

Bainbridge Township, Ohio
Board of Zoning Appeals
November 15, 2007

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:38 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Donald Takacs was absent. The following matters were then heard:

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

Application 2007-39 by Gregory Noeth, Architect for Bainbridge Associates, Ltd, II, LLC for property at East Market Square Shopping Center (8574 E. Washington Street)

The applicant is requesting area variance(s) for the purpose of increasing lot coverage. The property is located in a CB District.

The zoning inspector's letter dated October 11, 2007 was read and photos of the site were submitted.

Mr. Gregory Noeth, Architect and Ms. Lisa Goretta of the Paddock Saddlery were present to represent this application.

Mr. Noeth testified that Mr. Hershman could not make it and since they were here last month, and they got pushed over to the other group (zoning commission) and they asked why they were there, they came back to this board. He said they would like to use this grid system that they originally proposed and it is primarily for the back service drive behind the one fire hydrant so that trucks coming with horse trailers could make the swing and they won't get mud ruts over the green space so they would like to revise their application that they are not really paving all of the paved areas or making it a hard surface, this is a grid system that would be used that grass can grow on and will be driven on about three times a month and it is primarily used for the back area, the service drive by the hydrant, just so that visiting horse trailers can make the swing and not cause ruts driving off into the green space. He said they have a marked off area right now for horse trailers which is on an asphalt area in the back and they are proposing this grid system so people can make the swing a little easier. He said it is a stone base with a plastic grid system with grass growing on top and it is used through Florida and Europe and is considered a green application, water seeps through it, not across it or into the sewer system and if you took a drive back there lately and looked at these green areas, they are so concentrated with light aggregate the way it is now, but we are just trying to stop the mud from coming onto the asphalt when people make over-swings on the grass. He said it also helps because the weeds grow back there about two feet tall and this would be grass instead of weeds.

The board reviewed the variance request.

Mr. Murphy asked if they are still asking for the additional new asphalt, 63 ft.

Mr. Noeth replied no and said they would just like to use the grid system on the one area and would be used about three times a month when someone comes with the horse in the trailer. He said right now all of the commercial trucks are going up and down and when one vehicle is parked, no one can get by and when they do, they cross into the mud across the grass, especially the delivery trucks going in and out of Cowboys, they use that drive because it is a heavy duty drive and the dumpsters are all back there too.

Mr. Olivier asked if there is an additional lot coverage issue and if the board has determined whether this is green or pervious and asked what the zoning commission decided.

Mr. Lamanna stated that he talked with the zoning commission and in his discussions, they indicated that they thought that all of this was lot coverage and there was no allowance for it because structure does include modular, porous and solid pavement so this qualifies as modular and porous or solid pavement so technically this material is a structure so it does count toward lot coverage.

Mr. Olivier asked if the 1.05% increase is correct and added that they are not proposing additional spaces anymore so the 1% is just the section of fill in between the existing spaces.

Mr. Lamanna said this is additional.

Mr. Olivier asked how many spaces they are losing for the drive and if there is adequate parking.

Mr. Lamanna asked if parking is disappearing.

Mr. Noeth said it is relocated further to the north towards Cowboys.

Mr. Lamanna said there will not be parking there it is still going to be asphalt.

Mr. Noeth said yes.

Mr. Lamanna said it is still going to be roadway and the roadway will be extended by 2,246 sq. ft.

Mr. Noeth said no not that much, they are just talking about behind the fire hydrant.

The board discussed the parking area.

Mr. Noeth explained where the trailer parking would be and where the employees are parking further to the north.

Mr. Lewis said he is converting these parking spaces into a driveway.

Mr. Noeth replied yes.

Mr. Lewis said he wants to put a connecting piece in the middle.

Mr. Noeth said yes so the people can make the turn.

Mr. Lamanna asked if this is creating an issue with total parking and where the total parking is on this and if it is still okay.

Mr. Shane Wrench, Assistant Zoning Inspector testified that it is still okay.

Mr. Noeth said the area will be about 16' x 20' or about 400 sq. ft. and it is mostly gravel the way it is right now with two feet high weeds and added that he looks at it everyday.

Mr. Lamanna said rules are rules.

Mr. Noeth said it does not get landscaped or cut.

Mr. Lamanna said from the board's standpoint if it is left to run wild it is almost better and added that the trouble here is we are already way over on lot coverage and the board has already given a little more on this piece of property and he thinks it was pretty clear last time the board was having this discussion with Mr. Hershman, the board was done with increasing lot coverage on this property and the board has already gone above and beyond probably what should have been done here, the board has been extremely accommodating and is not going to give anymore lot coverage and if the applicant wants to do this, they are going to have to tear up something else and turn it back to non-coverage. He added that the board certainly does not have a problem if they want to fill this area in and replace it with another area if that space is needed to be a driveway if that is what is needed to make the turns, but some other place on the property will have to be found to remove some coverage and return it to non-pervious surface. He said that technically this is a conditional use, so the modification should be approved even if the lot coverage is not approved so it is on the record.

Mr. Lewis said the tenant also plans to park a trailer there for more than just a temporary two-hour fitting.

The board reviewed the regulations regarding outside storage.

Mr. Lamanna asked what the tenant will be doing with the trailer.

Mr. Noeth said it is a trailer that is used for shows, it is parked in the parking lot empty until another show, it is like a commercial vehicle, like Lifestyle has a van, Sherwin Williams has a truck, a caterer would have a catering truck.

Mr. Lamanna asked if this is the vehicle they would use.

Mr. Noeth said right, it is their commercial vehicle, it just happens to be a transport vehicle.

Mr. Noeth said policemen have police cars and firemen have fire trucks.

Mr. Olivier asked if they will do any work in that trailer.

Mr. Noeth replied no.

Mr. Lewis asked where they are planning to park the trailer.

Mr. Noeth said when it is not at a show it would be either parked there or somewhere else but it would need to be unloaded and reloaded and it would be more than a two hour process.

Mr. Lewis asked where it is.

Mr. Noeth said it would be at their home or residence.

Mr. Lewis asked when it is on the premises where it would go and if it would go on the turnaround area.

Mr. Noeth replied yes.

Mr. Lamanna said it is their business trailer and as long as it is not being used for auxiliary storage and it is loaded and unloaded because there is an issue if it is used for auxiliary storage space and things are put in there and it is used as a storage locker, then there is an issue and it would be in violation, but if it is just a delivery vehicle or used for transportation of a product then it is not an issue.

Mr. Murphy asked if the tenant is present.

Ms. Lisa Goretta testified by saying yes and it is not a storage vehicle, they take the inventory out of the store and take it to a horse show and come back.

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

Motion BZA 2007-39 - 8574 E. Washington Street

Mr. Lamanna made a motion to approve the applicant paving over the small area that is shown on the drawing next to the fire hydrant he wishes to pave to improve the turning area.

Based on the following findings of fact:

1. The applicant must do this within the existing permitted lot coverage so he will be required to remove some other area of structure/paving in order to offset the amount that is paved in this area because the board is not granting any additional lot coverage.
2. This location is already 50% over the permitted lot coverage and has previously received relief from total lot coverage so there is no further reason to grant additional lot coverage for this property.

Mr. Lewis seconded the motion.

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

Application 2007-41 by McMillon Construction Inc. for property at Sublots 96-102 at Rocker Avenue and Bedford Street

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

The zoning inspector's letter dated October 11, 2007 was read and photos of the site were submitted.

Motion BZA 2007- 41 – Sublots 96-102 at Rocker Avenue and Bedford Street

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held December 20, 2007 at the request of the applicant.

Mr. Lewis seconded the motion.

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

Application 2007-42 by Archer Sign Corp. for Huntington Bank for property at 8420 E. Washington Street

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CB District.

The zoning inspector's letter dated November 7, 2007 was read and photos of the site were submitted.

Mr. Jerry Archer of Archer Sign, Mr. Rich Marks of Archer Sign and Mr. Ray Wallenhorst of Huntington Bank were present to represent this application.

Mr. Rich Marks testified that they are interested in changing the sign from Sky Bank to Huntington Bank and due to the codes they cannot put Huntington Bank because of the height restriction and they need a variance to do so. He said the arch over the front door being as it is architecturally they don't want to cover that with the sign to keep within the overall height.

Mr. Jerry Archer testified that they are also putting it in an existing spot of the current sign. He showed the board a color rendering.

Mr. Shane Wrench, Assistant Zoning Inspector also submitted a color rendering to the board.

Mr. Marks stated that the other variance is for the number of signs and they are simply replacing the amount of signs that are already there.

Mr. Olivier asked if the size of the lettering is the same as what Sky Bank had regarding the height of the letters.

Mr. Lewis asked if that is on the drive-thru portion.

Mr. Marks said yes they are the same.

The board discussed the Sky Bank signs and the proposed Huntington Bank signs.

Mr. Lewis said Huntington Bank cannot go all the way across the face and the letters are dropped to 10" letters.

Mr. Jay Wallenhorst testified that they are just putting Huntington on the sign.

Mr. Archer said they will cut the word "bank" off.

Mr. Lewis asked if it is the same height as the existing one just a word with more letters so it is bigger.

Mr. Archer said yes exactly.

Mr. Lewis said it will be the same height and same elevation.

Mr. Marks referred to the original application.

Mr. Lewis referred to another set of drawings that just has Huntington and asked if they are current.

Mr. Archer said the variance application was created on the drawings that they have right now they just took the word "bank" off those two signs.

The board discussed the variance request.

Mr. Marks said it is around 22' to the top.

Mr. Murphy asked how tall the letters are.

Mr. Lamanna said they are 2' x 23'.

The board discussed the signage calculations and the marquee.

Mr. Lamanna referred to the revised drawings and said all the board has to deal with is the two signs and the height.

Mr. Murphy asked if there are any issues on the lighting of the signs.

Mr. Wallenhorst said the signs are usually on a timer but he does not know what the timer is set for.

Mr. Archer said there is a 24 hour ATM.

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

Motion BZA 2007 – 42 - 8420 E. Washington Street

Mr. Lamanna made a motion to grant the applicant the following variances:

1. A variance for the purposes of installing two wall signs.
2. A variance from the maximum height permitted of 15' to 20' for a variance of 5' for one of the signs.

Based on the following findings of fact:

1. The signs are replacements for existing signage on the property due to a change of ownership.
2. The two wall signs have been granted because of the orientation of the building with respect to the road.
3. Previously and similarly with the maximum height, due to the architectural nature of the building and the fact that there are windows up to just below where the signage will start, it is necessary to place the sign at that height and it will be consistent with the architectural style of the building.

Mr. Lewis seconded the motion.

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

Application 2007-43 by Theodore Johnson and Sheila Tarshis for property at 8379 Eaton Drive

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

The zoning inspector's letter dated November 7, 2007 was read and photos of the site were submitted.

Mr. Theodore Johnson and Ms. Sheila Tarshis were present to represent this application.

Mr. Lamanna stated that this is for a rear yard variance.

Ms. Tarshis testified that there is an existing out building and this will be going right behind it on a concrete pad.

Mr. Lamanna said there is an existing shed and this one will be added.

Ms. Tarshis said right behind the existing building is a 10' x 24' concrete pad and that is where she wants to set the new storage shed which will be 9' x 18' and it will be free standing and constructed by the Amish.

Mr. Lamanna asked if this will be a one-story.

Ms. Tarshis said yes.

Mr. Lamanna asked what kind of roof it will have.

Ms. Tarshis said it will be a gable roof.

Mr. Olivier asked if it will be 18' closer to the rear lot line or 9' closer.

Ms. Tarshis said the 9' is in the back.

Mr. Lamanna said the existing shed is already encroaching 5'.

Ms. Tarshis said it was there when they bought the house.

Mr. Lamanna said his guess is that somebody just built it there and was not real careful about where they placed it. He asked if the pad was already there also.

Mr. Johnson said right, it has been there for 30 years.

Mr. Olivier asked if there are woods behind the pad.

Mr. Lamanna asked what is behind the pad.

Mr. Johnson said there is a patch of woods that is 50' or so.

Mr. Lamanna asked what is down below it, if it is a house.

Mr. Donald Kautzman of 8400 Tulip Lane testified that it is his house.

Mr. Lamanna asked Mr. Kautzman if his lot goes down and abuts the tail end of their lot.

Mr. Kautzman replied yes.

Mr. Lamanna asked Mr. Kautzman if he has any issues with this and asked if he can see any existing structures.

Mr. Kautzman said yes there is an existing structure there and he was curious as to how big this new structure will be and what the addition was.

Mr. Lamanna said it is only 9' x 18' and one story high and it is directly behind the existing one.

Ms. Tarshis said it will not be moving off the pad, it will be on the pad.

Mr. Lamanna said it looks like it is 200' away.

Mr. Kautzman said it looks like an addition.

Ms. Tarshis said yes but it is not attached.

Mr. Murphy asked if the same roof line will be followed.

Ms. Tarshis said yes, a couple of the windows will be seen but the door will be close to the backdoor so she can go in and out without freezing.

Mr. Lamanna asked if the whole back of the yard is natural woods.

Ms. Tarshis replied yes.

Mr. Lamanna asked Mr. Kautzman if this will bother him at all.

Mr. Kautzman said no but he did not understand how large it was going to be.

Mr. Lamanna said a lot of people want to build larger buildings closer to the property line and added that this is an all wooded area and this will be quite far away.

Mr. Murphy asked when the township enacted 90' rear yard setbacks.

Mr. Lamanna said that goes back a long way.

Ms. Tarshis said she thinks their house was built in 1958.

Mr. Lamanna said the former setback was 50' for 1-1/2 acre lots.

Mr. Kautzman said he did not have a problem with it.

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

Motion BZA 2007-43 – 8379 Eaton Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of constructing a 9' x 18' one-story accessory structure on an existing concrete pad by an existing accessory structure.

1. A variance from the minimum required rear yard setback of 90' to 75' for a variance of 15'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a 1-1/2 acre lot.
2. It previously had a 50' rear yard setback requirement so this would be within the originally required setback.

3. The rear of the property is totally wooded so this will not have any additional adverse effect on any of the neighboring properties.

Mr. Lewis seconded the motion.

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

Application 2007-44 by Vizmeg Landscaping for Mr. and Mrs. Joseph King for property at 8140 Woodberry Blvd.

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

The zoning inspector's letter dated November 7, 2007 was read and photos of the site were submitted.

Mr. Lamanna said the applicant wants to install a patio.

Mr. Keith Laninga of Vizmeg Landscaping was present to represent this application.

Mr. Lewis said this property has already been granted a variance for a patio.

Mr. Laninga testified that Mr. King could not make it tonight but he submitted a letter authorizing him to speak on Mr. King's behalf. He explained per the site plan where the additional patio will be located and said they want to stay as far away from the creek as possible and keep it the same as it is already.

Mr. Olivier asked if the board already granted a 10' variance.

Mr. Lamanna said the board already granted a variance.

Mr. Laninga said they are not getting closer they are going over to the side so they were told they had to get another permit.

Mr. Lamanna said yes and asked if this is the same and they are not getting any closer.

Mr. Laninga said yes.

Mr. Lewis said they are with the landscaping but not the patio but the landscaping does not count.

Mr. Lamanna said the landscaping is not affecting the riparian and asked how tall the fireplace is.

Mr. Laninga said it is not going to be built right now, they just want to get the permit for the footer but it will be approximately 10-1/2' to 11' tall.

Mr. Lamanna asked if that structure will end up being part of this.

Mr. Laninga replied yes.

Mr. Lamanna said that is a little bit more of a problem and he has a problem with this mega fireplace encroaching into the riparian because, the deck is hanging out there, this is a huge structure and it is going to have a big foundation. He asked if there is another way to do this or move it.

Mr. Laninga said not without bringing it closer to the house or extending all the way across the creek which they can't cross.

Mr. Lamanna said there is no reason it can't be closer to the house.

Mr. Laninga said he was trying to keep it so it is out of the way of the windows and minimizing any impact on the windows and by putting it sideways they felt that it would not be working best for the property and when they bought their lot and built their house, the riparian was after the fact and it came in after they started construction and after they purchased everything for it. He said he was trying to maintain all of their views and create a sense of having an area for entertainment here with that fireplace and he tried to keep it as low as possible height wise.

Mr. Lamanna referred to the site plan and asked if that is their existing garage.

Mr. Laninga said yes that is their existing garage.

Mr. Lamanna asked if it could be put in another place.

Mr. Laninga said then it seems as you are coming in, some of the view would be blocked and it would be like packing it up against the house, it seems like everything they have is packed together and there is nothing in the backyard beyond the creek. He added that he does not like going that close to a house with that style of structure and it would be completely blocked off and that is why he put it in the place he did.

Mr. Murphy asked how long the owners have lived there.

Mr. Laninga said three years and submitted a letter from the owner to the board members.

Mr. Murphy asked if this is a three acre district.

Mr. Lewis said yes and it is a cluster.

Mr. Murphy asked how much land is upstream of this and if there is possible flooding or if it is usually dry and just takes rain water occasionally.

Mr. Shane Wrench, Assistant Zoning Inspector said yes.

The board reviewed the photos of the site.

Mr. Olivier asked if it looks like there is more fall to the far side of the creek, topographically and if the water is going to go more towards the house.

Mr. Laninga said it is higher towards the house and is lower on the other side of the creek and it is flat.

Mr. Lamanna asked if it will be at the same level.

Mr. Laninga said yes, it will make everything more usable.

The board discussed the application and variance request.

Mr. Lamanna said the stream meanders away from the house.

Mr. Lewis said the stream is at a lower elevation than the house and it is not moving toward the house.

Mr. Lamanna asked what the elevation drop will be.

Mr. Laninga explained that it is approximately two feet lower so they will be building it up with soil and a retaining wall and plant material and said he is not going to touch anything near the creek. He showed the board where the retaining wall will be.

Mr. Lamanna said the board would not want more filling going in closer to the riparian.

Mr. Laninga said he is just going to put in plants and beds in there and explained the location of the existing boulders and will look natural.

Mr. Lamanna said if this is done the natural terrain has to be maintained and if topsoil is added, the grade cannot be changed.

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

Motion BZA 2007-44 – 8140 Woodberry Blvd.

Mr. Lamanna made a motion to grant the applicant the following variance to construct an extension to an existing patio including a footer for an outdoor fireplace and ultimate construction of the fireplace in accordance with the plans that have been submitted.

1. A variance from the minimum required riparian setback of 25' to 15' for a variance of 10'.

Based on the following findings of fact:

1. This variance is being granted only with respect to the actual patio and fireplace footer.
2. The area outside of that, that is within the riparian, will remain at the currently existing grade and will not be filled.

Based on the following findings of fact:

1. A practical difficulty exists because of the small amount of distance located between the house and the riparian right-of-way or the streambed.
2. This does not encroach any further than the existing patio and if any of the other elevations in this area are not raised, there still should be ample room within the streambed for normally anticipated flow.
3. The structures being built are less susceptible to damage by any water flow.
4. The board indicates that the applicant understands that the board accepts no liability for any damage that may be caused to any of these structures that are ultimately located in the riparian way because of the grant of this variance.

Mr. Lewis seconded the motion.

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

Application 2007-45 by Rolene Murphy for property at 7583 Country Lane

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

The zoning inspector's letter dated November 7, 2007 was read and photos of the site were submitted.

Mr. Mark Murphy recused himself from this hearing to represent Ms. Rolene Murphy, his mother.

Mr. Mark Murphy and Ms. Rolene Murphy were present to represent this application.

Mr. Mark Murphy testified that there were a lot of issues involved with these two pieces of property.

Mr. Olivier asked if these are two separate parcels.

Mr. Murphy said yes they are two separate parcels, one is a 5-1/4 acre landlocked lot and the house is on an existing 1.54 acres, a century home on Country Lane overlooking a pond almost at the corner of Catsden. He continued by saying the existing septic system has failed and when trying to find a replacement leach field they started looking to the back of the lot so in trying to come up with a little more square footage, as well as getting a driveway access to the 5-1/4 acre lot, they thought possibly the best way is to try not to get any closer than 50' to the existing house so they would not have to ask for a variance on the existing lot but then add an 18' wide driveway access to the back five acre lot and then use that additional acreage to add onto the back of her home lot that used to be 1.54 acres but will jump up to 1.79 acres.

Mr. Lamanna said there are two existing lots.

Mr. Murphy said they want to square up the back end of the lot with the house on it, so it would be kind of a land swap, it gains her a little bit of acreage on the existing 1-1/2 acre lot and brings the other one down to just over five acres with the right-of-way.

Mr. Lamanna asked if there was ever access to the back lot.

Mr. Murphy said there was in the 1930s and 1940s but it was before these houses were built and somebody sold it off and this was the start of a driveway access. He added that the driveway access will be right next to the pond along that edge, 18' of it. He said whoever originally bought it, broke it up and gave it to somebody else.

Mr. Lamanna asked if this was all owned by one person at one time.

Mr. Murphy said it was bought and developed in the 1950s.

Ms. Murphy testified that George Fencel owned it.

Mr. Lamanna said he had some questions about prescriptive easements, depending on how the property was sold off, if you sell off a landlocked parcel to somebody, and you own the parcel that needs to be crossed that you have to obtain access to get to the highway, you have given them an easement to cross your property to get to that piece of property that you sold because there is no other way in, you can't as a landowner, if you own two parcels like this and sell the back one, whether it is stated or not in the contract, that person would have an easement over that property to get to the back.

Mr. Murphy said he thinks his mother has always thought that if she was going to give this lot to one of her kids or somebody in the family or if she ever wanted to build or sell the lot, she would extend her driveway as other people in Bainbridge have done in the past and just put the easement through her own lot in the back of her property but if she needs to sell this for retirement next year or to pay for her septic system, somebody might be interested in buying that lot and we could not sell it being landlocked unless we sell to an adjacent property owner so we looked at it several ways and thought about putting the driveway easement behind the existing garage and that is already pre-existing and it is 23' from the corner and the lot has a few issues with it anyway.

Mr. Lamanna asked if there is still another side yard setback.

Mr. Murphy said he did not apply for anything different on that because nothing will be changed on her side yard setback.

Mr. Lamanna asked what the side yard is.

Mr. Murphy said they are keeping 50' to her house, that is why they picked 18', there is actually 68' to the property line now.

Mr. Lamanna said he did not want the board to grant this and find out there is only 45' there when it could have been taken care of all at once.

Ms. Terry Shaver 17230 Catsden Road testified that she owns the land between Ms. Rolene Murphy and the pond his hers and she wants to make sure that none of this easement is going to be on her property.

Mr. Lamanna said no, what they are going to do is transfer a strip of property along the edge of their property which is 18' and attach it to the rear piece of property.

Mr. Murphy explained the location of the existing property line and they will take the first 18' of it and transfer it to the back lot.

Ms. Shaver asked if it has anything to do with her property.

Mr. Murphy said it has nothing to do with Ms. Shaver's property and the lake. He added that the maps show that some of the pond is on his mother's property but it is not, it is completely on Ms. Shaver's property.

Mr. Lamanna said the only thing that will happen is that ultimately someday there will be a driveway there so they can get access to the rear lot and the house would be positioned off the side lines and added that it is a five acre lot.

Mr. Murphy said it is all woods all the way around.

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

Motion – BZA 2007-45 – 7583 Country Lane

Mr. Lamanna noted for the record the board will treat this application as applying both to the parcel with the address at 7583 Country Lane and to the separate parcel (PP #02-260000) of 5.25 acres adjacent to it.

Mr. Lamanna made a motion to grant the following variances for the purpose of transferring approximately .25 acres of the existing 5.25 acre parcel to the 7583 Country Lane parcel and then the transferring an 18' wide strip of land along the east side of 7583 Country Lane to the 5.25 acre parcel such that upon completion, the parcel located at 7583 Country Lane will be 1.79 acres plus or minus and the adjacent (formerly) 5.25 acre parcel will be 5.00 acres (as computed under current lot size calculation methods).

1. The board will grant a variance to Section 135.03 (b) for a minimum front lot line of 18' (a variance of 42' to the 60' requirement) for the parcel PP#02-26000.
2. The board will grant a variance to Section 135.03(b) for a minimum acreage of 1.79 acres (a variance of 3.21 acres to the 5 acre requirement) and for a minimum lot width of 18' less than the current lot width (a variance from the 250' requirement) for Parcel at 7583 Country Lane.
3. The board will grant a variance to Section 135.03(b) for set backs to front, side and rear lot lines (as necessary) for the existing setbacks of the structure for Parcel at 7583 Country Lane (note-no variance needed on the side where the 18'strip was removed).

Based on the following findings of fact:

1. A practical difficulty exists because there are two existing lots of record.
2. The 7583 Country Lane parcel needs some additional land to replace the septic system, and no existing non-conformity is increased.
3. The rear 5.25 acre parcel is currently without access to the roadway so that by making this property swap, these two predicaments will be resolved.
4. The 18' wide strip is enough to grant sufficient access.
5. Also it will not create a situation that is inconsistent with the existing development in the area nor will it create any additional hazards to the existing spacing of the properties in this area.

Mr. Lewis seconded the motion that passed unanimously.

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

Application 2007-46 by Great Clips and Agnew Sign Co. for property at 8444 E. Washington Street

The applicants are requesting area variance(s) for the purpose of installing signage. The property is located in a CB District.

The zoning inspector's letter dated November 7, 2007 was read and photos of the site were submitted.

Mr. Dave Kochanek of Great Clips and Mr. Chuck Agnew of Agnew Sign were present to represent this application.

Mr. Lamanna stated that a variance is needed for height for the maximum 15' to 18.14'

Mr. Lewis asked if the property owner is present.

Mr. Kochanek said that he had a letter from the property owner.

The board discussed the variance request.

Mr. Lamanna said it is consistent with everything else in the area.

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

Motion BZA 2007-46 – 8444 E. Washington Street

Mr. Lamanna made a motion to grant the applicant the following variance:

1. A variance from the maximum height requirement of 15' to 18.14' for a variance of 3.14'.

Based on the following findings of fact:

1. The height of this sign is consistent with all of the other signs in this strip shopping center.
2. It is also located on the architectural feature that is designed for the signs and thus consistent with the overall signs in the area and the structure of the building.

Mr. Lewis seconded the motion.

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

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road
– Continuance

The applicant is requesting a conditional use permit with variances for the purpose of constructing single family cluster homes. The property is located in a R-3A District.

Motion BZA 2006-33 – 16941 Savage Road

Mr. Lamanna made a motion to postpone this application to the next regularly scheduled meeting to be held December 20, 2007.

Mr. Olivier seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:10 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: December 20, 2007

AUDIO RECORDING ON FILE

BZA PH 11/15/2007

Bainbridge Township, Ohio
Board of Zoning Appeals
November 15, 2007

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:10 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the October 18, 2007 meeting as written.

Mr. Lewis seconded the motion.

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

7945 Country Lane

The board discussed the letter to Mr. Frank McIntyre from Mr. James Thomas of 7945 Country Lane, dated November 5, 2007 regarding the landscaping/screening requirement associated with the pool house addition.

The board was in agreement to give Mr. Thomas until May 15, 2008 to fulfill the requirement and asked the zoning department to write a letter to Mr. Thomas stating that fact and to send a copy of the letter to the neighbors.

Applications for December 20, 2007

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for December 20, 2007 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising and the services of a court reporter.

Application 2007-41 by McMillon Construction Inc. for property at Sublots 96-102 at Rocker Avenue and Bedford Street - Continuance

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

Application 2007-47 by Joan and Mark Tiefel for property at 17124 Northbrook Trail and PP# 02-013900 Washington Street

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

Application 2007-48 by Archer Sign Corp. for Dental Works for property at 7455 Market Place Drive

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CR District.

Application 2007-49 by Michael Goldman for Waterway Gas & Wash Company at PP# 02-420978 Giles Road

The applicant is requesting a conditional use permit with variance(s) for the purpose of constructing a full service car wash, gasoline and convenience store. The property is located in a CR District.

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road – Continuance

The applicant is requesting a conditional use permit with variances for the purpose of constructing single family cluster homes. The property is located in a R-3A District.

Since there was no further business, the meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: December 20, 2007