen trees are between the barn and the property line.

The board viewed photos of the site.

Mr. Takacs asked about the small shed on the property.

Mr. Lenart said it is a barn that used to be a garage.

Mr. Takacs asked what it is used for.

Mr. Lenart said he uses it to store his woodworking tools.

Mr. Matula testified that he has seen the previous barn which was terrible and said that Mr. Lenart has improved his property by building the new barn.

Mr. Lamanna asked about the house in the photo.

Mr. Lenart said that is his house.

Mr. Lewis asked if the barn was originally built under an agricultural exemption.

Mr. Lamanna replied yes and said but if a barn is not used for agricultural purposes after it is built, it is out of compliance and that is why he had to come to the board. He explained the risk of building under an agricultural exemption too close to the property line.

Mr. Mark Bennett of Snyder Road testified that he lives across the street and has no concerns regarding the barn.

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

Motion BZA 2001-43 - 18445 Snyder Road

Mr. Lamanna made a motion to grant the applicant a variance to the side yard setback requirements on the north side of his property from the required 50' to 47' for a variance of 3' for the purposes of maintaining a barn originally built with the intent to make it an agricultural use.

Based on the following findings of fact:

1. This is a very small and insignificant variance due to the location of the adjacent houses and the width of the lot.
2. The loss of 3' of side yard setback will not adversely affect the neighbor or otherwise unduly impact upon the character of the neighborhood.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-44 by Stephen Ciciretto, A.I.A., Architect for Kevin Rehder for property at 96 South Street

The applicant is requesting a variance for the purpose of expanding a non-conforming use. The property is located in a R-3A District.

The zoning inspector's letter dated November 7, 2001 was read and photos of the site were submitted.

Mr. Steve Ciciretto, Architect, was present to represent this application.

Mr. Lamanna swore in Mr. Ciciretto.

Mr. Ciciretto testified that he is representing Mr. Kevin Rehder who owns the property at 96 South Street which is called The Plumbing Connection. He submitted photos of the existing office/warehouse building that Mr. Rehder presently uses for plumbing supplies and explained the location of the building in relation to the residential properties and the roller rink. He continued by saying that Mr. Rehder would like to fix up the building in a cape style to fit the residential style of the neighborhood and by creating a gable

roof it creates additional space which is creating an expansion of a non-conforming use of the building. He said the building will have better aesthetics with a cape style roof and after the kids go skating, they hang out on top of his roof and by adding a gable roof, it would deter the kids from playing on top of the roof.

He stated that the use of the building will remain the same, a non-conforming use, and added that Mr. Rehder has owned the building since 1983 and would like it to take on a more residential feel. He said there will be no expansion of the footprint of the building, it will not adversely affect government services, they will actually decrease because the kids won't be playing on the roof.

Mr. Ciciretto continued by saying although this is a residential zone, it is an office/warehouse type building and it falls in line with transitional zoning such as professional office district between commercial and residential use. He added that even if the building were to be torn down, it would not be used as residential property because of the proximity to the roller rink. He said the variance will allow the continued use of the property but if it is not granted it will not discontinue the use.

Mr. Lamanna asked where the dumpster is going.

Mr. Ciciretto explained the location of the dumpster and the parking area.

Mr. Lamanna asked what the current business is.

Mr. Ciciretto said the current use is plumbing where Mr. Rehder stores his supplies and has his office.

Mr. Takacs asked if Mr. Rehder sells anything retail there.

Mr. Ciciretto replied no and said nothing will be sold retail out of it.

Mr. Lamanna asked about the proposed second floor.

Mr. Ciciretto said the owner has long term plans to take a small section of the upstairs for his office, for his use only.

Mr. Takacs asked what the rest of the upstairs will be used for.

Mr. Ciciretto said the rest of the upstairs will be used for storage, the addition will be two-fold, it will work better and it will keep the kids out because of liability concerns.

Mr. Takacs asked about the rear view.

Mr. Ciciretto showed a rendering of the rear view and said there is no door on the back so the kids can't break into it etc. and said stucco materials will be used.

Mr. Takacs asked about signage.

Mr. Ciciretto said he would anticipate there will be a small sign on the door because Mr. Rehder owns two buildings in the neighborhood, one next to the Eagles which is actually in Chagrin Falls and is in bad condition also. He added that there will be no expansion of the footprint for this building.

Mr. Lamanna asked if the garage will be used.

Mr. Ciciretto said the garage will be used to park a vehicle inside and said the old building has two garage doors, but the door will be basically for moving stuff in and out and for parking a vehicle inside.

Mr. Lamanna asked if the existing parking lot will be resurfaced.

Mr. Ciciretto said the lot is gravel now but the owner has talked about replacing it to keep the mud down.

Mr. Lamanna asked about the size of the building.

Mr. Ciciretto said the building is 48' 4" across by 35' 4" deep with 5' on each side.

Mr. Lamanna asked how much parking area is needed.

Mr. Ciciretto said when the employees first start in the morning they will pick up stuff and leave and return at the end of the day. He said five spaces are needed but it is not a parking lot like the roller rink has because it is similar to residential properties.

Mr. Lamanna said not everyone has their entire front yard paved and asked where the dumpster will be placed.

Mr. Ciciretto said it sits in front of the building now but it could be placed inside.

Mr. Takacs said it looks like a roll-off front load dumpster.

Mr. Ciciretto said his neighbors would not be fond of him parking on the street in the mornings.

Mr. James Nichols, neighbor across the street, testified that he lives on the north side of the street and is a resident of Chagrin Falls and thanked the board for inviting him to this meeting. He stated that he has lived there for over 32 years and the building has been an eyesore and dump and it used to be owned by Chagrin Oil and Gas and ever since Mr. Rehder took it over it has gone down-hill. He said this new plan looks appealing, but he has a concern with the parking with four to five trucks and a front-end loader

and said if Mr. Rehder sells his property on S. Main Street he has a lot of stuff and questioned where it will go.

Mr. Ciciretto said he will go on record that Mr. Rehder will not store his sailboat or those kinds of things on the property, and now he can finally do something and this is a good first step.

Mr. Nichols said if he paves a 48' strip the water run-off will probably intensify.

Mr. Ciciretto said the owner is not opposed to leaving it gravel although Bainbridge recognizes gravel as a structure, but he could install some drains for water management.

Mr. Nichols said that the storm sewers get plugged up on South Street and neither Bainbridge nor Chagrin recognizes that. He added that he has never seen kids on the roof of Mr. Rehder's building.

Mr. Ciciretto said that police reports have been filed with the Chagrin Falls Police Department.

Mr. Nichols asked why that was not Bainbridge Township's concern.

Mr. Ciciretto said the main business is run in Chagrin and he thinks of his property being in Chagrin Falls.

Mr. Nichols said he does not doubt Mr. Ciciretto's word, but he has only seen kids in front of the building, not on top of it.

Mr. Ciciretto said that the neighborhood will not see an increase in vehicles or employees with this. He added that for the record, the boat and the backhoes will not be stored on site.

Mr. Nichols said the dumpster is off to the side of the property and is over-flowing every week with hot water heaters etc.

Mr. Ciciretto said a screen could be put up to hide it but there is not enough room.

Mr. Lamanna said if the board grants this, the dumpster will have to go away.

Mr. Ciciretto asked Mr. Rehder if he is willing to store the dumpster inside.

Mr. Rehder testified by saying yes, but it will be hard to roll out on the gravel.

Mr. Lamanna said paving the parking area will not increase the flow but will eliminate gravel going into the drainage system.



Mr. Lamanna said this is a big improvement and the business will be run the same way, it is not sanctioning an increase in employees and the use is consistent with the past use, more storage is being added but the owner will be operating on a similar scale. He added that it is not an appropriate place to store equipment overnight or on an extended basis.

Mr. McIntyre said the only other issue is that there is only 5' on each side of the building, so the board could make it a condition that all sides be free of storage, pipes of all kinds etc. and by eliminating the outside storage of the dumpster.

Mr. Takacs stated that the artist's rendering shows a couple of trees and bushes.

Mr. Ciciretto said there is not a very wide area for a lot of landscaping.

Mr. Lamanna said smaller trees will break up the parking lot area and make it look more residential.

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

#### Motion BZA - 2001-44 - 96 South Street (aka 7111 South Street)

Mr. Lamanna made a motion to grant a variance for an expansion of a pre-existing, non-conforming use, basically an increase in the size of the existing structure that the applicant has requested. The existing structure footprint will remain and a second floor and roof will be added on that existing footprint/building.

The new structure will be in accordance with the plans that have been presented and will provide a residential character and look to the premises.

With the following conditions:

1. The parking area will not extend beyond the side limits of the building leaving approximately 5' on each side. That area will also be landscaped and planted consistent with residential use in this strip from the street up to the front of the building. The present use of the building is not intended to be expanded by granting this increase in space, that the building will be used in essentially the same manner as it has been used which is an office and a plumbing supply storage. There is no intent to permit any leasing of any of the space to other businesses or for other office use or to substantially increase the amount of office use or increase substantially the number of office employees who will be there on a consistent basis. With respect to the maintenance of the property, there has been evidence that a dumpster has been parked on the front part of the property. In the future, the dumpster will be kept inside of the building and will not be left in the front parking area.
2. The parking area will not be used for the storage of construction equipment or other non-vehicle items, boats and the like except on a non-overnight basis if something is brought in, in a course of work and is there for a short period of time and then leaves.

3. Since this is a residential area, the applicant must adhere to the requirements of no outside storage of materials be they new materials or disposed or obsolete or trash materials at the exterior of the property. All items will be kept in inside storage.
4. The board is not granting any additional signage. If there is a signage change from what is there it will be subject to a separate application.
5. Any lighting on the exterior of the building will be consistent with lighting that is customarily used in residential applications and will not be of such intensity as to cause any unreasonable impact on neighboring residential properties.

Motion BZA - 2001-44 - 96 South Street (aka 7111 South Street) - Continued

Based on the following findings of fact:

1. Although the building is increasing, the actual operations of the business are not going to change materially and the increased space will allow all of the materials associated with this business to be stored inside which will alleviate an issue with the neighborhood.
2. This project will convert what is currently a drab unattractive, nonresidential looking building into a structure that bears a strong resemblance to a residence and will substantially enhance the appearance of the neighborhood which would offset any adverse impact by increasing the size of the building.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Since there was no further testimony the public hearing was closed at 8:40 P.M.

Respectfully submitted,

John Kolesar  
Michael Lamanna, Chairman  
Todd Lewis  
Ellen Stanton  
Donald Takacs, Vice Chairman

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

Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 15, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to approve the minutes of the October 18, 2001 meeting with the following addition to motion BZA 2001-37 - Six Flags at 1060 North Aurora Road:

\* As a condition, applicant will maintain certification with the A.Z.A. and will comply with all U.S.D.A. (or similar) requirements for wild animals.

Mr. Takacs seconded the motion that passed unanimously.

Meeting Time Change

Mr. Lamanna made a motion to change the starting time of the December 20, 2001 meeting to begin at 7:00 P.M. because of the proposed large agenda.

Mr. Takacs seconded the motion that passed unanimously.

Applications for next meeting

Application 2001-13 by Judson Retirement Community for property located at the Northwest corner of Washington Street and Haskins Road (Continuance)

The applicant is requesting a conditional use permit with variances for the purpose of establishing a residential care facility. The property is located in a R-5A District.

Application 2001-45 by Michael and Irene Worthington for property at 17796 Kingswood Drive

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

Application 2001-46 by Michael and Susan Previte for property at 7770 Brayton Trail

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

Application 2001-47 by Bainbridge Associates, Ltd., for property at 8564 East Washington Street

The applicant is requesting a conditional use permit for the purpose of establishing a day care center. The property is located in a CB (Convenience Business) District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for December 20, 2001 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the 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,

John Kolesar  
Michael Lamanna, Chairman  
Todd Lewis  
Ellen Stanton  
Donald Takacs, Vice Chairman

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

