

Bainbridge Township, Ohio
Board of Zoning Appeals
November 16, 2017

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

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He noted that the applications will be taken out of order.

Application 2017-38 by Aurora Cooperative Preschool for property at 8558 Crackel Road

The applicant is requesting a review and renewal of an existing conditional use permit for the purpose of operating a preschool. The property is located in an Active Public Park District (APP).

Mr. Lamanna noted that this conditional use permit renewal was overdue but the board is acting on it now.

Ms. Michelle Kalista, Director of the Preschool was present to represent this application.

Ms. Kalista testified that Ms. Endres had notified her that they need to renew their permit so that is why she is here. She said they have not changed any of the usage or capacity, it is the same as it has always been.

Mr. Lamanna asked what the co-op is.

Ms. Kalista said it is a state licensed preschool and co-op means that parents volunteer and help out.

Mr. Lamanna asked if it is a formal, legal organization.

Ms. Kalista said yes they are a 501.C3 non-profit.

Mr. Lamanna said so a not for profit organization.

Ms. Kalista said yes.

Mr. DeWater asked if there have been any complaints from the neighbors.

Ms. Karen Endres, Zoning Inspector testified that there are no complaints that she is aware of at all.

Mr. Lamanna asked if there is an appropriate fenced-in outside activity area.

Ms. Endres said yes and referred to the aerial photo and she believes there are state inspections.

Ms. Kalista said yes they have state inspections every year.

Mr. Lamanna asked if there is anyone else here for this application and if there are any other questions or issues.

Ms. Endres said she thinks they renewed their lease with the trustees but she didn't get a copy of the most current one.

Ms. Kalista said the current lease expires in June and she had asked for just a one year extension because the renovations were going to take a little longer than expected so they asked for one additional year, until June of 2019.

Mr. Lamanna said this was previously there before the zoning change.

Ms. Endres said it predated the zoning change to Active Public Park and it came about after the preschool was originally approved but the zoning gives the latitude to allow the preschool to continue after the zoning change.

Mr. Lamanna said but you are saying you are probably going to only be there one more year.

Ms. Kalista said they have been told that the building is on the list to be demoed, not necessarily their choice but if that is the case they have been looking to relocate to another place.

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

Motion BZA 2017-38 – 8558 Crackel Road (Aurora Cooperative Preschool)

Mr. Lamanna moved to grant the renewal of the conditional use certificate for the continued operation of the Aurora Cooperative Preschool which has been operating since 2007.

1. This is now technically a non-conforming use since the area has been rezoned to Active Public Park in 2011.
2. Nothing has changed in the operation and the applicant appears to be operating fully in compliance with all of the requirements of the conditional use ordinance as well as the special conditions originally provided which conditions will continue.
3. This conditional use will be extended for a period of the sooner to occur of five years or if the current applicant ceases to have a lease for the property with the Bainbridge Township Board of Trustees then it will expire one year after the end of such lease.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye.

Application 2017-37 by Micah Kaufman for Eric Huff for property at 18003 Snyder Road

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

Mr. Eric Huff, property owner and Mr. Micah Kaufman, contractor were present to represent this application.

Mr. Huff testified that he wants to build a 24' x 32' pole barn and from what he understands it has to be 50' off the neighboring property line but unfortunately he does not have that much room.

Mr. Lamanna asked if the house does not have a garage currently.

Mr. Huff said it does but he had plans on turning that into house, living space.

Mr. Gutoskey said part of the problem you would have is that area is double over the 300 sq. ft. allowed in the code so then the question is, is there a way to attach it to the corner of the house. He said reading through Ms. Endres' report there is a question as far as what the actual setback will be off the property line.

Ms. Karen Endres, Zoning Inspector testified that she understands that the property line is not surveyed. She asked Mr. Huff if he was able to find the pins.

Mr. Huff replied yes.

Ms. Endres asked if he was able to shoot a straight line so he knows for sure that it is 20'.

Mr. Huff said yes the neighbors two years ago actually had their property surveyed so they have a new pin in the front and then he found the rear pins so he can get about 30' off of the neighbor's property to the beginning of the new structure.

Mr. DeWater asked Mr. Huff if he can get 30'.

Mr. Huff said yes.

Ms. Endres said so it is 30' requested instead of 20', so what she is hearing is instead of the 20' variance from 50' it will be 50' to 30'.

Mr. Huff said correct.

Mr. Gutoskey asked what the average lot sizes are in this area and what sizes are the out buildings on the other lots around there.

Mr. Lamanna said there is one built next door that is pretty much the same size.

Mr. Gutoskey asked if there is anybody else interested in this application.

Ms. Endres said it is anywhere from 1-1/2 to 3 acres or so.

Mr. DeWater asked how many of those lots have outbuildings bigger than 300 sq. ft.

Ms. Endres said she did not do that analysis.

Mr. Lamanna asked if the current driveway is paved.

Mr. Huff replied yes.

Mr. Lamanna said this is a pretty low profile building but the real coverage is the driveway because it is set back so far from the road.

Mr. Gutoskey said and the porch.

Mr. Lamanna said the reason the 300 sq. ft. is in there for 1/2 acre and 1/4 acre lots and he thinks that was a concern because we didn't want something inappropriate for the size of the lot and he thinks given the size of the house that is already here and this is 1-1/2 acres so a 24 x 32 is not bad.

Mr. Gutoskey said the only thing he would add is it is basically going to be used for garage and storage and not business purposes.

Mr. Lamanna asked if it is purely for storage.

Mr. Huff said yes, no business.

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

Motion BZA 2017-37 – 18003 Snyder Road

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a 24' x 32' detached garage in accordance with the plans that were submitted with the application.

1. A variance to the north side setback requirement from 50' to 30'.
2. A variance to the maximum lot coverage from 10% to 13%.
3. A variance for the maximum accessory building size on a non-conforming lot from 300 sq. ft. to 768 sq. ft.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record and it is narrower than normally expected.
2. Currently the addition of this and leaving 30' is not inconsistent with the other side lot line.
3. The adjacent owner's house is a significant distance from that property line.
4. There is a substantial stand of trees along the property line to screen it so it should not adversely affect that neighbor or be inconsistent with the character of the neighborhood.
5. The lot coverage is a small increase and a lot of the additional lot coverage is driven by the fact that the house is set back 150' from the road so there is substantial driveway required because of that.
6. In addition the total structure footprint on the property is not unreasonable given it is a 1.5 acre lot and it is consistent with the neighborhood.
7. Because this is approximately a 1.5 acre lot an accessory building of 768 sq. ft. is not in derogation of the character of the neighborhood.
8. It will also be located immediately adjacent to the house so it will look almost like it is a part of the existing structure.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye.

Application 2017-31 by Janna Lutz for property at 7170 Chagrin Road - Continuance

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

Ms. Janna Lutz, applicant, Ms. Janis Evans, property owner and Mr. Christopher Horn, attorney for the applicant were present to represent this application.

Mr. Christopher Horn testified that he is here for the applicant and the owner of the property.

Mr. Lamanna asked where this stands with the sale of this property so we understand because we have a couple of different things going on here.

Mr. Horn said it is his understanding that there is no contract at this point for the sale of the property.

Ms. Janis Evans testified by saying yes.

Mr. Lamanna asked if the property is being used for the chiropractic business or not.

Ms. Evans said he has a three year lease, that is correct.

Mr. Lamanna asked if the lease has an option to purchase.

Ms. Evans said yes.

Mr. Lamanna asked where it stands with the parking situation because in the approval of the other use in the front building there was a specific parking plan worked out.

Ms. Evans said they have not striped it yet but there doesn't seem to be any issues at all with it.

Mr. Gutoskey said it needs to be enlarged based on when the board originally looked at this back in April. He said when the board looked at the parking then the problem with the parking lot is it is only 52' give or take and that is not enough room to get the ten parking spaces, you would have to add another 10' on to the front of it to give enough room for cars to maneuver back out.

Ms. Evans said we very rarely have more than two people there, she hasn't seen more than three or four cars there.

Mr. Gutoskey said that is fine but he thinks Ms. Endres figured that they need eight spaces based on use.

Ms. Endres said based on the uses her recommendation was eight, based on the size of the office building it would have been seven and the board granted a variance to allow for six spaces for the office building. She said the back building is more of an industrial use and the parking calculations for an industrial type building is one space for every two employees on a maximum shift and her understanding is there is only one employee plus one space for every vehicle parked on the lot used for a business. She said her understanding is that there is not a vehicle routinely parked on the lot for the business but it does make sense that when that vehicle comes and goes he has somewhere to park but she would recommend that they have a minimum of 8 spots.

Mr. Gutoskey said and right now they have six.

Ms. Endres said she is figuring they have 10 spots.

Mr. Gutoskey said but there is not enough room to maneuver, if you have six cars parked in front of the building and you park a car facing towards Chagrin Road.

Ms. Endres showed a photo and said this was based on the day she was there, there were four cars parked across the front and, she indicated where her car was parked, and there was about 20' between the bumpers of these cars for people to pull in and out. She said she is not advocating one way or the other she is just trying to give the board the facts.

Mr. Gutoskey said he understands but a standard design practice, a parking space is 9' x 20', the aisle is anywhere from 20' to 24' and then there is another parking space on the other side that is 9' x 20'.

Mr. Lamanna asked if it was specified what the parking lot is supposed to look like.

Ms. Endres said that is what this plan is here.

Mr. Gutoskey said and the board gave them the option if they need more.

Mr. Lamanna said if they need more to go there.

Ms. Endres said in the parking lot they have it detailed here.

Mr. Gutoskey said that is not his exhibit and he is scaling 20', 22' and 20' and then 9' wide spaces so he is not sure where those dimensions came from.

Ms. Endres said this is the survey map and the blue is her handwriting.

Mr. Gutoskey said in order for it to get to have 8 or 10 usable spaces you have to add about 10' onto the front of this lot, like 10' x 36'.

Mr. Horn said regarding the substitution of a non-conforming use in reading your minutes "the nature of the use is a little unclear as exactly how many parking spaces will be required based on the description of the applicant and it appears that six will be sufficient for this use".

Mr. Gutoskey said yes and that is why we said it is okay but depending on what happened in the back would dictate how we would get usable spaces.

Mr. Horn said the motion reads based on the following findings of fact, "if the applicant determines that he needs additional parking he can add four spots there and alternatively the applicant can extend to the south to add three parking spaces and the layout of these alternate parking areas and existing parking to meet the six spaces is going to be generally as shown in Exhibit A that has been prepared at this meeting and will be added to the record to show that." He said that was taken into account, the additional parking spaces.

Mr. Gutoskey said he doesn't think there is an argument there because in order to make it so people can get in and out and maneuver you would have to add 10' to the front.

Mr. Lamanna said if you wanted to add additional parking spaces the first place to add them is in the front but to do that the pavement has to be extended so that we meet the proper sizing requirements for the parking spaces so if he was going to need those parking spaces it is not the idea we wanted him winging it and having people parking down the driveways etc. that the spots would be added appropriately.

Mr. Gutoskey said it would probably help if the area in front of the building was striped, that would probably help. He asked Ms. Endres if the spaces were striped when she was out there.

Ms. Endres said there is no striping.

Mr. Gutoskey said if it was striped it would help because you could easily get six in front of the building.

Ms. Evans said that would be her intent to stripe it.

Mr. DeWater said another question that came up last month for your prospective tenant was the access to the building with the property line right down the one side she said that she would walk up between the two buildings and if you are looking at the picture she said she would walk down the right and we requested that some type of formal sidewalk and entranceway be installed there and asked what the possibility is in getting that taken care of so she is not going on the neighboring property.

Ms. Evans said she can walk on the north side of the property where there is asphalt to get to both buildings both the back of the front and the back building, there is access there.

Mr. DeWater asked isn't there only 2' there.

Ms. Evans said there are 2'.

Mr. DeWater said and if she is moving furniture in and out.

Ms. Evans said on a dolly.

Mr. DeWater said there probably wouldn't be sufficient enough area.

Ms. Lutz testified that if it is a dining room table it always comes off a pedestal so the dining table is vertical and two people would be enough. She said a lot of kitchen restoration they do are just cupboard doors they are moving in and out of that building. She said she can't think of any large furniture that they have taken in and out of there, a lot of the jobs they do are done on site.

Mr. DeWater said in the past approval the neighbor was going to put a fence down that side where they are going to be limited.

Ms. Evans said she is aware of it.

Mr. Lamanna said 2' is not really a practical amount of space to be used as an access way, it is potentially hazardous in an emergency escape situation, it is not really wide enough to use.

Mr. Gutoskey said what if the fire department has to get back there to get somebody out of the building and the fence is there.

Ms. Evans said the Fire Marshall for Bainbridge told her they would just knock the fence down because she was concerned about access in case of an emergency and she did question that.

Mr. Gutoskey said he wonders how the neighbors would feel about that. He asked if there is anybody else here with any questions.

Mr. Lamanna said the fire department will do what the fire department has to do and they will have to pay for the consequences afterwards, they can't come in and destroy other peoples' property and they may look to the person whose property they are saving to pay that cost but we would rather not have to create a situation if the fire department feels that their only way in is to smash through somebody else's property, yes they will do it if need be but we don't really want to put them in the position where they have to do that.

Mr. Gutoskey said especially as a conditional use where we are creating a problem for our safety forces.

Mr. Lamanna said there is really not sufficient access on the north side of this property for that to be the ingress and egress from this building and the way in which people and materials are moving in and out of the building, there needs to be something on the south side unless you want to put it on the back but that doesn't make a lot of sense. He said he thinks the sensible thing is there would be a door there and then some kind of a walkway and then we have a good practical structure that is not creating any potential problems, we have good access, if the fire department needs to get in there can it get right in there without having to worry about breaking through fences and going on somebody else's property and he thinks it is just a matter of safety.

Mr. Corcoran asked if the only existing door now is on the north side.

Ms. Evans said there is a back door in the front building on the north side and then there is a garage door and another door, single door, for access on the north side. She added that the building has been there since the twenties so this is a grandfathered situation she would think.

Mr. Lamanna said grandfathering doesn't work forever for everything, you have to still deal with potential safety issues and access issues for the particular use that is being proposed right now so since we are looking at a substitution use we want to have a way to access from the south side so that people can get in and out of there without having to squeeze their way around next to the property line on the other side. He said if you want to substitute the use we are going to do it in a way that is not going to create problems for the safety forces or for the neighboring property owners and we are not talking about a huge request here in terms of an alteration.

Mr. Gutoskey said there is a window there so you could probably make the door right where the window is very easy.

Ms. Evans said the buildings were connected at one point in time but there was a water issue because of the roof so we disconnected them.

Mr. Gutoskey said if there was a hallway through the other building to get to it that would solve it but he doesn't know if that is currently what is going on.

Mr. Lamanna said you can decide what kind of door you want, whether a garage door or just a man-door that is big enough to move stuff in and out, it is obviously your call based on what you need to get things in and out.

Mr. Gutoskey said with the size of the windows that are there you can put in a decent size door very easily.

Mr. Lamanna said the other question is if we approve this with the absolute minimum parking spots what that means is if you change the number of employees then you are going to have to come back here and get approval again.

Mr. Horn said he didn't think there would be any more employees.

Ms. Lutz said she didn't plan on that, she worked alone for many years and she foresees continuing it but she understands what the board is saying.

Mr. Lamanna said you might want to have two parking spaces.

Mr. Gutoskey said if you have that 10' x 36' striped and you add ten spaces.

Mr. Lamanna said if you said you are going to go ahead and do what we were talking about which is to put in the other four spaces, then you've got extra spaces and if at some point in time you want to have another employee or if you have a truck you want to park there then we don't have to revisit this again.

Ms. Evans said their goal could certainly be to put the door there, she can't do it right today.

Mr. Lamanna said the board is not going to insist it be done tomorrow but he thinks 30 days for putting in a door is probably a reasonable amount of time.

Mr. DeWater said and the sidewalk, a couple of months because of the winter. He said if you move out of there and you come back for another use you are going to want to have a formal entrance for somebody to get in that may want to rent it in the future anyway even though you will have to come back and get approval for that, the time to do it the right way is now.

Ms. Kim Portman submitted a photo to the board and testified that yesterday at 3:00 P.M. there were ten cars.

Mr. Lamanna said at this point in time it is going to be pretty hard to get any additional driveway done.

Mr. Gutoskey said yes because the asphalt plants close by the end of the month, it just depends on the weather.

Mr. Lamanna asked if there is enough room to get by and if the parking lot can be striped before the winter comes.

Ms. Evans said she thinks she has a striping machine and she will see if she can get it striped.

Mr. Lamanna said let's stripe it so there are some spots there.

Mr. Gutoskey said you can go off of this drawing.

Mr. Lamanna said you just need to know the width.

Mr. Gutoskey said basically 9' and then a little space was left in front for a walkway. He said put the 9' spaces in and then 20' wide.

Mr. Lamanna said stripe on one side and stripe on the other side, there will be a very narrow aisle temporarily and then in the Spring we will add the additional pavement to make that a full 20' aisle.

Mr. Gutoskey said go with a 22' aisle in-between.

Mr. Lamanna said the spaces are 20' deep and the aisle is 22' and added that we want to get to the final dimension with four spots in the front and in the meantime it will be striped off with a narrower aisle temporarily and since this is a temporary situation don't worry about making it perfect.

Ms. Evans said they can do that.

Mr. Lamanna said this is a temporary situation and then next Spring, the first of May you can complete the striping within the next two weeks, the board will give you until the end of the year to get the door in and some kind of path.

Ms. Evans asked if it can be gravel for now.

Mr. Lamanna said yes if you are going to pave it then you can pave it in the Spring.

Ms. Evans asked how wide it should be.

Mr. Lamanna said it should be at least 3' wide, if you want to make it wider that is fine but you need to decide what you are going to need to move stuff in and out of there you probably need to pave it when Spring comes, they can run the asphalt right back there and that would be the smartest time to do it.

Ms. Endres asked if the additional lot coverage can be addressed, she doesn't know if a variance will be needed for that, for the sidewalk etc.

Mr. Lamanna said we will approve a sidewalk up to 4' wide to the back door.

Mr. Gutoskey said when we originally looked at it the lot coverage is going to be about the same so even adding the sidewalk in the back it is hardly going to add anything, once we configured in the pavement that is going to be removed. He asked if the lot coverage was approved at the meeting in April.

Ms. Endres said she doesn't recall.

Mr. Lamanna said he thinks the board thought there would be enough offset to put that in.

Mr. Sean Mishne of 7168 Chagrin Road testified that they are going forward with the removal of 2' of asphalt that is required on our side and then they have to remove their 2' as well on their side.

Mr. Gutoskey said he thinks that was part of the original decision back in April, that 2' gets removed along the property line.

Mr. Mishne said they already filed for a permit for the fence so once the concrete is removed they can go forward with it.

Mr. Gutoskey said that was part of the April 2017 hearing, removing the 2' along the property line.

Ms. Kim Portman asked when is the timeframe for that property to remove their 2' of asphalt and testified that it hasn't been done either so if they are going to stripe the lot, that should be done before striping the lot and asked if that is correct.

Mr. Gutoskey said he doesn't know if not removing that will affect striping the lot.

Mr. Lamanna said that should have been done by now, the expectation was that that was going to be done and technically it should have been done right away, we are not talking about rocket science here or some massive building project.

Mr. Mishne said he had it marked off and contacted GAR Paving.

Mr. Lamanna said let's get that out of there in the next month, remove what is supposed to be removed based on the prior decision.

Mr. Horn said the removal of the asphalt was during his (Dr. Nassif) approval.

Mr. Lamanna said a requirement is a requirement on the property owner, it is not on the tenant. He said what the property owner's agreement with the tenant is not the board's business or our concern, this is the property owner's requirement.

Mr. Horn said he understands and that was when you approved his substitution that was a requirement you put in.

Mr. Lamanna said right and the requirement was on as you know, the property owner, not on the tenant.

Mr. Horn said it goes with the owner of the property.

Mr. Lamanna said the board has been very accommodating on this and as you can see we have let this thing drag on for quite a while and we have bent over backwards to try to accommodate the property owner and accommodate the situation and protect the interests of the neighbors and balance all of that together, we managed to get a driveway put in and we put in a lot of work on this and he thinks we have gotten it to a point that it is a very good situation for everybody, it has been a little bit of a pain but we've gotten a non-conforming property into a position where it can still be used but it is not going to be causing a big problem for anybody in the township. He said we want to get all of this stuff done that everybody agreed upon and was part of the previous agreements with the other substitutions so if we are going to allow the substitutions, expect the conditions to the substitutions to be carried forward because that is the basis on which substitutions are allowed that they are not creating any additional burden with respect to the zoning in the area and all of these things are necessary to ameliorate the impacts of the substitution and again, a re-clarification of exactly where these were located on the property so we have got a pretty good situation here with all of the adjustments we have made and we would like to get all of that done and in place.

Mr. Gutoskey said to add to what Mr. Lamanna said, as these conditional uses, these non-conforming use properties throughout the township as they have been coming before the board we have been trying to clean up these issues with the properties going forward just so they are taken care of and hopefully we won't have any issues down the road and as they come before us one by one.

Mr. Lamanna said we are trying to minimize the non-conformities and to also make sure that we are not creating any additional impact on the other properly used properties around them and trying to create basically a sustainable situation so that we've got something that can move forward for the long term and try not to have these things careening from one problem to another that way we will get something in place so you won't have to keep coming back here or if you do come back it is a very simple substitution and not have to get into all kinds of other issues and that is what we are trying to do, get a sustainable position for people to be in so that they can move forward on these things and we don't have to constantly be revisiting and rejiggering and redoing and the like.

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

Motion BZA 2017-31 – 7170 Chagrin Road

Mr. Lamanna moved to grant a substitution of a non-conforming use to allow the continuation of a furniture repair/refurbishing business that has been operating in the rear building on this parcel and this action is with respect to said rear building. This has been a pre-existing building used for non-residential purposes and the front building has recently been allowed to convert to a chiropractic office use. In order to grant this substitution of a non-conforming use and to not have this use be an increased burden or create an increased impact on the surrounding property owners or adversely affect the zoning the applicant must provide the following.

1. Provide on the south side of the building an access door to be used as the primary ingress and egress of this building because currently the other accesses to this building that are on the north side, there is insufficient space on the property to get by the front building on a regular basis for the purposes of conducting business and also because the easiest access in the case of an emergency would be from the south side of the building and also would not necessitate going across somebody else's property, there needs to be a door on that side of the building.
2. The applicant will have until the end of 2017 to complete the installation of the door and a walkway from that door to the parking lot that is at least 3' wide. Any paving of that walkway will not be required at this time but should be considered when the front parking lot is paved.
3. The board will grant a variance to the total lot coverage as necessary to accommodate this walk in the amount to be determined by the Zoning Inspector after the removal of the other existing asphalt areas and the other increases in parking that were granted in the previous application 2016-40 on April 20, 2017.
4. In addition, to deal with the parking, the applicant will extend the parking lot to the west toward Chagrin Road approximately 10' so that there are two 20' deep rows of stalls separated by a 22' driveway resulting in four spaces on the west side. This will provide ample spaces to cover the minimum of one required so that this will allow additional spaces if needed for this building in the future or also if needed for the other existing building. The additional parking area will be completed by May 1, 2018.

Motion BZA 2017-31 – 7170 Chagrin Road - Continued

5. In addition, the applicant, on a temporary basis, will stripe the existing lot into six spaces in front of the building with an approximately 12' driveway and four spaces on the west side, those to be 9' wide and this is a temporary basis until the completion of the driveway expansion and this will be completed within two weeks of today.
6. The applicant will be sure to obtain all appropriate permits for any of the modifications to the building that are required.
7. The applicant will also remove the pavement, from the prior decision, within the next 30 days.

Based on the following findings of fact:

1. The board finds with the modifications herein that it will reduce any adverse impacts that would otherwise be created by this substitution.
2. As so modified, the substitution is reasonable and does not constitute a greater burden than the prior uses of this property.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye.

Since there was no further testimony, the public hearing was closed at 8:10 P.M.

Respectfully submitted,

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

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

Date: January 18, 2018

AUDIO RECORDING ON FILE

BZA PH 11/16/2017

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Bainbridge Township, Ohio
Board of Zoning Appeals
November 16, 2017

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:10 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate Mr. Ted DeWater and Mr. Joseph Gutoskey. Mr. Todd Lewis and Mr. Mark Murphy were absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna moved to adopt the minutes of the October 19, 2017 meeting as written and with respect to the minutes the board modified the motion for application 2017-34 and 2017-35 due to during the course of the meeting the board discussed the fact that it was located within 3,000' of an existing garage but neglected in the motion to include that so this is being modified to correct the record to approve a variance with respect to the 3,000' proximity requirement on the basis that this garage is located off of the street so it will really not be visible from the street and also the other two locations are gas stations/convenience store locations that don't actually do auto repair so the requirement is moot with respect to this operation.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye.

Applications for Next Month

Secretary's note: There were no applications for the December 2017 meeting therefore the meeting was cancelled.

Since there was no further business, the meeting was adjourned at 8:50 P.M.

Respectfully submitted,

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

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

Date: January 18, 2018