

Bainbridge Township, Ohio
Board of Zoning Appeals
November 15, 2012

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:01 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Jason Maglietta, Alternate and Mr. Mark Murphy. Mr. Mark Olivier was absent. Ms. Karen Endres, Zoning Inspector and Mr. Joseph Orłowski were present.

Mr. Lamanna welcomed Ms. Karen Endres as Bainbridge Township's new zoning inspector.

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 2012-20 by Dr. Bob Lee/Kenston Schools for property at 17419 Snyder Road - Continuance

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

Mr. Lamanna asked if there is anyone in attendance that is representing Kenston Schools. There was no response. He asked if the township has heard anything more about this application.

Ms. Endres testified by saying no.

Mr. Todd Lewis recused himself from this application.

Mr. Lamanna stated that Mr. Lewis had previously recused himself from this application. He acknowledged the neighbors who were in the audience.

Mr. Jim Smith of 17383 Snyder Road testified that Dr. Lee came over and he said he was going to put a 25' long fence up but they will still see the light so it will have to go a lot longer than that with a fence or a wall before it is okay with them.

Mr. Murphy said the board has an application for a continuance and nobody has shown up so the typical thing we do is what.

Mr. Lamanna said the board could dismiss it or turn it down and in this case he would be inclined to dismiss it on the basis that it is an application by another governmental subdivision so turning it down is really kind of a useless gesture in this case. He said if the board turns it down the applicant could not come back and re-file for it.

Mrs. Kelly Smith of 17383 Snyder Road testified that she lives right next to the school and her frustration is as a 47 year resident of Bainbridge Township she has no standing recourse or anything, the school can do whatever they want and this is the struggle they have had with the schools.

Mr. Gutoskey asked Mrs. Smith if they have approached the school board at all or attended any of their meetings to discuss the sign.

Mrs. Smith said she did not think the school board meetings were necessarily the place for that and that this is the place for that.

Mr. Lamanna said without getting into too long of an explanation of something which is a rather intricate and complicated legal question, actually in some ways the school board is possibly the proper place for it. He said the problem is there is a question of what extent the school district is exempt from zoning and they are to a certain extent exempt from zoning. He said there is a pending issue because they have given the board an opinion that they got from the county prosecutor's office which basically said they can go ahead and do what they want but in the end it is up to the trustees to decide whether they want to challenge that or not, this board can't do anything about the way the law is, the trustees would have to sue the school and would have to bring an injunction action against the school district. He said if they go ahead and do this and they were going to file a lawsuit against them they might think twice about it but unfortunately the matter is really in their hands from that standpoint. He said he raised some issues with the trustees about the whole question and it has been sitting for a month and unfortunately he did not have a chance to circle back with them this week to find out where that is going.

Mrs. Smith said in all honestly they are seriously considering legal action because with the solar panel and the wind turbine which sounds like a helicopter over their house and now the sign, that is not typical of this area. She said she called the Geauga County Building Department and the Prosecutor's Office and she may call a TV station, Five on Your Side or Call for Action because she feels as Bainbridge residents they have no recourse whatsoever and the school can do whatever they want.

Mr. Lamanna asked Mrs. Smith if she talked to the trustees at all.

Mrs. Smith said she has not.

Mr. Lamanna said he would talk to the trustees because they are the ones who have the ultimate decision on this because they have to decide because the way the law is the only way that the school district can be prevented from doing something, the courts have said this is the only way you can do this, it is not clear what recourse a private party would have and as far as he knows, he is not sure there has been a case where a private party has tried to, especially an adjacent property owner has tried to come in and say what they did is wrong.

Mr. Lamanna continued by saying he thinks somewhere there must be some recourse for a private party just because normally in the administrative procedure somewhere there should be an opportunity for adversely affected parties in a matter like this to comment.

Mr. Murphy said he thinks this might be a time when they are allowed to comment and he would like to have Ms. Endres reiterate what she told him the other day about what the legal proceedings said about the way the county was going to accept the school district's proceedings because he thinks that is important to what the homeowners next door are going through and he thinks this is their board, they are showing up here, they have been here for three months in a row and in fact the sign manufacturer has failed to show up and even address them, he would like to ask Ms. Endres again to tell him about the letter from the school district talking about what they felt was happening here before the board of zoning appeals, they appealed something and the neighborhood gets a chance to come in and appeal that and if he may he would like to add her testimony to this at this time.

Ms. Endres testified that she has spoken to the prosecutor a couple of times regarding regulating signage for schools and basically we can't do it.

Mr. Murphy said so we can't regulate signs for schools.

Ms. Endres said that schools are governmental agencies and governmental agencies are exempt per the Ohio Revised Code from township zoning.

Mr. Lamanna said they are not truly exempt from zoning.

Ms. Endres said they have to make an attempt to comply with local zoning.

Mr. Murphy asked what that means.

Ms. Endres said in her opinion it means that they fill out an application and if she can issue the permit she will but if it does not comply to zoning she would deny it and send them to the Board of Zoning Appeals so that the general public would have the opportunity to voice any concerns they might have on that matter.

Mr. Murphy said and then the state goes a little bit further and if they don't quite fit with the zoning appeals or if they get turned down or they just get free rein to just go ahead and do whatever they want to.

Ms. Endres said that is the gray area, they have to make an attempt to comply and the attempt to comply is a very gray area and what she understands is it is up to the school to decide what the township requires and decide how far they have to go.

Mr. Smith said they want a privacy fence and he only wants to give them a little piece of a fence instead of covering what needs to be covered.

Mr. Lamanna said there are two gray areas and one is yes technically they are another governmental agency and gets to make a decision over whether it makes a reasonable attempt to comply and that decision would be reviewable by a court but you would have to bring a lawsuit to do that. He said the interesting question though is the procedure by which they do that which he has not seen addressed anywhere.

Mr. Murphy asked don't they have to show up at all three meetings.

Mr. Lamanna said the question is whether they have to have their own public meeting and give notice to the people who are affected and say they are making a decision that they believe they made a reasonable attempt to comply with zoning and this is what they are going to do.

Mr. Murphy said they are not even giving us that much respect, they came in here two or three months ago and applied for something and could not be bothered to come back two months in a row so they thought just the application was a show they are making an attempt. He asked if that is really our definition of an attempt.

Mr. Gutoskey said and with misinterpreting the code with the size of the sign.

Mr. Murphy said the sign is horrible and they made no attempt in terms of what they came in for and making some little attempt to change it maybe a little bit towards the code but they didn't even read the code when they made their application. He said they actually put the posts in as of last Friday afternoon at 3:00 P.M. He asked if this board is supposed to decide this on the merit of their attempt at meeting the zoning.

Mr. Lamanna said we have no authority to decide whether they have made an attempt.

Mr. Murphy said we can deny them as opposed to just passing it and giving it up. He said we do have the authority because this is their last chance, the neighbors have been here before and they came in the first time and said they are horrible neighbors and he is with them because he was born and raised right here and he is also a graduate of Kenston and they are too but in the meantime they get carte blanche because they are another political subdivision.

Mr. Maglietta said even if the board dismisses it they are still going to go ahead and do it.

Mr. Murphy said not dismiss it no, we refuse it, turn it down and we ask that our legal representatives go back to them and say that they did not make a legitimate attempt to come to the zoning, they did not, they failed.

Mr. Lamanna said that is up to the trustees to do. He said the courts have decided that we have no jurisdiction over this to tell them they can't do it and the interesting question is they made an application.

Mr. Gutoskey said we owe them a decision.

Mr. Lamanna said they did come forward and say they didn't think they had to go forward and farther so he doesn't know if that is tantamount to withdrawing their application or not.

Mr. Murphy said the neighbors showed up and the township is here ready to have a discussion about this in front of us. He said he thinks that the applicant (Kenston Schools) has failed to show up and if somebody else does that, two or three months later, what do we do.

Mr. Lamanna said the reason he would not want to deny it is because then the board would potentially create a situation where if the school board has been denied and they appeal, we could not end up with a situation where the school board would say we can't get a hearing with the zoning board anymore because they denied their application so now we are in a position that we no longer have recourse to get a zoning variance, our only recourse now is to go proceed ahead and do what we want and go through the governmental immunity procedure so if the board forecloses the possibility of them pursuing the variance procedure we compel them to go the other way. He said what we would do is close off an avenue of compromise to end really, it gives us no advantage by doing that, there is no long term advantage to doing that.

Mr. Murphy said so we just continue it for another month.

Mr. Lamanna said we could dismiss this for failure to proceed on it.

Mr. Murphy said that does exactly what they want because they are already building the sign and they don't care about us anymore because we said the neighbors don't matter and the township zoning board of appeals doesn't matter. He said they applied just in letter to do what they thought was enough and now they are going to do whatever they want. He said he would like to continue it.

Mr. Lamanna said the board can continue but the recourse is talking to the trustees because ultimately under the law they are the ones that have to decide whether they want to proceed from the township's standpoint. He said the zoning inspector can't take any enforcement actions, the only people who can do something are the trustees, they can take action by the township suing the school district to stop them from proceeding without complying with the zoning.

Mr. Murphy asked if we vote against this, we cannot ask our zoning inspector to stop proceedings.

Mr. Lamanna said no she can't. He explained that she cannot use the normal enforcement mechanisms that we have against any other part against the school district.

Ms. Endres said she talked to the prosecutor about that a number of times and the consistent answer she gets is governmental agencies such as schools, state parks, they are all exempt from township zoning.

Mr. Lamanna said they are not exempt, they don't have immunity.

Ms. Endres said the end result is they do pretty much what they want to do.

Mr. Murphy said in other townships the school districts work with the zoning. He said before he made this application if he would have come in and found out what the zoning requirements of Bainbridge were and might have made some attempt which is what the law says; they are supposed to make an attempt.

Mr. Lamanna said they have to make reasonable attempts to comply with the zoning. He said his view is if they make a reasonable attempt to comply they should comply because there is no reason not to comply and it is no impediment to them conducting their business not to comply with the sign, it does not hurt their public purpose one iota. He said it is not like we are trying to regulate the signs directing people onto the freeway or something where somebody would say the board can't tell them how big the sign needs to be to make the traffic flow.

Mr. Gutoskey said newspapers, news channels, school board, trustees.

Mrs. Smith said she is on it.

Mr. Lamanna said the trustees are the first point, they are the ones who have the authority to decide and they can go to the school district and say we don't like this, stop it or we will litigate it. He said as far as a private right to do anything, he does not know, he is not sure it has ever come up and there may not be any case law. He said he thinks there probably is a private right and one of the problems is nobody has really ever gone in and tested the question of exactly procedurally how this other governmental body has to proceed. He said there are requirements on them to make certain decisions and they just can't arbitrarily make the decision, they may have to have a hearing and they may actually have to have somebody formally write out a decision that says we decided for these reasons etc. He said it is not clear if a private party has some right to make their wishes known. He said the trouble is, this is an extension of law that was made on this type of level now being applied to a miniscule and all of the reported cases deal with things like some township trying to prevent the department of corrections from building a correctional facility on property they own or trying to prevent a transit authority from trying to build a bus depot or in one case they were trying to prevent a park district from making a park on land they own so all of the cases got down to questions of preventing another governmental agency from carrying out its fundamental function.

Mr. Lamanna continued by saying now you are talking about questions on a sign on a building and how does the sign affect the school district carrying out its function so the extrapolation from the case law to what we are talking about today is a huge stretch here and he doesn't think people have thought through this and again the kind of cases that were reported and set the law on this really wasn't much of a factual argument about the issue at hand, it was pretty clear that they were trying to prevent the agency from carrying out what it was created to do and it would be like saying you can't have chemistry labs at the school and that clearly would be an impact on them carrying out their educational function but having solar panels, what would they need solar panels for. He said it would be a very interesting case for somebody to take but it would be expensive.

Mr. Murphy said at this point we are not asking the neighbors to sue the school district and if in fact we go for a continuance because Dr. Lee couldn't be here tonight, we are sure he really meant to be here to hear the neighbor's concerns, and maybe even reduce the size of the sign and probably take the LED flashing red lights off on Snyder Road.

Mr. Lamanna said he will send an email tomorrow to all of the trustees basically saying that this application is still pending and he has not heard back from the trustees and ask them what is going to happen with this and the neighbors are in here and still have issues with it and ask them to decide what they are going to do on this.

Mr. Murphy told Mr. and Mrs. Smith that if they haven't been to the school board to go and bring it up there too especially if they have already put 25' of fence in their yard as a token. He said in the meantime he thinks on behalf of the neighbors and the township the board should just continue this because the school board did not show up and they haven't sent a letter saying they are withdrawing, we have had some other legal discussion apparently but at this point it is still before our board and before he feels comfortable with just dismissing it which gives them no recourse, he would like to ask for a continuance.

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

Motion BZA 2012-20 – 17419 Snyder Road (Signage)

Mr. Murphy made a motion to continue this application to the next regularly scheduled meeting to be held December 20, 2012.

Mr. Lamanna seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Maglietta, aye; Mr. Murphy, aye.

Application 2012-26 by 7-Eleven for property at 17644 Chillicothe Road

The applicant is requesting a review and renewal request of an existing conditional use permit for the purpose of continuing a gas station/convenience store. The property is located in a CB District.

The zoning inspector's letter dated November 15, 2012 was read.

Mr. Chris Stelzl of 7-Eleven was present to represent this application.

Mr. Stelzl testified that they are just continuing the gas station/convenience store that they acquired from Easy Energy Company and at this time they are not looking to do any alterations of any type.

Mr. Gutoskey said the board received information for a 7-Eleven in Hudson in their packet.

Mr. Stelzl said he has the address right for this one and they do have some plans in here for Hudson. He said at this time they have no plans to change anything on the site, that won't be until next year, right now it is just the transfer of ownership.

The board reviewed the application submitted.

Mr. Lamanna asked if 7-Eleven recently acquired this property.

Mr. Stelzl said they did acquire all 67 stores from Easy Energy.

Mr. Lamanna asked if Easy Energy is all BP or others.

Mr. Stelzl said yes it is all BP.

Mr. Murphy said so 25 years ago this board apparently issued a zoning certificate and every five years or so he is sure it was updated or was it never updated and never looked at again in 25 years.

The board discussed conditional uses.

Mr. Lewis said they came in for the Wild Bean signage on the building with no graphics or naming on the canopy.

Mr. Maglietta asked if they will be installing 7-Eleven signs on the building.

Mr. Stelzl said not now, they are not doing anything right now, we just acquired it so we will leave it as is and start the remodel later.

Mr. Lamanna said somewhere along the line it got transferred to somebody else in-between.

Mr. Stelzl said yes it went from BP to Easy Energy Company.

Mr. Lamanna said somewhere in the last ten years that happened because when they were last in here it was still owned by BP Amaco.

Mr. Lewis asked if there is any indication that the use of space inside of it is going to get re-purposed.

Mr. Stelzl said fixture wise inside won't change but signs will be added next year.

Mr. Lewis asked if there will be a sit-down restaurant with a Subway living inside of it.

Mr. Stelzl said no it will be strictly convenience foods, there will be food in there but no Subway.

Mr. Lamanna said we have to deal with the issue of cars making left-hand turns. He said northbound traffic on Rt. 306 making left-hand turns into this gas station is a real problem.

Mr. Stelzl said that is the way it has been for 25 years.

Mr. Lamanna said 25 years ago it wasn't a problem but now it is a real issue, it really stops traffic at that intersection.

Mr. Murphy said it would make it a whole lot better if they make the first driveway a no left-turn but nobody tries to shoot for the first driveway anyway.

Mr. Lewis asked if it is a possibility if you are northbound to make a left safely into either one of the driveways, either way it brings all of the northbound traffic to a halt and he doesn't see any practical way for signage, there is only two lanes northbound, there is no true turning lane.

Mr. Murphy said ODOT is not going to shorten the left-turn lane on southbound 306.

The board discussed the congestion on Rt. 306 at this intersection.

Mr. Lamanna asked if they (7-Eleven) ever looked into making an entrance off of Chagrin Road.

Mr. Stelzl said no they have not.

Mr. Lamanna said only because then traffic could use the existing left-hand turn lane. He said going northbound on Rt. 306 you would then turn onto Chagrin Road through the light where there is a left-hand lane and a left-hand turn signal.

The board reviewed the GIS aerial photo.

Mr. Lewis said you can see the McDonald's behind you, they have two points of entry. He said you (7-Eleven) are definitely challenged because northbound there are two lefts in crossing three lanes.

Mr. Lamanna said that would help some if cars went all the way to the second entrance even it would be helpful because right now what people do, they turn right at the first opportunity so you have got six or eight cars and then you have got the intersection blocked.

Mr. Murphy said we also now have three lanes eastbound on Chagrin Road right there so the left turn lane, even if they stopped going into the gas station, it would still not stop the east and the freeway traffic.

Mr. Lamanna said what you see there on the GIS are two lanes but it is four lanes now.

Mr. Lewis said could they make the entrance into the McDonald's driveway.

Mr. Lamanna said they would have to get an agreement with McDonald's.

The board discussed the turning lanes and freeway access.

Mr. Lamanna said if people went in there and want to come back out and proceed north, when they come out they would just have to cross the one lane of Chagrin Road and then they would immediately have a left-hand turn lane to get them back onto Rt. 306 so they don't have to worry about trying to dodge across five lanes of traffic to go back to northbound.

Mr. Stelzl said they could look at it when they get to that construction phase and it would be better for them to have that access there.

Mr. Lewis said he thinks it would be a fine incentive because right now the northbound traffic is inclined to make the right turn in the service station across the street from you so it would be nice to give your customer base easier access.

Mr. Lamanna asked if the zoning went back and looked at their 1987 conditional use and were there any conditions applied at the time.

Ms. Endres testified that they were here in 1991 but have not seen anything since 1987.

Mr. Lamanna said there is a renewal.

Mr. Gutoskey said in 2001 they came in for signage.

Mr. Lamanna said there are two reasons for having these conditional uses renewed and one is so that the board makes sure that somebody goes and looks to see that all of the conditions that have been placed on it are in fact being complied with and the second reason is to look at the situation to find out whether or not the situation is in terms of what is happening in the area to see if it is appropriate if they changed the conditions. He said if it is a conditional use and it used to be one way and all of a sudden there is 10 times the traffic or something that has been built next door, the board may say certain things may have to be taken care of and also there may be problems that come up, the neighbors may have been complaining about the ugly refuse containers overflowing and the future condition may be that the garbage area has to be fenced in with a multi-cubic yard container in there and it is not a bunch of garbage cans that the raccoons get into when it is open so that is the purpose of conditional uses. He asked if the township is aware of any pending issues with this property or complaints.

Ms. Endres said she has not heard anything but Mr. Orłowski is pulling the zoning file right now to check for any conditions that were applied previously.

Mr. Stelzl asked if that is since 2001.

Mr. Lamanna said yes, since it was last updated. He said in 2001 the board acted on signage.

Mr. Murphy said that is when they built that canopy over the pumps.

Mr. Lamanna said in 2001 when they re-did that they did the whole thing.

Mr. Murphy said the information we have is for signage so probably the canopies were up and they just changed and added some signs.

Mr. Lamanna said and nobody at the time noticed that their conditional use had expired.

Mr. Murphy asked Mr. Stelzl if this is a rapid transition for his employer.

Mr. Stelzl said just to obtain their general license until they can apply for some signs next year so they will be back here then and this is just really to continue their licenses.

Mr. Lamanna said the board can grant the conditional use certificate subject to the zoning inspector reviewing the existing conditions and making sure that they are being complied with and then secondly the board would like the applicant to come back in in two or three months and look into this access question so we can see what we can do about the northbound drive on Rt. 306 and the board also reserves the right to look at any other questions like that that are different from when this was originally granted because we really have not had enough time to look at the whole project. He said the applicant is good to go and will come back for the board to revisit it.

Mr. Gutoskey said you can see when they did the place across the street what the board was looking at such as ingress and egress of the site and the traffic.

Mr. Murphy said they really have a true traffic flow across the street and BP suffers and it is horrible for all of us, there are two lanes northbound and the left lane should be the main through and there is no turn lanes into the BP station and just after the BP station there is a left kind of turn lane or a cross-hatch yellow lane to keep you out of that but people try to sneak across that yellow lane.

Mr. Lamanna asked Mr. Stelzl when he would like to come back.

Mr. Stelzl said he will be coming in for signage changes in the early part of next year so that puts them in the February meeting, if not sooner.

Mr. Lamanna said the board will give the applicant at least until February to come back and reexamine the question of the access and how it might be improved.

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

Motion BZA 2012-26 – 7-Eleven – 17644 Chillicothe Road

Mr. Lamanna made a motion to grant the applicant a conditional use permit to operate the property at 17644 Chillicothe Road as a gas station/convenience store.

With the following conditions:

1. All of the standard conditions set forth in the zoning ordinance applicable to conditional uses will apply as well as any conditions that were originally or subsequently applied to this property from the zoning certificate originally issued in 1987.
2. The board also applies additional conditions at this point that the applicant will come back on or before the February, 2013 meeting to address the question of the circulation of traffic northbound on Rt. 306 into the station and look for alternatives including making access onto and off of Chagrin Road.
3. The board will also at that time address non-compliances that may be found on review with respect to zoning conditions as well as reserve the right to examine at that time other appropriate conditions that could apply to this property if so merited.

Mr. Lewis seconded the motion.

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

Application 2012-27 by Emeil Soryal (ASZ LLZ) for property at 8450 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 15, 2012 was read.

Mr. Emeil Soryal, applicant and Mr. Tim Doran of Doran Signs were present to represent this application.

Mr. Lamanna asked if this is the building currently that is half destroyed.

Mr. Soryal replied yes.

Mr. Lewis asked if Dr. Leeb has the animal clinic there in front of Heinens.

Mr. Soryal replied correct.

Mr. Lewis said we were wondering what was going on.

Mr. Soryal said there is a lot going on and it is going to be much better.

Mr. Lewis asked Mr. Soryal to tell the board what is going on and then the board can get to the signs.

Mr. Soryal said the building was built at two different times, the original building was in the 1960s and there was an addition that was done in the 1980s and we are fixing that and adding 800 sq. ft. and then put in a second floor over the whole thing so it is going to be a little higher and visible from all four sides. He said he had elevations and showed them to the board.

Mr. Murphy said you may want to look at them to see if they are the same.

Mr. Soryal said he had pictures too.

Mr. Lewis said it looks like there is a height variance.

Mr. Soryal referred to the GIS aerial photo.

Mr. Maglietta asked Mr. Soryal if he is going to have three tenants in there.

Mr. Soryal said correct, two downstairs and one upstairs and added that the upstairs is not the entire area, but it is 3,000 sq. ft.

Mr. Lewis asked if that will be retail or professional office.

Mr. Soryal said professional office, the first floor will be retail and second floor will be professional office.

Mr. Lewis asked if an elevator is required.

Mr. Soryal said no because of the size of it.

Mr. Lewis said so you will not have to deal with ADA.

Mr. Soryal said he has the ADA bathroom and he doesn't know who is going to take the second floor yet.

Mr. Lamanna asked if there is enough parking spaces here.

Mr. Soryal said yes he added plenty. He said the building used to have five tenants and now there will be less tenants but we have more than required for the building.

Mr. Lewis asked if the parking lot calculation has been done and asked if there is a site plan for the parking spots.

Mr. Soryal showed the board the site plan and said this whole area was grass and he is adding all this parking and there will be parking on the other side as well.

Mr. Murphy asked if the parking will be able to be tied into the neighbors.

Mr. Soryal said no.

Mr. Lewis said the board needs an actual count on how many parking spaces there are so it can be applied against the square footage.

Mr. Soryal said he is taking it from five tenants to three.

Mr. Lewis said but it is square footage, you could have 15 tenants and it doesn't change the parking spots based on the square footage of rental space.

Mr. Lamanna said the usage determines the spots per square foot.

Mr. Soryal said he doesn't know how many he has out front.

Mr. Lamanna asked if this facility has a conditional use permit and doesn't it now need a conditional use permit. He said it is a strip center with three or more tenants.

The board discussed the square footage of the building.

Mr. Gutoskey said for the retail part it would be 250 sq. ft., one space for 250 sq. ft. and for offices one for each 300 sq. ft.

Mr. Lamanna said this needs to be run through here as a conditional use and the board has to look at this being set up as a conditional use and even for an existing use, a conditional use permit should be sought so that some reasonable conditions can be established. He said in this case it no longer meets the pre-existing, non-conforming rule so this application needs to be amended to include a conditional use for a strip center under the zoning.

Mr. Soryal said okay.

Mr. Lamanna said of this would become part of the application.

Mr. Gutoskey said for the vet clinic you need one parking space for 200 sq. ft. of examination treatment area, so you have three things going on, you have retail, office and a vet clinic.

Mr. Soryal said actually he doesn't have retail at all, the showroom is not considered retail, we don't sell anything from there it is more of a service, the customers don't come and buy something and leave.

Mr. Gutoskey asked if they buy something when they come there.

Mr. Soryal said they buy a kitchen or a bathroom, they don't take it with them, it is a service.

Mr. Lewis said it is a retail product, how the product is delivered is secondary. He said the purpose is for the sale of product.

Mr. Lamanna said it is a real interesting question with what they are doing.

Mr. Maglietta said they are still buying something there.

Mr. Lamanna said you are not really buying a product, you are buying a concept and a service, you are buying a design.

Mr. Maglietta asked if there will be a back room for storage.

Mr. Soryal said no.

Mr. Maglietta asked if it is all going to be a showroom.

Mr. Soryal said we have already had a showroom in Bainbridge for 12 years.

Mr. Maglietta asked if he was going to have something for sale, like a Lazy Susan in the back.

Mr. Soryal said no, not a thing but if it would help his case he might.

Mr. Murphy said he applauds the idea of improving three sides of that building, we all love the idea that it will not look like it looks now or even the way it looked two months ago but if you have a giant building and only six parking spaces it is a problem.

Mr. Lamanna said you don't want a building that is not in compliance because if someday it was ever sold and somebody did a title search on it, they may say this building doesn't comply with the local zoning then there would be all kinds of problems.

Mr. Soryal said he totally agrees.

Mr. Lamanna said or if financing is needed they could look at it and say they don't think there are the right approvals on it and all of sudden it is delayed two or three months doing this. He said one of his goals when people come in here, when they walk out that door he wants them to have everything they need because he doesn't want them to have a problem ten years from now because this board didn't look at something and approve something.

Mr. Soryal said if he didn't come here today for the variance for the signage he wouldn't have heard about any of this. He thought everything was going through and now he is kind of wondering what would have happened then.

Mr. Lamanna said the board is sorry but it is caught in the position with the change of zoning inspectors. He said what might have happened is that this has been existing here and the problem now that it is going to three so it is now a strip center and a conditional use is needed for it.

Mr. Soryal said back in 2000 there was a variance granted to add the 850 sq. ft. and at that time the building had five tenants.

Mr. Lamanna said what happened is now a strip center requirement came subsequent to that and what happens is if you didn't change anything, then you would be okay but the minute you make a change, that ends your grandfathering, then you have to comply with the current requirements which is a conditional use but it is really not going to change a whole lot.

Mr. Murphy said it may not affect a whole lot other than the board has to look at it and by looking at the number of parking spaces available, you may only be able to put 2,800 sq. ft. on the second floor, so we have to look at it now. He said in fact when you applied and were talking to Mr. Wrench, you were only looking at a two tenant building without a second floor.

Mr. Soryal said no actually we went through this whole plan, we were working through it from the very beginning. He said he made it clear he wanted to add a second floor and before he even drew anything he asked if it was okay and was told as long as he was under 35' he could do whatever he wanted to do. He said it was a decision he and his architect made to keep the second floor at 2,900 sq. ft. based on other requirements that they didn't want to have to deal with.

Mr. Lamanna said this is when you run into problems because when you receive a variance for a one-story building and now you want to make it a two-story building it changes the whole rationale why that variance may have been granted because it is one thing to have a one-story building and now somebody wants to make it 2-1/2 stories that is a whole different impact on the adjacent properties that is why you have to be careful and going up is a consideration when the board looks at variances. He said if somebody comes in and wants an 8' high shed that is one thing if it is 20' off the property line but if they want a 35' high 40' x 40' pole barn it is a whole other kettle of fish.

Mr. Murphy asked if there was anybody here regarding this application.

Mr. Lamanna suggested tabling this to the next meeting so the application can be modified to include the conditional use aspect of it.

Mr. Soryal said he isn't sure he understands what a conditional use means.

Mr. Lamanna said a strip center is a conditional use which means that there is a list of things you have to comply with and the board has to review it based on a set of standards based on its impact in the neighborhood.

The board reviewed the zoning regulations for conditional uses in CB districts.

Mr. Murphy said it is permitted it just has to get a conditional use zoning certificate.

Mr. Soryal said he is shocked, he came in for signage and asked if Mr. Wrench was supposed to know any of this.

Mr. Lamanna said somebody asked him a question about this.

Mr. Soryal said it was Mr. Orłowski after Mr. Wrench left and he actually called the prosecutor's office and they said there wasn't an issue with the second floor because there was already a variance and that is what happened.

Mr. Lewis said our zoning ordinance is available on-line or some pages can be photocopied here and told Mr. Soryal which sections he should familiarize himself with.

Mr. Soryal asked if the board sees a problem.

Mr. Lamanna said he doesn't know because the board hasn't looked at the whole picture but the board has to look at the conditional use and evaluate it under the standards for a conditional use. He said they will also look at how it fits with the other properties and the board will look at all of the area requirements such as the setbacks and either you have variances for them or you meet them.

Mr. Murphy said that is why we need to look at the parking incase a variance is needed.

Mr. Soryal said when he submitted the plans for the zoning approval Mr. Orlowski told him he was missing a spot or two so that is why he is kind of surprised, he is thinking he is here for a sign, he is really not sure what is happening.

Mr. Lewis said you (Mr. Soryal) are also making a significant investment and you want to make sure that when you are done the permits and everything has your property safe and compliant.

Mr. Soryal said he has no intentions not to comply.

Mr. Maglietta said you are here and we need to be right here.

Mr. Lamanna said zoning inspectors are not infallible and they are looking at lots and lots of things sometimes and what happens is they focus on things they think are important and sometimes there are less obvious things in play that may not jump into their mind right away and unfortunately sometimes that happens.

Ms. Endres said she only ruled on the sign permit.

Mr. Soryal said he has a site plan if that is the only issue but it seems like there is more to look into.

Mr. Lamanna said the board needs time to really look at this so we prefer to do this next month.

Mr. Lewis asked if the board wants to have a preliminary sign presentation tonight so that is there is not a glaring hurdle.

Mr. Lamanna said yes incase there are questions.

The board reviewed the signage request.

Mr. Lamanna asked if there is going to be a ground sign.

Mr. Soryal said yes.

Ms. Endres said the ground sign is not computed in the total signage, that would be additional signage based on the new sign code. She explained the code regarding the 1.25 times the lineal feet and added that this is not on a corner lot.

The board discussed the total signage.

Mr. Murphy said this is .74 acres and the height is 35' and this is 34.2' and you are adding a cupola and in a convenience business it is supposed to be a one acre minimum lot area.

Mr. Lamanna said a cupola doesn't count.

Mr. Murphy asked if he needs a variance on the lot size.

Mr. Lamanna said he didn't know unless a variance was approved in the past.

Mr. Orłowski explained that it is a previous lot of record and a variance was granted back in 1999.

Mr. Lamanna asked if that is the only variance granted.

Mr. Orłowski said yes.

Mr. Lamanna said everything else is pre-existing.

Mr. Orłowski said correct.

Mr. Lamanna asked if the variance was for a one-story addition.

Mr. Orłowski said correct.

Mr. Lamanna said the interesting question is whether or not a variance would be for the two-story as well.

Mr. Orłowski said he talked to Ms. Schlag at the prosecutor's office and she said because the board already granted a variance, there was no reason to have them come back again for a second story because typically we issue a letter of exemption for second stories.

Mr. Lamanna said the interesting question is what was the variance for, was it for a one-story building.

Mr. Orłowski replied yes.

Mr. Lamanna said a variance could be given for a one-story building because a one-story building may not adversely affect the neighboring properties but now you come back and say it is a two-story building, that is a different question and he would have to decide what impact that has based on all of the standards for granting a variance.

Mr. Soryal asked if he goes with a second story on the existing building and not the part he got the variance for would he need a variance for that too as long as he stays within 35' and added that he is not putting a second floor on the whole thing so he is not sure how it will affect the neighbors.

Mr. Lamanna said the problem is, adding a second floor on a non-conforming use, you can't come in and just add a second floor, that would be increasing the amount of structure that is non-conforming and this is non-conforming on area and setbacks so he doesn't think he can just add a second floor.

Ms. Endres said it would be an expansion of a non-conforming use.

Mr. Lamanna said right, he would have to come in and get approval and this is the classic thing that happens, somebody gets focused on one aspect of the application. He said people think of non-conforming uses and they think they are not changing the use but it is broader than the use, it encompasses every aspect of the building so if you have a building that is not conforming because of setbacks you can't expand the building without going through the provision specifically for non-conforming uses. He said whether the board is looking at this as a conditional use or we are looking at it as an expansion of a non-conforming use it is actually probably better for the board to do it as a conditional use and grant the variances because then it is permanent but if you go with a non-conforming use then you will be always existing as a non-conforming use and every time you try to make a change you are dealing with that issue so it is much better to have a variance and an approved conditional use and in the future it makes it a lot easier. He said so the issue here is the applicant is way over on the amount of signage and asked if the ground sign is going to be kept.

Mr. Soryal replied yes. He asked if the signs on the back and front of the building are all calculated the same.

Mr. Lamanna said in situations like this the board has allowed some smaller secondary signs where there is back access like this.

Mr. Murphy referred to the signage request and said the board has made allowances for the fact that these are kind of corner lots and angle lots where the board has allowed the east end of the bank but for the most part Bainbridge Township has said you have the front of the building, you are allowed to put a sign on that and you are not really supposed to put signs in your neighbor's yard on the sides. He said with the multi-tenants each unit should have their own sign and maybe name all three of those on the ground sign in the front but it seems like this request is a lot.

The board discussed the signage request.

Mr. Soryal said most people don't want to put a sign in the back to look at their dumpster.

Mr. Murphy said the board has to justify why it would allow an applicant to have six times the signage so he thinks we need a better delineation.

Mr. Tim Doran testified by saying he doesn't know if it is six times what he is allowed, let's be realistic.

Mr. Lamanna said on the wall signs it is double and we are not even including the ground sign.

Mr. Doran asked if the permitted square footage was changed.

Ms. Endres explained that the signage code was recently re-written.

Mr. Gutoskey said it was revised in 2011.

Mr. Doran said so the square footage allowed is the linear square footage times 1.25.

Mr. Lamanna said what has happened is the ground sign has been rolled into that.

Mr. Lewis asked how tall the letters are for Kitchen and Bath on E. Washington Street.

Mr. Doran said it has been so long since he submitted it, he doesn't know. He added that he is here incase the board has technical questions about the materials etc.

Mr. Lewis asked if these signs are illuminated.

Mr. Doran and Mr. Soryal said no they are not.

Mr. Lewis said so part of what we looked at is we actually have a guide that we use.

Mr. Doran asked if the whole rectangle is looked at.

The board said no and showed Mr. Doran how the sign is measured.

Ms. Endres referred to page five of Chapter 173.

Mr. Doran said there was always a gray area on the square footage you were allowed to use, going back to Mr. Wrench and even when Mr. McIntyre was around it was the same deal, no one ever really knew how many square feet you are allowed at any given store or retail area.

Mr. Lamanna said it is pretty clear in the zoning resolution.

The board discussed the calculations of the signs.

Mr. Doran said these are not actual sign panels, they are individual letters mounted on the wall.

Mr. Gutoskey said the letters make the sign so it is all part of the sign.

Mr. Doran said obviously they did not consult with any sign guys before they came up with that.

Mr. Lamanna said they had a lot of hearings and put a lot of work into it. He said it used to be a box that went to the outer limit of the sign, now it follows the outline of the sign so it reduces the measured size of most signs.

Mr. Lewis asked how far this building is off the road.

Mr. Doran asked if he is limited to just one sign on the building. He said so the square footage is the issue, not the amount of signs and we just want to be clear so when we come back in and resubmit, if we are not allowed four signs, we will limit them to three.

Ms. Endres said we also have the ground sign that is 40 sq. ft. per sign face.

Mr. Lamanna said that would eat up the entire sign allowance right there.

Mr. Doran asked if you multiply times two if you are using both sides.

Mr. Lamanna said it used to be a separate limit for ground signs. He added that this board doesn't write the rules and he doesn't know why they decided to include the ground signs.

Mr. Lewis said we are looking at a sign visibility chart and the front of this building is 93' off the road and at 90' off the road the maximum readable impact letters would be 9" tall, 100' would 10" etc. He said when they did the shopping centers over on Aurora Road, we followed this.

Mr. Soryal said he went to Home Depot today and their sign is huge and way up there.

Mr. Lewis said from Aurora Road, they may be 800' – 1,000' off the road.

Mr. Soryal said he knows they are higher than 22'.

Mr. Lewis said the size was governed by the distance from the road and we were consistent all the way around there so that is why he asked if the lettering is illuminated.

Mr. Soryal said they are not, he has a light on the canopy that will shine on it but they are not individually lit.

Mr. Lewis said typically you are not a Wal-Mart with 24 hour operations.

Mr. Soryal said no, he has the light on timers and it will go off at 10:00 or 11:00 at night.

Mr. Lewis said we don't really have a sign rendering so with the forgone conclusion that you (Mr. Soryal) will be back next month, lets give you as many guidelines as possible so that when you come back next month we can do business and proceed.

Mr. Soryal asked if he is allowed signs on four sides of the building, it is just the size of the sign.

Mr. Lamanna said there are no more restrictions on the amount of signs you can have, it is the square footage.

The board discussed the building frontage.

Mr. Soryal said this is a unique building and he is hoping that it will be looked at as a unique building.

Mr. Maglietta said you could argue the fact that maybe the back of the building is part of a road too.

Mr. Soryal said it is going to make the corner look nice.

Mr. Murphy said there are a lot of signs and a lot of square footage.

Mr. Doran said it is not 60' long.

Mr. Murphy said it is 61 lineal feet facing E. Washington.

The board discussed the frontage of the building and it was determined that the square footage is for the whole building.

Mr. Lamanna said this was adopted a year ago and we can't decide to subvert what the Board of Trustees and Zoning Commission did because we don't think they did a good job. He said they spent a long time, maybe a year, working on this.

Mr. Doran said they didn't consult any sign companies obviously or someone who knows what they are talking about, common sense should have prevailed.

Mr. Murphy said if everybody lives by the same sign regulations, nobody suffers and people will find the Kitchen and Bath and they will go to the pet clinic so we would like to find a happy medium and that is why we are here.

Mr. Doran referred to Mr. Shaw's building and said they have a 9' x 15' base and they are all way over the sign limit.

Mr. Murphy said he had nothing to do with that, it was there when he got on the board several years ago but in the meantime the board will help this applicant to find a reasonable solution for the him and the township.

Mr. Lamanna said the board cannot ignore this and say we don't like what they did and we think it ought to be done differently and unfortunately businesses in the township may have to go back to the zoning commission and say this is not working, this is not reasonable. He said this board can look at it and maybe give 10% - 25% more maybe to cover some modest signs on the other side of the building, because of the nature of this particular building, to give you a little bit more of what the zoning permits.

Mr. Doran referred to the green awning building (Washington Square) and asked if it will be the lineal footage for the entire building times 1.25 signs allowed on the entire building.

Mr. Lamanna said he doesn't think it was ever broken down by tenant.

Mr. Doran said it was, it was by tenant and if you go measure his sign it is exactly 1.15 times 30', the entire length of his store. He said that space was allowed 36 sq. ft. of signage, not the whole building times 1.25.

Mr. Lamanna said the advantage of this is you can decide that if one guy can have 36 sq. ft. and only uses 15, then the 21 feet he didn't use, the next guy can use.

Mr. Doran asked what you do if you have ten tenants in a row.

Mr. Lamanna said it is up to you to allocate the signage, you can't give all the signage to the first four tenants and then the fifth guy has no signage. He said if one tenant was 25, then another one will get 15.

Mr. Doran asked if Mr. Soryal's strip mall is in the same category as Washington Square, Mr. Shaw's building with the awning.

Mr. Lamanna said yes but they are on the old rules where the ground signs were not included.

Mr. Doran said there are new awning graphics going up all of the time, is that going to change going forward.

Mr. Lamanna said yes and the amount hasn't changed other than the ground sign and it increased from 1.15 to 1.25. He explained that the sum of each of the individual tenants adds up to the total building.

Mr. Doran said right and instead of Mr. Soryal having a 24" x 12' sign now on his awning where he is now, he is allowed about a 2' x 1' sign.

Mr. Lamanna replied no.

Mr. Doran said he is talking about where he is now.

Mr. Lamanna said if somebody else in the building has a smaller sign, then the other people can have a bigger sign.

Mr. Murphy said if the Kitchen and Bath store is 61' he would have 76 sq. ft. and that is with no ground sign.

Mr. Lewis asked if this building is 94' long.

Mr. Soryal said yes.

Mr. Lamanna has suggested some flexibility and guidelines and it is going to be on the applicant what size letters and over what doorways and there is a ground sign out front.

Mr. Gutoskey said maybe the size of the ground sign can be modified to help.

Mr. Lewis added that this board does not write the code, it is the legislative body.

Mr. Lamanna said the board grants variances based on unusual circumstances.

Mr. Lewis said you (Mr. Soryal) will be allocated some square footage, how you deploy it will be your choice.

Mr. Lewis asked about the permitted square footage for ground signs.

Ms. Endres said it is 40 sq. ft. on each side.

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

Motion BZA 2012-27 – 8450 E. Washington Street

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held December 20, 2012.

Mr. Lewis seconded the motion.

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

Application 2012-28 by Roland & Rose Motley for property at 16683 Elyria Street

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

The zoning inspector's letter dated November 15, 2012 was read.

Mr. and Mrs. Roland Motley were present to represent this application.

Mr. Lamanna said there is a previously built shed here.

Mr. Lewis said the shed is up.

Mr. Lamanna said there are quite a number of lots here.

The board viewed the GIS aerial photo of the property.

Mr. Orłowski said there are two sheds.

Mr. Lamanna asked if there are two separate houses here.

Ms. Endres explained that there are two houses but noted that one will be torn down and referred to the shed that will not be torn down.

Mr. Lamanna asked if all of the property will be kept.

Mr. Motley testified that they don't know but for now they are going to keep it.

Mr. Lamanna said the new shed is going to go where.

Mrs. Motley said it is already in back of the structure.

Mr. Maglietta asked how long will it be before the existing house comes down, what is the time-frame.

Mr. Motley said they don't know.

Mr. Orłowski testified that the township is working on the Moving Ohio Forward program and we have about 7 – 8 houses right now to be torn down and this is one of them and it has to be done by the end of next year, 2013.

Mr. Lamanna asked if anybody is residing in this house.

Mrs. Motley said no.

Ms. Endres explained that there is \$432,000 that is Geauga County's share of that award so the house will ultimately be removed.

Mr. Lewis asked how far shed #1 is off the property line.

Mr. Motley said about 3'.

Mr. Lewis asked if the Yates family is still there.

Mr. Motley replied yes.

Mr. Lewis asked if that is scheduled for tear down.

Mr. Motley said no.

The board reviewed the Motley and Yates lots.

Mr. Lewis said the existing shed is 3' off the rear property line and this one is further down closer to the rear of the Yates house and added that the lots are only 20' wide.

Mr. Gutoskey said they are 20' x 100'.

Mr. Lamanna said the board has always considered these as single lots, as contiguous lots. He said the board ignores the internal lot lines and just looks at the external lot lines because the houses are straddling four or five lots.

Ms. Endres said the zoning inspector would still forward it to the board because it is straddling the lot lines, she would have them come in for a variance.

Mr. Lamanna said in a lot of places we are requiring people to merge their lots when they want to build over dual lots and that way it is a single lot and you don't have to worry about internal lot lines but here it would be unreasonably expensive to require people to do that although in some cases we have had it done.

The board discussed the lots in Chagrin Falls Park.

Mr. Lewis said this building is up and it is 5' off the rear and shed #1 is 3'.

Mr. Gutoskey asked if it is a permanent foundation or is it just sitting on the ground.

Mr. Motley said there is no foundation.

Mr. Gutoskey said it is movable if it has to be moved at a later date.

Mr. Maglietta asked what was the reason for putting it there behind the house as opposed to moving it down further so it is not right in the Yates' backyard.

Mr. Motley said the property goes down but he would like to move it closer to the house.

Mr. Lamanna asked if the other house is going to be torn down.

Mr. Orlowski testified that the township is taking the lead entity for the Moving Ohio Forward and then the state will reimburse us for it.

Mr. Lamanna said so you are going to tear it down and fill it in.

Mr. Lewis said there will be a flag lot.

Mr. Lamanna asked that after they tear the house down and grade it all out, can the shed be moved.

Mr. Maglietta said it is right there behind the house, why not put it where the car is for instance, is it being used by just the Motleys or by the Yates' also. He said it could be moved right next to the existing shed for right now and it gets it off of that property line.

Mr. Motley said we had things in the house that we wanted to save so it put pressure on him to do something.

Mr. Lamanna asked if the other shed is staying.

Mr. Motley said his wife said no.

Mr. Lamanna said the board could allow the shed to stay there right now but when they tear the house down, see if it can get moved then to 25' off the property line. He said the whole area will be graded anyway so somebody could pull that building over at the same time.

Mr. Lewis said the shed could be moved up so the lot behind belongs to the Motleys instead of the Yates property.

The board discussed moving the shed at the same time the house is torn down.

Mr. Lamanna said the board will let it stay there for now but when they tear the house down, get them to move it over 25' away from the line. He asked how big it is.

Mrs. Motley said it is 14' x 20'.

Mr. Lamanna asked if the other shed can be moved within six months.

Mr. Motley said how about seven months.

Mr. Lamanna said the board will give you (Mr. Motley) until June 1st.

Mr. Orłowski said it could be written in the contract with the house to be torn down.

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

Motion BZA 2012-28 – 16683 Elyria Street

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

1. A variance for a side yard setback of 15'.
2. A variance for a rear yard setback of 25'.

Based on the following findings of fact:

1. A practical difficulty exists because of the typical lot size and the fact that the applicant owns multiple lots.
2. The side yard setbacks are based upon an internal lot line of the total property owned and the board customarily treats these contiguous lots in Chagrin Falls Park as a single parcel for these purposes.

This variance is subject to the following conditions which are included in order for the board to make the findings of fact to support the granting of this variance:

1. The existing shed will be demolished and taken away at a time not later than the time that the other existing structure on the property is demolished.
2. At the same time after that structure is demolished and the lot regraded then the shed will be moved to 25' away from the property line at that time in connection with that demolition and grading.

Mr. Lewis seconded the motion.

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

Application 2012-29 by Dovetail Construction Inc. dba Dovetail Solar & Wind for Kenston Board of Education for property at 17419 Snyder Road

The applicant is requesting a use variance for the purpose of installing solar panels. The property is located in a R-5A District.

Mr. Lamanna asked when this application came in.

Mr. Orłowski testified that it came in since the last meeting.

There was no testimony on this application.

Application 2012-29 – 17419 Snyder Road (Solar Panels)

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held December 20, 2012.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:42 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta
Mark Murphy

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

Date: December 20, 2012

AUDIO RECORDING ON FILE

BZA PH 11/15/2012

-31-

Bainbridge Township, Ohio
Board of Zoning Appeals
November 15, 2012

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:42 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Jason Maglietta, Alternate and Mr. Mark Murphy. Mr. Mark Olivier was absent. Ms. Karen Endres, Zoning Inspector and Mr. Joseph Orłowski were present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the October 18, 2012 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for December 20, 2012

Application 2012-20 by Dr. Bob Lee/Kenston Schools for property at 17419 Snyder Road - Continuance

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

Application 2012-29 by Dovetail Construction Inc. dba Dovetail Solar & Wind for Kenston Board of Education for property at 17419 Snyder Road - Continuance

The applicant is requesting a use variance for the purpose of installing solar panels. The property is located in a R-5A District.

Application 2012-34 by Emeil Soryal (ASZ LLZ) for property at 8450 E. Washington Street

The applicant is requesting a conditional use permit for the purpose of establishing a strip shopping center. The property is located in a CB District.

Application 2012-27 by Emeil Soryal (ASZ LLZ) for property at 8450 E. Washington Street - Continuance

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

Application 2012-30 by 300 MPH Acres, LLC for property at 16533 Chillicothe Road

The applicant is requesting a modification to a previously granted variance (BZA 2011-13) for the purpose of modifying the requirement to complete the barn renovation. The property is located in a R-5A District.

Application 2012-31 by Mike Bramhall for Mark Tiefel (Tanglewood Golf Club for property at 8745 Tanglewood Trail

The applicant is requesting a renewal of a conditional use permit for Tanglewood Golf Club and for the purpose of replacing the existing cart storage building. The property is located in a R-3A District.

Application 2012-32 by Joe Jenkins for True North Energy LLC for property at 8501 E. Washington Street

The applicant is requesting a renewal of a conditional use permit for the purpose of a car wash, food mart and gasoline sales. The property is located in a CB District.

Application 2012-33 by Joe Jenkins for True North Energy LLC for property at 8501 E. Washington Street

The applicant is requesting area variances for the purpose installing signage. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for December 20, 2012 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta
Mark Murphy

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

Date: December 20, 2012