

Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 17, 2016

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:15 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

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

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

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

Mr. David Duncan was present to represent this application.

Mr. Duncan testified that he speaking on his mom's behalf and originally they used to have a freestanding shed on the side of the house and about two years ago the whole front of their house was torn up, the driveway, to put drainage in and they couldn't take the drainage to the street because the elevation was higher at the street so they ran it to the woods and in the process of running the drainage to the woods they had a new concrete pad put in by the front door by the garage and around the side of the house and what happened was in the process that the standing shed that was next to the house was torn down. He said they were informed that they planned on putting another shed back on that concrete pad that was next to the side of the house, the drainage was taken care of, the concrete pad was completely done, they thought it went through fine with the ARB of their development but come to find out they had an issue with it and they had to seek approval. He said the shed is basically going to be an attachment to the side of the garage, it is not a freestanding shed this time, the one wall of the garage will be the back wall of their shed and they plan on making it 5' out, 11' long and about 7' – 8' high next to the garage. He said it still remains on the pad, the issue is is that we had to get approval from the ARB architectural review board of Lake Lucerne because we are actually infringing on closer to the property line with their shed. He said the shed would actually match the side of the house, the siding, the shingles, everything so it actually looks like part of the house. He said they got the approval back from ARB which is right here, he showed the board the approval, which is signed off and they had submitted the variance to the township.

Mr. Lewis asked to look at the ARB approval and said he hasn't seen that document.

Mr. Gutoskey asked if it is just going to be sitting on the concrete slab or will it have a footer.

Mr. Duncan said there will be studs bolted in so the actual part of the perimeter will actually be bolted to the concrete.

Mr. Gutoskey said so you are attaching it to the side of the garage.

Mr. Duncan said yes, the concrete was already approved so the issue is that because we are closer to the property line that is where it becomes an issue because normally from what he understands, the township is 50' from a property line whereas Lake Lucerne is 10' because they know the homes are a lot closer. He said they are actually asking for 3' closer but it is still on the concrete pad. He said the other issue is that was brought up to him was that the property line is from the side of the garage to the property line is actually 12' and from the property line to their next door neighbor, Phillip Campbell's house is 18' so we are actually closer to the actual property line on the west side than he is on his east side. He said he actually has more of that property and we originally thought it was closer to the center between both houses but we found out that it was actually, the property line, was closer to our house.

Mr. DeWater asked if his property is staked.

Mr. Duncan said yes it is.

Mr. DeWater said so you went off the property line.

Mr. Duncan said yes they did and actually his sister-in-law's father showed us where the stake is behind the house on the west side in the woods and then we actually got a metal detector and found the one out by the street and we ran a line from there to the woods to make sure exactly where we knew their property line would be at.

Mr. Gutoskey asked Ms. Endres if there is an older ReaLink aerial that shows the whole shed.

Mr. Duncan said you can't really see it, you can but you can't.

Ms. Karen Endres, Zoning Inspector testified that this is the one from 2000 and referred to the aerial. She said once you go to 1990 it is too grainy to see.

Mr. Duncan said that shed was actually grandfathered in and come to find out it was falling apart pretty bad, it was a metal shed and in the process of it they had torn it down.

Ms. Endres said 2006 is a little clearer but she is not sure if that is the shed.

Mr. Duncan said it should be yes.

Mr. Gutoskey asked if the old shed was at the side of the house.

Mr. Duncan said yes, it was just sitting on dirt basically but it had a wooden floor inside.

Mr. Gutoskey asked how big the old shed was.

Mr. Duncan said the old shed was probably a little bit smaller, about 8' – 9' long and about 4' out.

Mr. Lewis asked when the concrete got poured.

Mr. Duncan said he wants to say June of 2014.

Mr. Lewis said so the old shed got torn down.

Mr. Duncan said yes it did.

Mr. Lewis asked if Lake Lucerne was involved when the concrete got poured.

Mr. Duncan said yes they were, they had to get approval. He said Pam on the ARB came over and they had to show her all of the details of everything that was going on because they had to dig up a lot of the property for the drainage and they actually had the concrete by the front door because the water was not going anywhere so the concrete sunk in the ground.

Mr. Lewis said so it is going to have a sloped roof.

Mr. Duncan said yes.

Mr. Lewis said it is 7' off your neighbor's property and he doesn't see gutters or downspouts. He asked what is going to be done with the water run-off of this roof.

Mr. Duncan said he is assuming they could do a gutter on it and on the side of the house between their houses, it is actually sloped though the water is just a natural run-off and it goes right to the woods, it is actually pitched down and it actually runs off to the woods.

Mr. Lewis asked Mr. Duncan if it is his property or his neighbor's property.

Mr. Duncan said between the two of them it is actually kind of sloped in.

Mr. Gutoskey asked if that is where they ran the pipe.

Mr. Duncan said yes they kind of ran it in the ground right to the woods.

Mr. Lewis said kind of a natural gully.

Mr. Murphy asked if there are any neighbors present.

Mr. Duncan said Mr. Phil Campbell, the neighbor on the west side of them, they tried to reach out to him and a letter was sent to his sister but he has a caretaker now so he is assuming that his sister handles all of his affairs now and is 99% sure that she did get a letter about the meeting.

Mr. Murphy said he was wondering if there was anybody else in the room that is interested in this, if any of the neighbors were here tonight.

Mr. Duncan said not that he knows of no. He said Mr. Jonathan Baker lives across the street and he knew about this and he actually guided them through the whole process.

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

Motion BZA 2016-38 – 8311 Summit Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a storage addition to an existing dwelling. The size of the addition is 55 sq. ft. (5' wide by 11' deep).

1. A variance with respect to the front yard setback to the existing 60' setback that the house maintains. The board does note at this point that this addition is behind the existing front setback of the house so there is actually no increase in the non-conformity there.
2. With respect to the side yard a variance to 7' from the required 50'.
3. With respect to the lot coverage the board will allow up to 21.33%.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing non-conforming lot of record.
2. The addition of this storage shed on the side of the house is not inconsistent with the neighborhood.
3. There is actually no increase in the non-conformance with respect to the front yard setback and there is only a 3' variance to the originally required 10' setback for side yards in this area when it was originally developed.
4. The adjacent house is 18' off the property line so there will be a substantial amount of distance in-between.
5. With respect to the increase in lot coverage from this particular structure it is actually being built on an existing concrete pad and also it represents less than .4% increase in lot coverage so it is not material nor will not have an adverse effect.

Motion BZA 2016-38 – 8311 Summit Drive - Continued

6. The board also notes that these variances do not adversely affect the adjacent property owners and they are consistent with the neighborhood and the other development in the neighborhood and the other setbacks within the Lake Lucerne area.

Mr. DeWater seconded the motion.

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

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

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

Mr. Terry Markoff was present to represent this application.

Mr. Markoff testified that we have two different parts here, the first is an addition on the east side of the house and it is an issue with the front setback to 75' and the existing house is now 69' with the addition setback from the front of the house, that is how the zoning is worded.

Mr. Gutoskey asked if there is a larger site plan.

Ms. Karen Endres, Zoning Inspector testified that she has the original the board can look at.

Mr. Lewis asked if Mr. Terry Markoff is the property owner.

Mr. Lamanna asked what relationship Mr. Markoff has to the property.

Mr. Markoff said it is in his wife's name but it is their house.

Mr. Lewis asked if there are two additions or are there two phases to this.

Mr. Markoff said yes there are two different additions, he has the phase two and he wants to make sure he can start with the house part and then once that is done he will go ahead and put the addition on the existing freestanding garage. He showed the board the site plan and said this is the first part here, there is an addition going right here and then he would like to add a part on here to extend the garage this way.

Mr. Gutoskey said the question he has is your deed shows you have a 152' of frontage.

Mr. Markoff said there is a misprint on the prints if you are looking at 162'. He said these numbers add up.

Mr. Gutoskey said the problem is they add up to 157' and your deed says 152'. He said on your deed it shows you have 152' of frontage and the rear line of 147.97' which is right on the plan.

Mr. Markoff said it is not exactly square.

Mr. Gutoskey said they are not parallel lines but as you go back to the house the lot is getting small, the lines are converging as you are coming to the back so we don't know what this 5' 6" is of the dimension.

Mr. Markoff said he ran a line there.

Mr. Lamanna said you have to think about the lot width and the dimensions at the house front line.

Mr. Markoff said he ran a string on this side so he knows the existing.

Mr. Lamanna asked how many feet it goes down.

Mr. Markoff said five.

Mr. Lamanna said it is 6' off and where did the 6' come from.

Mr. Markoff said he knows the existing building is 21' so he ran a line so he knows where that is at but he doesn't know where the other came from but he knows for sure that is 21' on that side from the existing building to the lot line.

Mr. Lamanna said most likely the building dimensions are correct so it means this side is not.

Mr. Markoff said he knows for sure it is 21' to the lot line.

Mr. Lamanna said then the building line is correct.

Mr. Gutoskey said it is 5' off the line not 5' 6".

Mr. Markoff said there is an attached shed that exists also.

Mr. Lamanna asked if it is a one car garage here.

Mr. Markoff said 1-1/2.

Mr. Gutoskey asked if he is leaving the middle wall.

Mr. Markoff said yes and described the doors.

Mr. Murphy asked if the board is being asked to approve the future garage and storage building addition.

Mr. Markoff said he had two different zoning permits, a freestanding building and an addition.

Mr. Lamanna said he doesn't see much issue with the side addition, it encroaches into the front setback only a little bit.

The board discussed the setbacks.

Mr. Murphy said phase two is a two-story garage.

The board discussed separating these two applications so it can act on one and carry the other one over into January.

Mr. Lamanna said since he is not going to do the garage now anyway and added that there are a lot more issues on the garage and one of the things we look at when it gets closer to the lot line is the height of the building so we would like to see it no higher than the existing garage and getting down to a 5' setback we would probably like at least 15'. He said that is a target just to give you an idea.

Mr. Markoff said he has a van and two kayaks but if you approve it at a lower height he will make it lower, just tell him what the board wants.

Mr. Lamanna said the board would like to keep the height as a one-story and keep it down to about 12' to 15' off the property line.

Mr. Markoff said he is at 21' now.

Mr. Murphy said you might be looking at a remodel instead of an addition.

Mr. Gutoskey said without the garage addition and the driveway it will be below 10% lot coverage so we don't have to worry about.

Ms. Endres said probably.

Mr. Lewis asked what the new math on lot coverage is.

Mr. Gutoskey said it is probably below 10%.

The board discussed the variances requested.

Mr. Lamanna said he doesn't want people to find out they are a foot short.

Ms. Endres said the lot coverage without the garage addition is 10.52%.

Mr. Gutoskey said there is an additional piece of concrete in the front.

Ms. Endres said she didn't have that separated out.

Mr. Gutoskey said it is 14' to the shed. He asked what the setback is on the west side of the house.

Mr. Markoff said he knows where the pins are. He said he can double check the front and the front was surveyed last summer.

Mr. Murphy said if you are coming back with 5' off the property line for phase two he would like to know where everything is.

Mr. Lamanna asked about the existing house.

Mr. Murphy said it is 37.9.

Mr. Gutoskey said that Mr. Murphy is suggesting that you have that line surveyed.

Mr. Markoff said the existing shed is attached to the garage.

Mr. Lamanna said it is easier if it is an extension of the house. He said the applications will be separated and continued in January.

Mr. Markoff said he can make the changes next week.

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



Motion BZA 2016-39 and 2016-41 – 9514 Taylor May Road

Mr. Lamanna moved to separate this application, two applications were made and combined into this one case so the board is going to separate them back out and 2016-39 will be the application with respect to the addition to the actual principal dwelling and the application with respect to the addition to the detached garage will be reassigned a new BZA case number 2016-41.

With respect to 2016-41, Mr. Lamanna moved that that application be continued to the Board of Zoning Appeals meeting in January 2017.

Mr. Gutoskey seconded the motion.

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

Motion BZA 2016-39 – 9514 Taylor May Road (Additions to Dwelling)

Mr. Lamanna moved to grant the applicant the following variances for constructing the additions to the side, back and front of the dwelling as they are shown in his application.

1. With respect to the addition a 48' variance to the side lot line for a variance of 2' for the purposes of constructing the addition.
2. A variance for the other side line to 37.9' to maintain the existing setback of the dwelling.
3. With respect to the front yard a variance from 100' to 69' which is a decrease in the front yard setback from the existing 75' which was the requirement when this area was developed.
4. The board also notes that based upon the current calculations the lot coverage will not exceed 10% so there is no need for a variance for lot coverage.

Motion BZA 2016-39 – 9514 Taylor May Road (Additions to Dwelling) - Continued

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing non-conforming lot of record.
2. The house is already constructed and they are maintaining generally the existing setbacks of 48’.
3. The 2’ variance on the one side is a small variance and reasonable given the overall width of the lot at that point which minus the setbacks would require an unreasonably narrow house.
4. With respect to the front yard setback it is a small change, it is mainly for the purposes of closing in a porch therefore it will not be inconsistent or look inconsistent with the character of the neighborhood and the other houses adjacent to it nor will it adversely affect the neighborhood properties.

Mr. Lewis seconded the motion.

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

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

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

Dr. Ivan Nassif was present to represent this application.

Dr. Nassif testified that he is interested in purchasing 7170 Chagrin and he has a letter of intent to buy the building and he is working on the financing right now and he would like to move his business there and he is currently on Washington Street in South Russell. He said it was built in 1956 and it has been a business since then but it is zoned rural residential so he needs a variance. He said also he would like to be able to put a sign up in front of it too so he wants to talk to the board about that as well.

Mr. Gutoskey said it has been there as long as he can remember.

Mr. Murphy said he thinks it was there when Kehres Lumber burned down.

Dr. Nassif showed a Power Point presentation. He said it was built in 1956 and it is .58 acres, it says .37 on some things, he guesses when they rerouted Chagrin Road they gave the current owner .21 acres so it is up to .58 now, it is zoned R3 and the Boardwalk office building is just to the west and is zoned Professional Office and then to the right of the building is a house so it is residential and of course across the street there is the Greenville Tavern. He said he is a Chiropractor and has been in business and in the Chagrin area for nine years and he is looking to own some property instead of renting, he is planning on being here for a while and he is also a resident here in Bainbridge and a board member of the Jaycees. He said he sees about 10 – 20 patients a day so not heavy traffic as far as what is going to be coming in and out and before he purchases the building one of the contingencies is that he can have a sign up front. He said he doesn't plan on doing any major changes, there is a window in one of the rooms when you first walk in the building and he would like to take it out and put a front desk in. He said he plans on painting the inside and changing the flooring and also make it a little prettier on the outside and give it paint job and do some landscaping. He referred to the Power Point and said these are the signs around it, the Boardwalk property sign and it measures approximately 6' wide by 5' high. He pointed out the surrounding signs and showed photos per the Power Point presentation. He referred to the signs at 7207 – 7209 Chagrin and it is about 5' x 5' also and the next one down is Lyndall Insurance and that is also about 5' x 6' as well so he would like to put up a sign similar to what Lyndall has, similar in size and structure with 4' x 4' posts with little finials or something and do a little landscaping around there, some flowers or something. He showed a mock-up of what he would like to do.

Mr. Lamanna asked what the maximum permitted sign size is for this.

Dr. Nassif said what he can understand from the zoning laws is it is 1.25 sq. ft. per lineal feet of frontage for the building.

Ms. Karen Endres, Zoning Inspector testified that that is a calculation for the commercial district.

Mr. Lamanna said there is a different calculation for non-conforming properties in residential districts. He said the board cannot address the sign now because it is not in the application so it is technically not noticed for the public hearing so the board can't address the sign but he can talk to Ms. Endres about what would be permitted with variances.

Dr. Nassif said Ms. Endres told him he should bring it up to the board to get some guidance. He said he thinks what is permitted in rural residential is a 3 x 3 sq. ft. sign and that is not worth it to him so he would have to move on and look for another space, he would like to have a sign about 5' x 6' and a sign that is noticeable, what is permitted for residential is too small so he would need a variance for that and he can show that around the area across the street from the house that is next to him and also to the other side are signs approximately that size.

Mr. Lamanna said you are already adjacent to a Professional Office District.

Dr. Nassif said correct.

Mr. Lamanna said with an appropriate variance request and given the location of this property and the use of it, the board could give you some relief on that, probably not all the way up to 50 sq. ft., this is going to be less than that if you are 50 % – 60% of that it will ultimately be okay but it is going to have to go through a separate application.

Dr. Nassif said okay and he is aware of that.

Mr. Lamanna asked how many parking spaces are there now.

Dr. Nassif said there are no lines on it but according to the realtor they said 10 – 15 spaces but he doesn't think it is quite 10 - 15 spaces, maybe if they are parking on the grass too but he guesses he could say 10 parking spaces.

Mr. Murphy said there is a pretty decent parking area for that building if you are thinking 2 – 3 people at a time.

Dr. Nassif said he will have 2 – 3 staff at any one time and he has a front desk person, two part-time people and sometimes they are here together.

Mr. Murphy asked if this property includes the driveway to the back hill or is it the little triangle.

Dr. Nassif said it is the little triangle or that little strip.

Mr. Murphy asked if the driveway is shared.

Dr. Nassif said it is shared and as far as he knows right now there is no easement, he talked to the owner of that parcel and he said he has no interest in signing an easement but from what he can tell it has been shared for a long time.

Mr. Murphy asked if his traffic is coming in on his driveway.

Dr. Nassif said on his driveway, yes.

Mr. Murphy said if anything happens will there be a problem of you getting your own driveway access to Chagrin Road through that Geauga property there.

Mr. Gutoskey said what they did when they reconfigured this and took out the trestle they took and gave that excess right-of-way to the adjoining property owners and that is why you see all of those parcels in the front there.

Mr. Murphy said his driveway is on Mishne's property right now.

Mr. Gutoskey said this drawing shows this is an existing shared asphalt easement through the adjacent property so he doesn't know if there is an easement or not and there may be too because that used to be old right-of-way so there may have been an easement reserved over that to get access to that property.

Mr. Lamanna asked if that road goes on back.

Mr. Gutoskey said there is a house back there up on the hill.

Mr. Lamanna asked if we know whose property the road actually lies.

Dr. Nassif said the road is on Mishne's property.

Mr. Gutoskey said but we don't know about somebody doing a title search if there is an easement only because that property was originally in the right-of-way where Chagrin Road came down through and got relocated.

Mr. Murphy said even if something bad happened you have frontage that you could put your own driveway up to the parking lot.

Mr. Lamanna said if we are going to have a commercial business that is abutting a residential property the commercial business should have its own driveway unless that is the only way you could get in. He said now we are using the adjacent residential property also for commercial purposes and we would have issues in the CB District with this arrangement, we would want them to have their own driveway, they should have their own access independent of the residential property.

Dr. Nassif said this has been like this for a long time and people have been going in and getting approved to operate businesses.

Mr. Gutoskey said the last one was in 2002.

Mr. Lamanna asked if that ever went forward.

Dr. Nassif said there have been businesses operating in that building since 1956.

Mr. Gutoskey said but the road was configured differently.

Mr. Lamanna said this is the first time anybody addressed this since the road was relocated.

Mr. Gutoskey said and without knowing what they did when they realigned it, they may have done that to just not have another extra driveway coming out of that curve when it got reconfigured. He said the driveway going back in there is like a commercial drive.

Mr. Lamanna said the board tries to bring things into conformity as much as it can and to have a purely residential property but part of it is being used as an adjunct to a commercial business so to reduce the amount of non-conformity that is around the board would like to have the operations of the Herald Building to be confined to the property of the Herald Building and not be spilling over to the adjacent residentially zoned property, whatever the historical arrangement has been. He said if there is no written easement, that is even worse but even if there was a written easement he still thinks the board, to approve this, would want you to use your property.

Mr. Murphy said if there is an easement he doesn't think we need another driveway on Chagrin Road right there.

Mr. Lamanna said then the other property owner has to come in and request a substitution of a non-conforming use as well for his driveway because his driveway is now part of a commercial/non-conforming use.

Mr. Gutoskey said the building is so close to the line there is no way to get a driveway back there so it has been shared for a long time. He said this building is only 5' off the property line.

Mr. Lamanna said there has to be an easement agreement somewhere, he can't believe somebody would have done that without getting an easement.

Mr. DeWater said part of the problem he has with putting in a driveway is the Geauga Park District owns that sliver right in front so he wouldn't be able to cut a driveway through their property.

Mr. Gutoskey said he thinks it is a piece of property that Geauga County owns but he thinks it is for right-of-way purposes. He asked Ms. Endres to go back to the ownerships.

Mr. Murphy said if he has to do a new driveway he has got a little sliver there.

Ms. Endres said that belongs to Geauga County.

Mr. Gutoskey said he thinks they needed additional right-of-way.

Mr. Murphy said it would be nice to have a thriving business there.

Mr. Gutoskey said that has been sitting vacant for a long time and he agrees with Mr. Murphy.

Mr. Lewis said there is no downside to the business coming in there, it is nonintrusive, it is quiet and there is not traffic and no noise.

Mr. Gutoskey said you won't hear it over the Eagles and the Greenville.

Mr. Lewis asked if the board could move forward on this and just tie in the easement portion of it.

Mr. Gutoskey asked if there are any neighbors here or anybody else interested in this.

The board noted that there were none.

Mr. Gutoskey asked how the access used to be to that property, did it have its own driveway to the old Chagrin Road before it was moved.

Mr. Murphy said he thinks it has always been a shared drive and he didn't even know the house was up there in the back.

Mr. Gutoskey said what happened was when they vacated that right-of-way it went to the adjoining property owner.

Mr. Lamanna asked who extended the driveway.

Mr. Gutoskey said when they reconfigured the road.

Mr. Lamanna said we don't know how accurate the property lines are versus the picture.

The board reviewed the site plan.

Mr. Gutoskey said someone should do a title search on this.

Mr. DeWater told Dr. Nasiff to ask his realty company to see if they have anything on record.

Mr. Gutoskey said he thinks it is a good use for the property.

Mr. Lamanna asked Dr. Nasiff if he is contracted to buy this property or if he already bought it.

Dr. Nasiff said no he has not bought it yet, only a letter of intent. He said one of the conditions of sale is this being approved and a sign being approved.

Mr. Lamanna said before the title company is going to underwrite this thing they are not going to underwrite it unless you have a way to get into the property, a legal access to the property. He said they may tell you that the existing road into your property, you don't have any legal right to use it. He said you do have frontage and technically the property has access but you may have an issue with what your legal right to that is. He said they may come back and say they couldn't find anything in the records so you have no legal right to use it.

Mr. Murphy said if we don't have any sort of evidence that you have legal right to use it, it would be bad for the board to say go ahead and put your business down there on your neighbor's driveway, we try not to do that.

Mr. Gutoskey said he still has to go through the sign stuff and he thinks it might be better to table this and let him sort out the access.

Mr. Lewis said he needs a sign but it is just a conversation on size and as far as satisfying the condition on your purchase agreement can you have sign, the answer is yes, you just may need some relief on what our standard is so he doesn't see that as a factor in holding up the purchase agreement. He said what concerns him is that if the residential property owner that owns that land and that property now sells next year and there is not an in place easement giving you access your new neighbor may decline the use of it so it is better to find out early.

Mr. DeWater said the realtor should provide that for you.

Mr. Lamanna said there is a real question here about a commercial business using a driveway that is on a residential property. He said we made the guy divide up his three driveways on Washington Street so that everybody has their own driveway and this is even worse because technically that property owner should be in here also requesting a change of a non-conforming use because he is using his driveway to service a commercial building and the possibility may be that you need to put in a separate driveway on your property that serves your property. He said we definitely need to know what the status is.

Dr. Nasiff said when a title search is done and if there is an easement, does that matter that there is an easement or is it still going to come down to that there has got to be a separate driveway, is it something that he just needs to go to the current owner and we need to work out a deal with him.

Mr. Lamanna said he would like to see a separate driveway because this is a non-conforming use and the other property is a conforming use so they really shouldn't be sharing a driveway, we don't even let commercial businesses share driveways that are adjacent to each other necessarily.



Mr. Gutoskey said and you hope that when they put the driveway in it is just on one parcel and not over the line.

Mr. Lamanna said we would like to make sure that this driveway is actually where it is supposed to be. He said he thinks there is plenty of parking here, and he would probably like to see you mark the lot so they know where to go. He said this will be tabled to the next meeting and you can go back to the sellers and tell them the issue and find out exactly where this driveway is and whether it is an easement.

Dr. Nasiff said he may need to have a survey done correct.

Mr. Lamanna said yes to make sure where everything lies.

Mr. Gutoskey said the seller needs to do the survey.

Mr. Lamanna said you have to go back to the seller and say here is the situation, if you are ever going to sell this and get a new commercial use in there, the board is going to require that there be an access to the building in the parking lot that is not ruled residential property.

Mr. Murphy said there could be a signed easement that the property owners have.

Dr. Nasiff said that still doesn't matter, you still want two separate driveways.

Mr. Lamanna said otherwise we will have to drag the other property in.

Dr. Nasiff said there is access to the back of the building and the building is only 5' from the property line so is that going to require an easement too for that shared access.

Mr. Lamanna said if you buy the property you don't have a legal way to get to the back of that building. He said technically since this is going into an office use there is not really a need for people to be getting into the back area with trucks etc.

Dr. Nasiff said so that is not going to concern the board.

Mr. Lamanna said if you have an easement so you can get around there for ancillary storage since this is going to be an office building that is a physical problem, there is not enough room there but when you get to the driveway in front there is plenty of frontage and plenty of room to put your own driveway in. He said the board will want to have a clear demarcation, this is a commercial operation, that is residential.

Mr. Gutoskey said you may have to disconnect the parking lot from the other driveway.

Mr. Murphy said if you buy this and have to put a new driveway in you may want to negotiate on the purchase price.

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

Motion BZA 2016-40 – 7170 Chagrin Road

Mr. Gutoskey moved to table this application to the next regularly scheduled meeting to be held December 15, 2016.

Mr. Murphy seconded the motion.

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

The board recessed the public hearing at 8:38 P.M. and reconvened the public hearing at 8:44 P.M.

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

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

Mr. Lamanna noted that this application is a continuance.

Mr. Robert Hunt, Superintendent of Chagrin Falls Schools; Mr. Christopher Woofter, Director of Operations and Strategic Initiatives for Chagrin Falls Schools; Mr. Sean Thompson, District Architect; Mr. Christian Williams, District Legal Counsel and Ms. Ann Lentz of the Federated Church were present to represent this application.

Mr. Hunt testified by thanking the board for an opportunity to come back and hopefully share some information that can help the board evaluate this. He said he has a quick power Point Presentation that he will go through that he thinks answers a lot of the questions that were brought forward in the previous meeting. He said before he starts he would like to introduce the team that is here tonight, we have Mr. Sean Thompson from Stantec who is the district architect, Mr. Christian Williams who is district legal counsel who has met with Ms. Bridey Matheney and Ms. Karen Endres and Mr. Chris Woofter who was here at the last meeting who is the Director of Operations so hopefully between us we can answer any questions you may have.

Mr. Hunt continued by saying his name is Robert Hunt and he apologizes for not being here for the first meeting, he is the Superintendent of the school district and has been the Superintendent for five years and has been within the district for 15 and he is also one of the 127 residents that are Bainbridge residents that have households that are in the boundaries of Chagrin Falls schools as he lives in Knolls Way currently. He said their agenda tonight obviously is responding to whatever questions the board has and just to share an overview of the site and share to the board why this is important to their district and share the school site design, share response specifically to the questions that were raised at the September meeting and then obviously open it up for any questions that the board has. He said the reason they are here is we are preparing to ask our community to support a bond issue operating levy on May 2<sup>nd</sup> and if it is successful we would be renovating and new construction of Philomethian Street school and if you don't know much about that, the building is a 100 year old building in the heart of Chagrin Falls, we would retain a historical structure while building new classroom wings and the reason they are here tonight is during that 24 month window of construction we need a place to educate our 399 students in grades 4, 5, and 6. He said they have evaluated many sites and we really feel that the Federated site on Rt. 306 really offers a great deal in terms of our ability to educate students. He said they are requesting tonight an approval for the conditional use under the current application or direction on applying for a permit with the zoning inspector directly under the permitted use. He said why this site, we can support the education program as he mentioned and the current site has a gymnasium and has a current cafeteria, has play space and green space to house our students, it is located very near Gurney School elementary and about 1.1 mile from our current bus garage and obviously all of those factors play in to why this makes it attractive for the school district and there is a financial incentive for us as well as it allows us to go for a little bit less on the bond issue when we approach our community on May 2<sup>nd</sup>. He said at this time he will ask Mr. Sean Thompson of Stantec to just review the site for you and give you an idea of what it might look like and we will go from there.

Mr. Thompson referred to a Power Point presentation and testified that this is a follow up to what the board saw the last time and one of the changes they have made was to try to be more cohesive, the last time there were three modulars, two in the front and then one here in order to be more compact with what they are doing, they will have essentially two groups of modulars, one with 12 classrooms and one with eight, some are concerned with safety and access. He explained that they are to the driveway here and they will make a safe egress for both students in a case if an emergency was to happen. He said the footprints next to the church are pretty simple, the modular units come assembled together and come with their own toilet facility that gets built into them.

Mr. Hunt said that one of the things they wanted to do was give the board a look and when he started this process he had this idea of kind of trailer park trailers stacked on top of each other with students going outside and it took him to go and visit Swing Space and this is a couple of pictures from Cleveland Heights/University Heights who are building a huge high school right now and these are actual pictures from inside their Swing Space so these are what modular units look like from the exterior as well as the interior restroom, hallway, exterior shot, interior classroom and he can tell you that these look a lot better than what we currently have in our current building so from an educational standpoint they certainly meet our needs as well and he thinks it gives you a perspective on the quality on which we are bringing to the site. He said obviously we were here on September 15<sup>th</sup> and there was some conversation about additional information, there was a follow up meeting on October 21<sup>st</sup> as well and some of things we took away was to meet with and discuss this with Bainbridge police and fire, evaluate sewer capacity, meet with the Ohio Department of Transportation, evaluate the width entrance to the site in terms of visibility and support buses, look at student population in Bainbridge with boundaries with Chagrin Falls Schools and we also contacted the business owners of the adjacent properties just to provide you with that feedback as well. He said in conversations with Chief Bokovitz and Chief Metz and he knows there has been some correspondence that has been sent to the board from both Chiefs as well as the school district that you can review that obviously he is not going to go through all of that tonight. He said what they have initially to address some of the concerns that were brought forward, they would display signs instructing right-turn only out of the property and they did have a conversation with their counsel and by board policy they do have a right to restrict the property so they do have the authority to control the property, it would be the intention of the district to eliminate parent drop-offs in the AM and that was designated by Chief Bokovitz as a time of concern. He said they can also look at school hours in terms of traffic. He said if necessary they can contract with an appropriate agency to support the traffic during those drop off and pick up times as well. He said obviously they would want to follow any recommendation set forth by the Ohio Department of Transportation, we come to this just like you wanting to ensure the safety of our students and all those traveling on Route 306. He said in terms of sewer capacity he will ask Mr. Sean Thompson to cover that slide for him.

Mr. Thompson stated that they had one of their internal wastewater engineers look at the existing lines that run from the property out to the street and those calculations confirm that the sewer size in place now will adequately service, however they have also contacted Gerry Morgan with the county sewer district and we have provided those calculations to him along with the site plan for his review and we don't anticipate there being any problems and he is also going to verify that overall the sewer plant can accommodate this additional but we don't see any issues with that either.

Mr. Thompson continued by saying as Mr. Hunt mentioned they did have a meeting with ODOT a week ago and we are on board to do traffic counts in early December and we are going to follow that up with a traffic study so basically that is what was recommended, a TIS a traffic impact study was recommended by ODOT and they will basically count turn traffic and traffic that would be on the road at various times during the day and what we are looking at is after that traffic impact study we will make certain recommendations in terms of what is needed in terms of blinking lights or signage and things of that sort and Mr. Hunt can speak for the district but he believes there is the intent to follow through with whatever ODOT recommends.

Mr. Hunt said as he commented before they would obviously follow through on recommendations set forth by ODOT regarding traffic. He said he has to go back and apologize they do have Ms. Ann Lentz here from the Federated Church who is the moderator as well. He said in terms of entry and circulation that was a topic of conversation so we really believe the circulation is ideal, we have got the long drive and space for staging the buses so there are no issues with impeding on Rt. 306 during drop-off or dismissal, the width of the driveway at Federated is 24' wide and their current elementary school is 25' wide and it also houses their bus garage on that site. He said the bus width is 9-1/2' depending on the mirrors and the size of the actual bus and we also deployed buses to this site and had them maneuver around the site to ensure all curves could be managed and there were no issues with that as well. He said regarding student population, he believes this question came up in previous meetings, currently there are 127 households that are located in Bainbridge Township that are in the boundaries of Chagrin Falls schools and of those households there are 67 students that are Chagrin students and the breakdown of those streets as well as the student population is up there for your review. He said they did contact three adjacent businesses, the Fellowship Bible Church, St. John Funeral Home and the Lantern of the Chagrin Valley and they had personal conversations with each of the owners and again they were all supportive of this endeavor and in fact the Lantern saw opportunities in which interaction between our students and their residents would be very productive for their business. He said finally the Chagrin Falls Schools has responded to the request of the information for Bainbridge Township to grant approval under a permitted conditional use with the understanding that the school will accept the recommendations of ODOT regarding traffic and traffic signage on Rt. 306 so at this time they would be happy to answer whatever questions the board would have.

Mr. Lamanna asked if they are planning on conducting a formal traffic study.

Mr. Hunt said yes if they have approval tonight ODOT has already put the order in to do the counts so that is already in process and if they have approval tonight they have already reached out to a contractor to conduct that study that would be provided to ODOT, ODOT reviews that and they would provide recommendations back to the school district that we would implement.

Mr. Lamanna said one of the things that we need to see is what will be the impact on services on the highway, that is one of the points of a traffic study is it determines if you have this many vehicles of this kind doing this thing, what does it do to the level of service on the highway because that is one of the things that we need to consider.

Mr. Hunt said he can't predict that outcome, he can tell you that they can limit their parent traffic there, there is traffic that is going there now and obviously the study would give you a number and they have counts of what their drop-off is on a regular basis now but that would be irrelevant if they limited that and just went with buses.

Mr. Lewis said you are local in Chagrin as opposed to 399 students because at the last meeting it was stated 480 students.

Mr. Hunt said they brought the classes forward tonight to give the data.

Mr. Murphy asked how many buses does it take to bring in 399 students.

Mr. Christopher Woofter testified that believes in the morning they will have 12 buses and in the afternoon 8 or 9 buses.

Mr. Lewis asked what happens to three busloads of kids in the afternoon.

Mr. Woofter said they share routes in the morning with Gurney currently as mentioned before so currently those students either share rides in the morning to Gurney and to the intermediate school so we anticipate that as well too and in the afternoon they don't, only exclusive the buses would come from the intermediate school and back to the homes.

Mr. Lewis asked about the school hours.

Mr. Hunt said currently 8:30 AM to about 3:00 PM and again they can adjust those based on traffic study and information.

Mr. Lewis asked what time the employees arrive before school opens.

Mr. Woofter said they would arrive before 8:00 AM and would leave at 3:45 PM or 4:00 PM but again that is something that we could certainly look at as well and certainly direct them to come from the Gurney direction.

Mr. Lamanna said in your bus routes how much control do you have over the circulation of your buses and which way they come because obviously one of the big issues is the traffic going south on Rt. 306 that has to turn left across the oncoming traffic to get into there and the more traffic that can be brought inbound going northbound so it makes a right-hand turn. He said he realizes that it is a little bit of a problem because you are serving South Russell as well as Chagrin.

Mr. Hunt said we are proposing taking all of those buses and everything right off of that site.

Mr. Lamanna said how about entering though.

Mr. Woofter said they talked about it with ODOT and it would be a challenge to bring them in coming the other way.

Mr. Lamanna said you may have to go out to Snyder Road from South Russell and loop around that way and obviously coming from Chagrin you can come up E. Washington.

Mr. Woofter said he thinks that is what we would like the traffic study to take a look at and that is what we had discussed earlier.

Mr. Lamanna said that is going to be the biggest factor in jamming up traffic there because people are making left-hand turns across there and obviously if there are a lot of parents dropping off kids they are going to be coming up through Wembley and then they are going to be trying to make a left and in 200' make an immediate right-turn.

Mr. Hunt said he would go back to he really believes they can regulate the vast majority of that traffic with the parents, you have got residents here tonight that have students in our district and he thinks when they look at this site and what it does for us educationally he thinks they will do everything they can to accommodate, does that mean a student is not going to oversleep or they are not going to have a medical appointment, no he is not going to stand here tonight and say it is going to be 100% but he has a lot of faith in our community that they will do the best they can to minimize the impact.

Mr. Thompson said he wanted to add one thing regarding the traffic study, the traffic study will include those anticipated bus trips as well as some number of parent trips so it won't be a traffic study based on existing conditions without taking into account those additional modes so he is just making sure everyone is clear on that.

Mr. Lewis said it is a busy area and he believes their documentation shows between 12,413 cars a day in that area on Route 306, it is a highly congested area and it is the primary commute to the freeway for everything north of it so it is a very challenging stretch of road.

Mr. Hunt said he thinks we believe that ODOT being the experts in that are going to provide recommendations for that.

Mr. Lewis said not putting the cart before the horse, the first thing that you folks are proposing to do is to initiate a traffic study, from the traffic study which will be by a third party contractor you are going to hand that off to ODOT and ODOT will then come back with evaluations, recommendations, all of the criteria that they are going to say you must meet exactly.

Mr. Hunt said he was not at that meeting.

Mr. Lewis said he is hearing it is a six month process for ODOT's final recommendations.

Mr. Thompson said he thinks they heard about four months.

Mr. Lewis said it is not 30 days such as in December we are going to do the traffic study and the traffic study is not ODOT's document. He said speaking of documentation, you had sewer calculations done and that was done by whom.

Mr. Thompson said that was done by our professional engineer.

Mr. Lewis said and that has been sent to the county.

Mr. Thompson said the sewer district, yes.

Mr. Lewis asked if the county is going to provide a written report.

Mr. Thompson said the county will provide some sort of a preliminary and he understands they will do a final analysis when we make the application.

Mr. Lewis asked what the turn-around time was on this preliminary county report.

Mr. Thompson said he can't speak for the county but we sent it to them this week and he doesn't anticipate that it will take more than a couple of weeks.

Mr. Lewis said we will explore that.

Mr. Hunt said they would also need to approve a permit even if you granted approval tonight, those things have to be assessed and his understanding is a permit would be awarded.

Mr. Lewis said he gathers and these are all many of the elements that make up the board's decision making process.



Mr. Lamanna asked how many additional units you are going to have to purchase from the sewer district.

Mr. Thompson said he did not know, Mr. Morgan did indicate that would be an additional capacity charge because this is basically usage for this system than what it is currently but they didn't get into those details.

Mr. Lamanna said when the church was purchased and when you add this on this more and you have the issue of the capacity of the line obviously and the second issue is the capacity of the plant, they can only put out so much and doubts this is going to eat up all of the capacity at the plant but he was curious if you knew.

Mr. Thompson said he did not want to speak for Mr. Morgan but we don't anticipate there being any issues with the capacity.

Mr. Lamanna said the issue would be obviously if you were at the point where there were 50 units left and you are going to take up 48 of them that might be a consideration because that would basically stymie anybody else in the township from connecting to the sewer because there would be no more capacity at the plant. He doesn't know if anybody has asked this question so he really doesn't know where they stand as far as their overall plant capacity in terms of how much more they can handle. He said that is a potential issue and he is not sure it is going to be an issue but it is just something we need to at least consider, it may not be of the magnitude. He asked about the water and if it is currently served by wells.

Mr. Woofter said it is currently served by wells and they are working with the certified water operator that operates the wells there and there are three wells on the property and two wells are on the soccer field and are used for irrigation on the property and the church also acquired a farmhouse that was purchased with a well on the property as well, it is the third well and we anticipate that we would use between 2,000 – 4,000 gallons per day and between the three wells and we don't see that as a significant impact on the ground water according to the current certified water operator.

Mr. Gutoskey asked if all of the wells are EPA certified because normally irrigation wells like on the soccer field are just basically for irrigation.

Mr. Woofter said they haven't done testing for the wells, the church currently uses the wells and they are under an EPA license.

Mr. Gutoskey said it depends on if they are strictly for irrigation they are typically not approved for drinking use.

Mr. Woofter said sure and just like many of the other pieces would need EPA permits, we would need to do testing to make sure the wells are the right capacity.

Mr. Gutoskey said the other thing you would need to look at is, maybe not so much in Bainbridge because the lots are a little bigger but just to the north there in South Russell there are a lot of houses on smaller lots because they are on sewers, he thinks, but there is a lot more lots to the north, you just need to be careful that with drawing that extra 2,000 or how many gallons a day you are going to be pulling out of the aquifer that you are not impacting the water supply of the residents around there.

Mr. Woofter said he believes the wells are currently running quite a bit for irrigation so he doesn't think they would be using much more water.

Mr. Lamanna asked what their current usage is.

Mr. Woofter said no, he did not know.

Mr. Lamanna said it would be useful to know, if you are using 10,000 gallons a day and you are going to add 2,000 that is one thing or if they are using 1,000 a day and you are going to add 2,000 that is obviously a little different story.

Mr. Hunt said they recognize all of those things have to be certified and permitted but it starts with do we have the ability and access and approval from this board.

Mr. DeWater said the district wants to invest a lot of money in infrastructure just for temporary buildings so he has the concern that these buildings may end up staying there at the end and there needs to be some type of schedule that once the construction is complete that these leave by a certain date, that is a lot of money to put into infrastructure, electric lines, sewer lines, water lines just to tear that out a year and one-half from now, he can't see that being very economically feasible and just throwing that money away.

Mr. Hunt said they don't think it is throwing money away, we are going to educate kids there for two years and it is going to be an appropriate environment and he is sure the church is not going to want to keep those units on the site, we have no intention of doing that. He said they think it is an investment in our ability to educate kids, we have to put them somewhere for us to address the facility needs that we have, we have got to put them somewhere.

Mr. DeWater said so the district would be willing to say within so many days after the work is completed on the project this stuff is gone.

Mr. Hunt said he thinks they would be willing to have a conversation about pretty much anything.

Mr. Lamanna asked if these modular structures are leased.

Mr. Hunt said yes we lease them, we are not purchasing them to own.

Mr. Lamanna said he assumes it is your financial interest to get rid of them as soon as possible because you are paying for the extra days that you keep them.

Mr. Hunt said exactly.

Mr. DeWater said at the end of the day he could buy a municipal lease out for a dollar.

Mr. Hunt said they have no interest in doing that.

Mr. Lewis said you had mentioned earlier that the church would financially benefit from this arrangement.

Mr. Hunt said he didn't know that he mentioned that but they would certainly have a lease with the Federated Church.

Mr. Lewis asked if that is something they would be willing to make public.

Mr. Hunt said it is a public record.

Mr. Lewis asked if the lease document would have how much revenue would be going to the church.

Mr. Hunt said he would hesitate to go into those terms because the church has to take that to their congregation.

Mr. Lewis said the church maintains tax exempt status and this is revenue.

Mr. Hunt said correct.

Mr. Lewis said so it does need to get flushed out early. He said he has a question on their water supply as well and that is you have three wells and he doesn't think there are any hydrants there and if you put up all of these temporary buildings and you have 400 students and 50 employees and added that our fire chief is not here tonight but if there is a fire in those pods the tankers only hold so much water so where is the refill supply on the premises.

Mr. Hunt said he can't respond to what the fire department would be able to do, from their conversation that was not a concern she brought forward.

Mr. Lewis said it is a talking point because he thinks that needs to be addressed with that amount of students. He said he has nothing about afterschool programs as these pods are being used for a proposed use for the primary use which is classroom education and he doesn't mean an occasional open house or when the parents meet the teachers but as far as club meetings, other activities, sports and asked is Chagrin Falls School District planning on operating either a funded or pay for play afterschool programs on the premises.

Mr. Hunt said we have our afterschool activities currently at the elementary schools are very limited and he would anticipate we would continue those and he can think of Rocket Club off the top of his head, there are other activities and he doesn't see that as a significance as compared to what is probably there right now, we have not gone down the road of community education and do not anticipate community education in that facility.

Mr. Lewis said he just looks at afterschool programs get closer and closer from the 3:00 – 3:30 time to peak rush hour on Rt. 306, there are no buses and this means there is a lot of parent pick up because the students are non-drivers so he was trying to quantify this.

Mr. Woofter said they have afterschool maybe once a week through a six week period with probably 20 students, we have an off-site hiking club that is not on-site so the elementary is very minimal as far as students and afterschool programming.

Mr. Lewis asked if there is an activity bus or is this all parent pick up at the end of that.

Mr. Woofter said it is usually parent pick up.

Mr. Murphy said he has a question for the church. He said all of the things that Bainbridge and Chagrin and the people who are part of the community enjoy about the Family Life Center are basically going to be eliminated and asked if that is what he sees happening there, you are going to not have the things that have been there the past years that have been going on, they are basically going to stop all of that activity and we are just basically turning it into a school for the next two years.

Ms. Lutz testified that it is for a limited time period and we currently sit adjacent to the intermediate school and we feel like we are a great community partner of theirs, we use their parking all of the time, they could have sold the building and then we are pretty much landlocked so we look at the Chagrin Falls School District as a partner and she would challenge that they are not making money and it is almost a blessing to have the school use the facility for a couple of years while we reassess the on-going sustainability and gear up for presenting new programs there and making it more sustainable and less of a drag on our budget so again we are underutilizing the building at this time and we have some great programs that we put on throughout the year, it is also a rental facility and those things would be put on hold while we partner with the school district.

Mr. Lewis asked what programs are being eliminated.

Ms. Lutz said they are not eliminating programs.

Mr. Lewis asked which programs are being eliminated that are being held at that location. He said we realize that you are going to redirect them but you are going to take them out of Bainbridge and he wants to know what programs you are eliminating specifically that are used by a lot of local residents.

Ms. Lutz said they lease the building for weddings and private parties.

Mr. Lewis said so you can't do that anymore for two years.

Mr. Murphy said they do Meals on Wheels.

Ms. Lutz said Meals on Wheels would be relocated to the Bell Street facility.

Mr. Murphy said there are community groups there, yoga classes, basketball and volleyball in the gym but they are local groups that use the facility.

Mr. Hunt said those are Bainbridge and Chagrin residents.

Mr. Lewis said but those programs are all shut down for two years.

Mr. Hunt said Meals on Wheels is not.

Mr. Lewis said that will be relocated but the yoga, the basketball, the volleyball, those activities at that location are shut down. He asked if KCE is renting any of that space from you for any of their basketball or volleyball.

Ms. Lutz said she is not familiar.

Mr. Lamanna said when there was a discussion with the Fire Department did anybody bring up any discussion of is there any way you can principally cover that site with South Russell, he knows there is a mutual aid agreement just from the standpoint of you are talking about one that is a 1-1/2 minutes away whereas Bainbridge has got to come all the way up Rt. 306 and through the freeway interchange and down the hill, back up the hill and if the weather is bad and there is an accident, the hill could be shut down for hours.

Mr. Hunt said he knows they have mutual aid and the fire department can speak better about mutual aid than he can, he knows they collaborate together and added that he would be happy to have a conversation with South Russell, they have a very good relationship with them. He said the other piece is you have 170 residents that live in Bainbridge that are paying for those services as well.

Mr. Lamanna said yes it reduces an added impact on our people but also from the standpoint of where that facility is located presents a much better response time if something happens, you are talking minutes versus maybe 15 or 20 minutes.

Mr. Hunt said they had a meeting and conversation and he is not going to speak for South Russell, we have an extremely good relationship.

Mr. Lamanna said they are already coming to the Gurney school from their facility so this is probably about not much difference in distance between the two of them and it does have the advantage if they were the principal responders that reduces the impact on our services and that is one of the things we consider, what is being looked at is the criteria that we have for evaluating a request for a modification of a conditional use and that is one of the factors that we do consider and that is why he asked the question because certainly if somebody says yes through our existing arrangement we can have them effectively do the act that is needed maybe we will put a check mark on that box.

Mr. Hunt said he is happy to have that conversation.

Mr. Lamanna said he just wondered if it came up, he hadn't seen anything, he just wanted to ask the question and he doesn't know if anybody had even thought about that.

Mr. DeWater said the district uses the A.L.I.C.E protocol. He asked if they still use a school resource officer.

Mr. Hunt said they do not.

Mr. DeWater said with this being an out of the place building for the school if this is approved would the district consider having an officer go there at least to check in.

Mr. Hunt said they phased away from a school resource officer for a variety of reasons but we have police officers just like in Bainbridge in schools all of the time and he doesn't think that would change but he doesn't anticipate hiring a full-time officer for that site.

Mr. DeWater said he didn't think full-time but at least a presence occasionally.

Mr. Hunt said they have presence every morning at Gurney elementary from South Russell, same at Chagrin Falls Village and he is fairly confident that he can keep a very similarly presence in this building.

Mr. Lewis asked if that would be with Bainbridge Police Department.

Mr. Hunt said they are welcome but he is sure he could reach out to Chagrin and S. Russell as well.

Mr. Lewis asked Police Chief Jon Bokovitz with jurisdiction.

Mr. Hunt asked to visit a school.

Chief Bokovitz testified that if S. Russell officers want to go over there and we set this up that is fine, that is not a big issue and this age range of kids is not a problem.

Mr. Gutoskey asked Mr. Thompson if he can show what the circulation will be through the site. He said he doesn't see an issue with the drives, they are more than adequate with the width but depending on how the buses are brought around there it seems pretty tight from what he looked at at the site.

Mr. Thompson asked in terms of bus traffic.

Mr. Gutoskey said yes how do you see the circulation coming in and going around.

Mr. Thompson referred to a site plan and said the buses will pull in here and probably make one loop around the outside of the parking lot and then come back and either come up through this lot and drop off on the right hand side and pull back out or they would drop off here. He said they did go out and drive buses around.

Mr. Gutoskey said it looked like if you were to come in and try to make that loop around he doesn't think there is enough turning radius there.

Mr. Thompson said you probably won't see a bus make that turn.

Mr. Gutoskey said so you would loop around and he doesn't know if you want all of those turning movements around there.

Mr. Thompson said correct.

Mr. Lewis asked how long a bus is, do you have enough room to stack them eight buses leaving. He asked where they would see parent pick up or parent drop off.

Mr. Thompson said this is one of the reasons why they are talking about restricting that area of drop off because it is going to be sharing the same traffic flow as the buses. He said there is not enough room to be pulling in two separate loops for both cars and buses in that area.

Mr. Lewis asked if you service students in Bentleyville in the district.

Mr. Hunt replied yes.

Mr. Lewis said so from leaving here at this location to Bentleyville at that bus loop how long of a ride home is that for the last kid off the bus.

Mr. Hunt said they haven't timed it and they have route software but it is a very small district and it is a lot less than driving all the way out to Auburn and dropping kids off in Auburn and coming back.

Mr. Lewis said he is just curious because parents potentially may have kids there and if it is a 30 or 40 minute ride home and it used to be a 10 minute or 15 minute ride home it sort of suggests that more parents may desire to come and pick their students up.

Mr. Hunt said Gurney is a mile away and there are students from Bentleyville.

Mr. Lewis said that is good to know.

Mr. Lamanna asked when they dismiss in the afternoon.

Mr. Hunt said 3:30 – 3:45 P.M. dismissal time. He said in talking to the Chief the morning is a greater concern, in the afternoon with the exception of a few clubs would be pretty well vacated for afternoon traffic.

Mr. Lewis said with the kids in the village that walk to school from the surrounding streets are you planning to run buses up and down all of those streets to pick them all up or do the kids meet at the school.

Mr. Hunt said they meet at the end of the road but we run a full bus even now for the walkers.

Mr. Lamanna asked if there is any possibility if people want to drop their kids off if they would have to drop them off a Gurney and then you shuttle them over.

Mr. Hunt said they talked about potential shuttles and it is something we certainly would be open to but right now we drop at the intermediate first and then go out to Gurney and maybe we flip flop that and drop at Gurney and have a shuttle for parents who want to drop them off. He said they recently talked to their attorney about their ability to do this and the shuttle makes sense and that area gets pretty congested as well so we have to do some staggering but it is certainly something we would talk about.

Mr. Lamanna said this is sort of a way to discourage people from doing it. He opened up the public hearing to anybody who has some questions.



Mr. Michael Uth of 8205 Woodberry Boulevard testified that he is Vice President of the Woods of Wembley Home Owners Association and they are very concerned about the traffic and Mr. Lewis mentioned already that this is already a very challenging stretch of road and when you look at the entrance to where the Family Life Center is compared to Woodberry Boulevard they are not very far apart and if you have in the morning someone who is turning left out of Woodberry to go north on Rt. 306 he can't imagine how he is going to do that with parents dropping off kids, buses coming and going, traffic is already heavy in this area so this is going to make it even more challenging and as he looks at this, the assistant living facility is not yet fully in operation and when it gets up to speed there will be more cars, the funeral home as he understands it is still at the leanest business so we are going to see more traffic with the funeral home so you start to add all of this up and you are going to see a continuing increase in traffic much more than you already have and it is already challenging as Mr. Lewis says. He said parents are going to be dropping their kids off and going there for school conferences and it is just going to be a constant flow of traffic and he thinks you already know, Woodberry Boulevard is already used as a cut-through for people coming north on Washington Street, they duck in so we had this vision of parents using it as a cut-through to try to avoid a busy intersection at Washington and Rt. 306 and that would be exacerbating an already difficult problem and so traffic again is a concern for them. He said this aquifer thing, we talk about traffic studies, he would like to see some sort of an aquifer study, he is not a water expert but he has to believe that there are experts who can look at the aquifers in the area and his understanding is that those things are mapped somehow by experts that do these things and this could affect the aquifer in our neighborhood, not just the houses on the other side, how do we know how these aquifers flow underneath the surface. He said we have wells in the Woods of Wembley and for time to time, people in our neighborhood have had issues with this, the aquifers change, you get draughts and without understanding exactly what can happen to the aquifers, this huge demand, you could be jeopardizing the water supply of dozens and dozens of households in this area so this to him is a potentially huge issue because if you don't have water, you don't have anything and he doesn't think that we should do anything without absolute certainty that there is not going to be a problem with our aquifers and frankly he would like to know if the school system is prepared to indemnify homeowners who have water problems due to the increased water demands in the area. He said he will leave it at that but there are two big problems and he thinks he speaks for many of the residents of their neighbor to say that they are adamantly opposed to this.

Mr. Joe King of 8140 Woodberry Boulevard testified that he has three children in the Chagrin Falls School District and he is a Bainbridge resident. He said with respect to Mr. Uth's comments he just wanted to be clear for the record that he does not speak for all Wembley residents nor does he speak for all of the residents of Chagrin that have kids in the Chagrin Falls School District. He said the traffic is certainly a concern, he looked at the Chief's memo that he saw in the file today and he understands those concerns and what he heard today was the school is going to commit to a study and they are going to have ODOT look at it and they are not saying we will consider what ODOT says they are saying they will do whatever ODOT says, whatever ODOT says we will do.

Mr. King continued by saying he is not sure what else we can ask them to do on the traffic side other than that plus they have already said if left turns are a problem they will only make right turns out the location and he thinks that will solve the traffic problems and if they follow ODOT's recommendations he thinks the traffic problem is potentially solved.

Mr. Jim Donahue of 16440 Crown Point testified that he had a couple of things to add on. He said the buses in addition to the people who cut through roll through pretty strong on Woodberry Boulevard so if Chagrin buses come through there and cut through as well that is going to increase and secondly from a safety point of view more than the traffic it is dangerous coming out of our neighborhood onto Rt. 306, there are traffic lines in the morning and afternoon where cars are stacked up and one guy made a left turn and stacked up the traffic trying to get out. He said the one thing is when he thinks about the location of Gurney and the location of the high school, there is a lot of space there and it is already geared for students and it is in the Chagrin Falls District so with all due respect he is not sure why we are talking about the Family Life Center in Bainbridge as opposed to talking about Gurney or the high school which are geared for kids in Chagrin kids.

Mr. Charles Waldorff of 8285 Woodberry Boulevard testified that he wants to go on record that he is very concerned about the traffic flow on Woodberry Boulevard, he does not want to turn a residential street into a highway and well you may hope that the parents don't drive their kids to school and you may set guidelines and what you said is we have to have faith, well he doesn't want faith, he wants facts and he wants guarantees and he wants to know what you are going to do so that we don't have a traffic problem with the school being located here. He said if you can't foster up some concrete mechanisms for keeping people from driving through Woods of Wembley as a cut-through then he doesn't think it is a final plan because while you may want to be a good neighbor to the school you are also our neighbor and he doesn't want your good neighbor to desire to create lots of problems for him, his family and kids and with buses going down the street. He said he would like you to sit in his driveway for a few days and watch the buses because they go about 45 – 50 mph rolling down that hill before they make the turn and they may not make it someday. He said when we get snow on the road it only gets worse and as you look right now, of course we are not looking at the site, we are looking at a drawing but what tends to happen right now is it is very difficult to get out of our community when there is any kind of traffic, it is not going to get better it is only going to get worse. He said it was mentioned 13,000 cars, he has seen cars backed up all the way past the Lowes area and we only have this problem right now, so it is not going to get better it is going to get worse.

Mr. Waldorff continued by saying if you put up that area photograph you can see the staging was 200 ft. and if you are trying to come out of the Woods of Wembley at 8:00 in the morning and people are trying to come into that school, can anybody tell me how you are going to get out, not safely and the only way you can possibly solve the problem would be as if you put the entrance here (he referred to a site plan) and put it down here and force the right turn before the Woods of Wembley and force the left turn so that you move all of that out of the way so people can come in and out of the Woods of Wembley without that being a problem and also it would make it almost impossible coming up Woodberry Boulevard to make that little cut across because you would be cutting to the left and you would already be past the right turn going into the facility so unless you can come up with something like that and some guarantee we are not going to have a traffic problem.

Mr. Hunt said we are consulting with the experts who do know this who are engineers which is ODOT.

Mr. Waldorff said with all due respect ODOT is going to look at it but a lot of this conversation is what kinds of problems is there going to be on Rt. 306.

Mr. Lamanna asked whose buses are running down through the subdivision.

The crowd responded Kenston and Chagrin Falls.

Mr. Lamanna asked if they are going through to pick up students.

The crowd said yes.

Mr. Lamanna said so they are there for a purpose or are they are cutting through. He added that none of these buses will be going through there.

Mr. Lewis said no because they have no pick up in there other than a few students.

Mr. Lamanna said the school system can control that, they can tell the bus drivers not to go through there unless they are picking up students, that is very easy to take care of.

Mr. Lewis said with the two driveways 200' or so apart and there are no traffic lights it will be real interesting to see what the ODOT study has to say while we speculate on solutions, he thinks we ought to stand down on that until the ODOT recommendations come and then take it from there.

Mr. Lamanna said you are probably going to have a 20 mph speed limit posted for some stretch of the road.

Mr. Waldorff said that is going to do a lot for traffic flow.

Mr. Murphy said it should make it easier to get out of Woodberry.

Mr. Mike Smith of 8345 Wembley Court testified he was at the last meeting and he thought they were supposed to come back and give a report on why other facilities were not feasible such as the Armory.

Mr. Woofter said they approached the Armory and they said it is not an option because at a moment's notice they may have to mobilize the location and they would have to leave the location.

Mr. Hunt said their board of education looked at the impact on students and the best opportunity for students and by far this is it. He said there are countless examples where the community is working together to make this happen and they are trying to create the best scenario and it helps the Federated Church side and it will create the best educational scenario for our students and we are committed to address these concerns.

Mr. Smith said they understand that but you are compromising the lives of other people as well in that process so that his is concern. He said his other point was that is going to be a school zone and it is going to drop to 20 mph and that is going to slow traffic down all of a sudden and it will really magnify getting out of there and turning left because now all of that traffic is going to be lined up as opposed to now it is currently at 45 mph and even now it is a little challenging getting out of there now but when it is backed up it is going to be a real challenge and his other point is will ODOT evaluate getting out of Woods of Wembley or is it just going to look at Rt. 306 or is it going to be looking at the adjacent streets.

Mr. Gutoskey said according to what is in here they are going to look at the intersections of Bell, Family Life Center, Rt. 306, Woodberry Boulevard, E. Washington.

Mr. Smith said it will determine the impact of turning out of there as well.

Mr. Gutoskey said they are going to be counting those four and then they are going to analyze Bell and Rt. 306, Family Life Center on 306 and Washington and 306 as part of their traffic study.

Mr. Lamanna said what they tell you is they look at what they call level of service so they have different categories of level of service based upon the congestion and they will look at what exists there now and then they will overlay on top of it what will happen with the increased traffic flow from this facility and they will tell you what the impact on the level of service is. He said incrementally it may not affect the level of service at all depending on where you are.

Mr. Lewis said however a substantial reduction in the speed limit is going to stack traffic and one of our concerns is what impact it will also have on the time it takes for Bainbridge PD or Fire or Rescue to get to the north end of town if it is heavily congested because you have slowed everything down. He said there will be 400 students and his concern is getting fire, police or emergency to those students because that is a high density area.

Mr. Chris Williams testified that he is an attorney for the school and was introduced earlier and he said under Section 135.02(A) the use of his property is a permitted use and with respect to the school going in but under your ordinances because this is being used as a public school it is already a permitted use.

Mr. Lamanna said it is a rather tricky thing here because the facility itself is already permitted under a conditional use permit so the facility and the property is already subject to that and because it is being partially used for another use there is no real way that you can separately carve that out so he thinks you are stuck with the existing regulatory scheme that is on this property, you are not buying the property, you are not getting an exclusive rental for the entire property for the entire period so he still thinks that the conditional use evaluation would still apply to the property and we are trying to whittle down and figure out what these factors are and how we can measure what the impact is to see whether or not if it is in conformity with the requirements of that section.

Mr. Williams said with this being a permitted use under your ordinances a number of concerns we are hearing, and we are attempting to respond to, would fit under the permitted use for example such as having a school zone put in.

Mr. Lamanna said what we are looking at is what is the accumulative impact of all of these items and there are other ways to ameliorate them to a point where we say this is an appropriate conditional use and that is why we are looking at these various aspects. He said the water issue was raised so we would like to see somebody to look at what their existing use is at that site and what your proposed use will add to that and they will look at the aquifers and where those wells are and how deep the wells are and to what aquifer, the church should have all of those records and they will look at it and they can give you a report that says what the impact will be and whether this will have any potential impact on those aquifers or the neighboring properties. He said they have had other people do similar things when that was a question and since everyone around uses wells it is a pretty easy way to look at that problem and alleviate everybody's concerns if a hydrogeologist takes a look at it, it is not a big deal.

Mr. Hunt said you are acknowledging it is a permitted use.

Mr. Lewis said we didn't acknowledge that.

Mr. Lamanna said if the district owned the piece of property and was green building a new school on it there would be no doubt that it is a permitted use.

Mr. Hunt said what he is hearing is the traffic study and look at the aquifers is necessary by this board.

Mr. Lamanna said right we would want to see information on those factors to see whether or not they are going to cause an adverse impact.

Mr. Lewis said and couple that with water supply to fire trucks.

Mr. Lamanna said he doesn't think the sewer will be a problem but we would like to see the I's dotted and the T's crossed.

Mr. Uth stated that there is another nuance on the aquifer issue and asked if anybody knows if the assisted living facility has wells.

The crowd said yes they do.

Mr. Uth said he would like to know what the combined affect is when you do this aquifer study it seems to him it would specifically include their wells.

Mr. Lamanna said the people doing these aquifer studies would go to the ODNR for the water well information, they have records of all of the wells being drilled, they have all of the wells in the local area that are tapping into that aquifer.

Mr. Gutoskey said South Russell requires studies for anything new going in so they may have recent studies for that area.

Mr. Williams said we are in the process of doing an impact study so would it be possible for this board to grant approval this evening with the understanding that we follow through.

Mr. Lamanna said the problem is to make our decision we need the evidence before us, it is like asking a judge to rule on something and we will bring the evidence in next month.

Mr. Williams said so the board doesn't grant approvals of that nature then.

Mr. Lamanna said probably not with the traffic study, if we were down to the aquifer study in a case like that if it is the only thing left is the one aquifer study to grant conditional approval and say if the aquifer study comes back and says this will have no impact on the surrounding communities then you would be approved. He said issues of the traffic study that could creep in there are a little more complicated and little bit difficult to try to craft how exactly you would do that and how exactly you would set a condition without sitting down and thinking about it for a while. He said ODOT looks at things not exactly the way we would look at it, they are looking at it differently and they may make recommendations but if you drop the level of service, it is not in their purview to say you can't drop the level of service and added it is difficult with traffic studies. He said the board has done that but usually there are pretty clear cut things where it is in this parameter or not in this parameter, it will have this effect or not have this effect.

Mr. Ken Polanka of 8400 Wembley Court testified by asking about the high school, you only addressed the Armory, what are the answers to the other two schools.

Mr. Hunt said he believes that was covered in the first meeting. He said the board looks at what is the best education option for their students and there is no question the Family Life Center is the best educational option. He said there are costs factors and if you look at their 7 – 12 campus there will be programming implications for what they offer as well as congestion on that campus as well so those are the main reasons why those options don't make as much sense as this option.

Mr. Polanka asked about Gurney.

Mr. Hunt said the same things apply.

Mr. DeWater asked when the bond issue is on the ballot.

Mr. Hunt said May 2<sup>nd</sup>.

Mr. DeWater said what Mr. Lamanna is saying the board needs time to digest and get more information and he would like to have a little more information and work with this board with the studies to help all parties involved because it is more than just the people in this room, there are two or three different communities that are all involved and everybody has to respect each other's communities, you are trying to find the best for your students but we are trying to protect the communities with the best decisions.

Mr. Hunt said we can do this for a year, every meeting there is some other aspect so he respects your comments about information but he would like the board to make it clear on what information it needs.

Mr. Lamanna said that is fair and we can provide specifics of what we need.

Mr. Hunt said you talked a lot about specifics on requirements for a traffic study but he doesn't want to contract and spend tax dollars to conduct a traffic study to come here and find you really need this piece.

Mr. Lamanna said that is fair and we can come back to you with what we think needs to be covered by that study so you specifically know these are the items that are needed.

Mr. Murphy said to be fair you answered the questions we asked at the last meeting which was why not Gurney and why not middle school grounds and you said because it would impact on things that are going on and it would be crowded. He said you are intending on moving that out to Bainbridge and we are going to try to be good neighbors but you are saying it is not crowded out there.

Mr. Hunt said congestion at 7 – 12 is one issue, secondary to programming and this is not taking a problem and moving it, this site offers the best educational value for our children.

Mr. Murphy said some of those questions were not answered at the last meeting and appreciates that it got answered tonight.

Ms. Sharon Broz testified that she lives on Bell Street in Chagrin Falls is on the Chagrin Falls School Board of Education and she is a member of the Federated Church and she has a son that would be in this location and she just would like to remind everyone that they recognize the inconvenience for the two year period, it is a temporary solution and the school district is invested in doing whatever they can do to make that inconvenience as minimal as possible but she needs a little more clarity on one thing. She asked if she heard if the school district had an exclusive full lease on the entire property that it would be a permitted use because her understanding is that is the lease that they are negotiating with the Federated Church.

Mr. Lewis said we haven't seen the lease.

Mr. Lamanna said basically if you took over the property as your own and you have the equivalent of ownership he would think.

Ms. Broz asked leased or ownership because that is important.

Mr. Lamanna said he doesn't think the board has thought that question through.

Mr. Murphy said for them to get a conditional use in a residential district they have to come back and ask for a renewal and the school came in at the same time as that renewal, had you been a year later, we would have renewed their CUP and opened this up somewhat differently.



Mr. Lamanna said what he was really talking about is if you come in with a ground lease, that is when you lease just the property and you build your stuff on it, like a 99 year lease on the property but at the end of that time it goes back to the original owner, that is the kind of thing he was talking about, that is equivalent to ownership which is a common thing in commercial real estate.

Ms. Broz said they are trying to do their best and collaborate and you can see how it is confusing to them.

Mr. Lewis said we are having the same conversation about the residents of Bainbridge, everyone is trying to do the best thing for all affected parties.

Mr. DeWater said and further on Mr. Murphy's comment back in September when the Federated Church did come in we did approve and renew their permit under the same conditions that were already set so they did not get a change at that time and that was for another five years from September.

Mr. Murphy said that did not include the school, it was for church use.

Mr. Gutoskey asked how much is Federated getting in lease payments.

Mr. Williams said he doesn't have that document with him and we have done some research with the district as a tenant and renting the entire property and facility for that two year period does that put them in a position to apply for a permitted use under 135.02 rather than a conditional use.

Mr. Lewis said you may want to find out if the church is now a landlord taking in commercial revenue, are they going to lose their tax exempt status as well so check with the accounting side as well.

Mr. Lamanna said if you had a ground lease that is equivalent of ownership of the property not just a temporary stay in it because the facility was built under this regulatory regime, it is still owned by the church and the record owner and the tax status is determined by their ownership of it.

Mr. Williams said it is his understanding that you grant the permit not based upon the ownership status but based upon the use of the property and the if the use of the property is a school and used exclusively for that period of time it seems to him that it is a permitted use and his question is does it make it easier for this board to submit an application for a permitted use as a tenant of this property.

Mr. Lamanna said the board would have to rule on that question and it could come to the board as an appeal of that issue. He said the board would have to make a decision on that issue anyway and what would happen is you would get turned down and then you would have to appeal to this board as zoning inspector error for saying it is not a permitted use.

Mr. Mike Smith stated that with all due respect you were talking about educational value and he wants to be clear on what that terms means, you dismissed the other sites for educational value but really it isn't just a cost for Chagrin because you can put these units in a number of places.

Mr. Hunt said we wouldn't have a gymnasium, the accommodations are much different and much better.

Mr. Smith said you may have to add some things to these units.

Mr. Hunt asked a gymnasium?

Mr. Lamanna suggested continuing this and give the school a list specifically so that we have exactly what we need for the record.

Mr. Hunt asked when they would anticipate that being done.

Mr. Lamanna said in a couple of weeks.

Mr. Williams asked prior to the December meeting.

Mr. Lamanna said definitely prior to the December meeting and as soon as we can but it may be in pieces.

Mr. Hunt said the traffic study will be more time consuming, everything else is easily attainable.

Mr. Lamanna said the board will address the other questions that have been raised. He said it will be ruled on and if somebody wants to appeal it they will have a vehicle to appeal it out of this case. He said if they want to provide additional information or a brief on the matter the applicant is free to submit that we just ask that you try to get it in 10 days before the meeting so the board can address it versus the day before and other people may be interested in it as well.

Mr. Waldorff said since one of the key items being discussed is the traffic study and will there be a document that defines what the scope of the study is and will that document be available for everybody in this room that wants to take a look at it. He doesn't want to have a meeting and the study doesn't adequately address the traffic flow through the Woods of Wembley.

Mr. Gutoskey said he believes the school board did have a meeting with ODOT and he thinks ODOT spelled out what they are looking for.

Mr. Lamanna said there is already a framework out there.

Mr. Waldorff said he doesn't want items left out.

Mr. Lamanna asked if the ODOT information is available and part of the record.

Mr. Gutoskey said it is in our packet.

Mr. Lamanna said if anyone is interested in looking at that or if anybody has any specific questions you can address them to the board secretary what you think ought to be addressed in that study and he suggested that if you want to do that you do that within the next few days because we will take what we have from ODOT and take what we heard tonight and we will decide and any additional items should be considered as part of that traffic study and then we will get it back to the district to implement it. He said everybody has their chance to take a look at it and get it to the board and we will consider any input from interested residents. He said to please try to do that as soon as you can within the next 10 days.

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

Motion BZA 2016-26 - 16349 Chillicothe Road (Federated Church Family Life Center)

Mr. Lamanna moved to table this application tentatively to the next regularly scheduled meeting to be held December 15, 2016.

1. The board is going to provide information to the applicant with respect to certain information regarding sanitary sewer, aquifer use and traffic study so that that information can be assembled for presentation to the board and the board will try to get it to the applicant as soon as it can.
2. The board will also address questions raised with respect to whether this is a permitted use under 135.02(A).
3. The applicant is free to brief the board if it so desires.

Mr. Gutoskey seconded the motion.

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

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

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

Mr. Bill Dysert of Exscape Designs and Mr. Mark Kikel, homeowner were present to represent this application.

Mr. Dysert testified that they are requesting a variance for additional hardscape in the backyard at the Kikel residence and there is an existing patio that was never permitted that you will see on the drawing there so Ms. Endres thought it would be best if we came in to get that approved and talk about it. He said with what we are going to remove in the existing hardscape and what we are going to add is the difference of about 15 sq. ft. and she also made a recommendation that they bring in Chagrin River Watershed Partners to look at the run-off of the patio and the yard situation. He said they installed a dry well basin in the backyard about three years ago to accept some of the water that was pooling back there which has resolved that issue, there is a cross-section of that well in your packet there. He said Chagrin River Watershed Partners made a recommendation to add two rain barrels to the back of the house which we will do and the 15 sq. ft. of what is considered lot coverage is decking so it is fairly permeable below the deck with gaps. He said he has some further plans and can highlight some of the renovations that have been done to the property so we just finished the front yard here this summer and he wants to just highlight this walk, it is not a solid walkway so it is more of a permeable space with gaps and gravel and the rest was landscaping and they also installed two yard drains and the backyard currently has one hardscape patio and pavers and then a dry link patio outside of that with the basin which you will see on the grading plan.

Mr. Lamanna asked if it is gravel.

Mr. Dysert said it is a gravel aggregate base, it is all dry link and no concrete slab.

Mr. Lewis said we are way over on lot coverage and what was their lot coverage before these proposed additions with the other stuff they did.

Mr. Gutoskey said about 33% is what it originally was, in 1999 a variance was granted for 33% lot coverage.

Mr. Lewis said and then they added the patio and fire pit and all of that.

Mr. Dysert said yes and the Kikels have done a couple different renovations, we came in for a variance for a fireplace that was added to the side of the house in 2013.

Mr. Lewis asked when the patio stuff and the fire pit went in.

Mr. Dysert said approximately 2010 and 2011.

Mr. Kikel testified that a lot of the wood deck was rotting so they took it out.

Mr. Lamanna said the deck doesn't have a roof on it.

Mr. Dysert said the front deck is complete, that is already added and this is for 15 sq. ft. of decking in the back for the hot tub.

Mr. Lewis asked if the hot tub is up on a platform.

Mr. Dysert said it will sit on a gravel base.

Mr. Lewis asked if there are any restrictions with setting a hot tub on the property line.

Mr. Lamanna said a hot tub is a structure.

Ms. Endres, Zoning Inspector testified that she would think it is a structure and it would be constructed on the decking and the decking would be a structure.

Mr. Dysert said the hot tub is a mobile unit that can be moved, it is not built in.

Mr. Gutoskey said you are moving it with all of that water in it.

Mr. Lewis said some are movable but it is an accessory structure. He said it looks like it is on the property line.

Mr. Lamanna said he thinks it is a structure.

Mr. Gutoskey said the problem he has is the amount of lot coverage and we just did a house right near here, 16361 S. Franklin, last October or November a year ago and he had Ms. Endres look that up and it is only about 31.2% lot coverage and this is an area here where there are flooding problems and we are going to be at almost 60% lot coverage and we only let our commercials go up to 40%.

Mr. Lewis said and a lot of other stuff was added.

Mr. Gutoskey said the little yard drain really doesn't do much for storm detention or mitigation because based on the report here it is clay soil so you can't get any water to go down through there even though the patio is like a brick pervious paver there is nowhere for the water to go it is just going to run off.

Mr. Dysert said they had substantial water issues before we started in the basement with flooding but since we put the patio and the 5x5x5 dry well in the back it is better.

Mr. Gutoskey said you probably pushed it away from the house and it is probably going on one of the neighbor's lots.

Mr. Kikel said no and added the neighbor to the left of them, their yard is higher than ours.

Mr. Gutoskey asked Ms. Endres to turn the contours on. He said it is flat. He said they were approved for 33% lot coverage and now they are at 57%.

Mr. Lewis said the patio and fire pit went in.

Mr. DeWater asked Mr. Dysert if he was the contractor on this in 2010.

Mr. Dysert replied yes.

The board discussed the lot coverage.

Mr. DeWater asked Mr. Dysert if he has gone to other towns for zoning approval when he has hardscape work.

Mr. Dysert said yes, all of the time.

Mr. DeWater asked all of the time?

Mr. Dysert replied yes.

Mr. Lamanna said we are pushing at 45% just on the house and the garage.

Mr. Dysert said with both patios combined they are up to 500 sq. ft.

Mr. Lamanna said somehow there is a disconnect here, what are we missing.

Mr. Kikel said we have owned it for 10 years and it was all there when we bought it.

Mr. Lamanna said he assumes the driveway and garage have always been there. He asked if they made the house bigger.

Mr. Kikel replied no, the house is the same size, we remodeled the interior and the exterior is all redone but we did not add onto the house.

Mr. Dysert said the driveway is 1,775 sq. ft., and the garage is 585 sq. ft.

Mr. Lamanna said he has 2,300 sq. ft.

Ms. Endres said there was a porch addition that was added without a variance, she approved it because the house itself was less than 20%, the zoning back in the day allowed for dwelling units to be 20% of the lot so there was a small porch addition.

Mr. Gutoskey asked what they did in 1999 that it was at 33%.

Mr. Kikel said in 1999 they may have put an addition on the back but since we have had it we have not put on any additions.

Mr. Murphy said maybe they allowed 33% overage.

Mr. Kikel said the house, garage and driveway are at 46%.

Ms. Endres said she thinks that the numbers are the current coverage.

Mr. Lamanna said it is pretty clear that the garage hasn't changed and the driveway hasn't changed and he doesn't think the house with just looking at it hasn't changed much.

Ms. Endres said she can't explain where the numbers came from before, maybe they didn't count the sidewalks or the driveway, she doesn't know.

Mr. Lamanna said maybe the 33% was the variance over 20% and there is really 53% total which would make sense if it is at 46% with the house, driveway and garage so that is only adding 500 or 600 sq. ft. of space.

Ms. Endres said she can't explain it either.

Mr. Gutoskey said if you just take the garage and house it is at 30%.

Mr. Lewis said earlier maybe they didn't consider garages and driveways.

Mr. Lamanna said it might have been the way it was written up and the board was thinking that it was a 33% variance over the 20% that was allowed and that would make sense, the numbers fit. He said it was formerly approved at 33% and now they want 57% but if you go back and say it used to be 53% and now we are looking at 57% then it is a little bit different.

Mr. Gutoskey said when you replaced the deck in the back it was covered with part of this new patio so how much of this was where the whole deck was.

Mr. Kikel explained per the site plan that it came out to probably that line right there and it was coming off of the back door so it was like this, this was all wood back there and then there was a step that went down. He said it went all the way to the fence or to the corner of the house.

Mr. Lewis said the Chagrin River Watershed Report has a lot of words, it is a very thorough report.

Mr. Dysert said we met onsite as well.

Mr. Lewis asked Mr. Dysert if he sees any conflicts with what they want to do with what their recommendations are.

Mr. Dysert said no.

Mr. Lewis asked what they are going to do with the overflow of the rain barrels, where does that go.

Mr. Dysert said Mr. Kikel will use that to irrigate the plants in the backyard and added there are existing downspouts on the house.

Mr. Lewis asked if they feed the barrels.

Mr. Dysert said yes they will feed the barrels, the overflow out of the barrels like when we don't use up everything for irrigation they can go back in the storm drain.

Mr. Murphy asked if the drain in the backyard is a storm drain as well.

Mr. Dysert said it is a big pit 5x5x5 which we have had approved in other municipalities before we do something like that.

Mr. Kikel said they have always had standing water back there to the point where it will stand for a month especially in the winter and the spring because we were skeptical, they wanted \$18,000 to put in a French drain from the back to the front so for \$2,000 let's try and put this pit in and see what happens and they have not gotten water in the basement since and the backyard is bone dry.

Mr. Lamanna asked if they have used plants.

Mr. Dysert said Chagrin River Watershed Partners recommended using native plant material that can handle more moisture.

Mr. Lamanna asked if they are connected to a storm drain now.



Mr. Dysert said yes but he is not sure exactly where they go.

Mr. Gutoskey said there are storm sewers on Franklin.

Mr. Lamanna asked what about the garage and where does that go.

Mr. Kikel said it is the back left and drains in the yard and they just had new gutters put up and their garage is on top of the neighbor's garage.

Mr. Gutoskey asked about the zero foot setback on the hot tub, he doesn't think that is going to work and how far is the chimney off.

Mr. Dysert said the hot tub and the chimney are here, 10 – 15 feet.

The board discussed the placement of the house on the lot.

Mr. Lamanna asked if there is a chimney that sticks out.

Mr. Gutoskey said yes about 4-1/2' and this drawing must have been done for a fireplace addition back in 2008 and it is an actual survey.

Mr. Lamanna asked how deep the chimney is.

Mr. Gutoskey said only one foot.

Mr. Lamanna said we don't want the hot tub to stick out any farther than the chimney, we let them add the chimney because there is no feasible way to put a chimney on without it sticking out so we gave them some relief because otherwise you could never have a chimney and certainly the hot tub could be back even with the house. He said he doesn't see any neighbors here complaining.

Mr. Lewis said we reduced the lot coverage a little bit.

Mr. Murphy said if you are trying to hide it completely behind the corner of the house it is halfway into the sliding door.

Mr. DeWater asked if they could cut off part of the deck and move the hot tub over.

Mr. Kikel said there is a massive tree right there, it looks small but it is probably a 36" to 44" caliper tree, it is huge and we don't want to impact the health of that tree.

Mr. Lewis said just off-set it a little bit and you would still have the landing platform. He explained the suggested relocation of the hot tub and there will be no impact on the landing, steps or sliders and it lines up then with the house.

Mr. Kikel said they don't want to lose the tree.

The board discussed the side yard variance.

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

Motion BZA 2016-36 – 16347 Franklin Street

Mr. Lamanna moved to grant the applicant the following variances.

1. A variance to the maximum lot coverage for the purposes of maintaining the existing landscaping and structure and driveway as well as adding on a deck and hot tub and removal of some existing patio as shown on the drawings except for the modifications that were discussed below of 58%.
2. With respect to the actual hot tub the applicant will modify his plan so that the hot tub will be 4-1/2' from the property line and will submit a revised drawing to the zoning inspector to confirm compliance with this requirement prior to beginning construction and prior to issuing the zoning certificate and a variance is granted for that purpose as well.

Based on the following findings of fact:

1. The existing structure, driveway and garage are on the small lot so more of the allowable lot coverage was already being used.
2. The applicant's landscaping plan has been formulated to try to reduce the amount of run-off and therefore reduce the impact upon the neighboring properties and currently seems to be functioning efficiently.
3. The amount of lot coverage is not inconsistent with other lot coverages in this area which is highly developed and also with the actions being taken by the property owner should not adversely affect the neighboring properties.
4. In addition the applicant, in order to reduce the adverse run-off, has agreed to add rain barrels to the existing downspouts and will continue to maintain the dry well in the rear of the property for its intended purpose and will plant some plantings per the recommendation of the Chagrin River Watershed Partners to improve the handling of water on the property.

Mr. DeWater seconded the motion.

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

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

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

Mr. David Barr and Mr. Nick Espinoza, Architect were present to represent this application.

Mr. Barr testified that he was here last year early in 2015 and they had an approval for construction of five indoor tennis courts at the Wembley Club so we are at a place now where the project has begun and as the project began he became aware of three very modest alterations in the original approval. He said the original approval as he understands it was approved at a height of 38' for the indoor tennis building and was made aware recently that the actual height is going to be 38'-10" so we have ten extra inches of height that the building will be.

Mr. Lamanna asked if that is because it is pre-fabricated.

Mr. Barr said yes correct.

Mr. Lamanna said so the standardized size ends up to be an extra 10".

Mr. Barr said 10" correct and the second change is that the connecting corridor between the clubhouse and the new courts was originally approved at 175 sq. ft. for that connecting corridor and the actual number for whatever reason now is at 220 sq. ft. so we are going to have a 45 sq. ft. larger connecting corridor.

Mr. Lewis asked 220 or 230.

Mr. Barr said he will submit to 230 then, it is written down here as 220 but maybe that is wrong so let's go with 230 so it is 230 sq. ft. and he apologizes for the error so make that an extra 55 sq. ft. for the connecting corridor. He said the last change is that the rear part of the building, the two-court part of the building which is further to the south he is told needs to be built 9' further to the east, the setback that he believes was approved as 46' and some odd inches and now the side setback will be 37' so those are the three changes we are seeking approval for as the project moves forward.

Mr. Lewis asked Ms. Endres if the board could see an aerial of this to see what is to the east would be the building.

The board discussed the original plan.

Mr. Murphy said it had a very nice looking front façade so instead of that we are going to this one.

Mr. Barr said there is no plan to change the façade.

Mr. Murphy asked if it was going to stay the same.

Mr. Barr said yes, the same, the front will be the same and the back part is moving 9' further to the east is his understanding.

Mr. Lewis asked what changed to make that happen.

Mr. Barr said he thinks that when they did the drawings originally for some reason they didn't take into account, there is a place where they have the generator and heating unit for the courts that are currently under the bubble and he thinks that what happened was when the architects originally drew the plan they didn't take that space into account when they originally planned to build.

Mr. Nick Espinoza, Architect testified that they intended to demolish that and move it but it turns out the equipment cannot be moved.

Mr. Lewis said so it is this section right here.

Mr. Espinoza said yes.

Mr. Lewis said because right in here is your mechanicals.

Mr. Espinoza said correct, yes.

Mr. Lewis said originally this was going to be adjacent to that so you have to go this way with this room to put your mechanicals there and that is where the 9' is coming from.

Mr. Espinoza said yes.

Mr. Lewis said he guesses the good news is this is in the far back corner of the lot.

Ms. Katie Donahue said it depends on where you live and said she lives right there.

Mr. Lewis asked if these are the mechanicals you are talking about.

Mr. Espinoza said yes.

The board reviewed the site plan.

Mr. Murphy asked what is being removed.

Mr. Barr said they had outdoor courts that are going to become indoor courts and it is the same footprint, we had three outdoor courts in the front and two outdoor courts that were behind them and it is not the exact location but it is quite similar to the orientation of the building.

Mr. Murphy asked what these structures are.

Mr. Barr said that would be shuffle board and bocce over here and that is the patio on the other side of the bathroom.

Mr. Murphy asked if those are not being removed.

Mr. Barr said no, that is not planned for removal. He said people don't use the bocce court but he doesn't think it would do any service to the club to remove.

Mr. Lamanna said the board is just trying to figure out where the changes are because we have increased the vestibule by a little bit and it looks like the building is actually a little shorter by a couple of feet but we went from just over 40 to just over 41 so that is 4,000 sq. ft. unaccounted for.

Mr. Barr said it must be the shuffleboard and bocce.

Mr. Espinoza said and he suspects it has something to do with volleyball court.

Mr. Barr said the volleyball court was never scheduled to be taken out. He said there was a question if it was sand if it counts as lot coverage or not. He said the sand volleyball court, he doesn't think, is taken into account as permeable space. He said it is made of sand and he doesn't know whether it should or should not be covered but he thinks that whoever calculated it prior to Mr. Espinoza didn't include it in lot coverage and now it is being included, the volleyball court.

Mr. Lamanna said it is probably far more absorbent than anything else. He said so you think that is a lot of 4,000 sq. ft.

Mr. Espinoza said yes.

Mr. Gutoskey asked if the front building moves over also or not.

Mr. Barr said the three court building.

Mr. Lewis asked about the side yard on the front building.

Mr. Gutoskey said it is 37.7 and 37.6 for the rear of the building.

Mr. Espinoza said he believes it is 37.

Mr. Barr said they are not doing that outdoor court.

Mr. Gutoskey said so it would just be the four in the front.

Mr. Lamanna said that would reduce the lot coverage quite a bit.

Mr. Barr said they are not actually building the four outdoor courts right now, we are just building the indoor building.

Mr. Gutoskey said what Mr. Lamanna is getting at is if you can't build one court because you have the retention pond there then you will probably be below 40% lot coverage.

Mr. Barr said that makes sense.

Mr. Lamanna asked if the board approved the outdoor courts before.

Mr. Barr replied yes.

Mr. Lamanna said so basically the back building is going to move over 9', the length of the back of that building. He said to understand what is going on if you look at the drawing on the right up there you can see the two shaded areas on the east to the right there and on the upper one which are the outdoor courts, the sticking out court on the bottom right there is going to be deleted because that area is already occupied by a retention basin so that is going to go away which will also reduce the lot coverage down below 40%. He said the indoor building which is the lower part of the shaded area there is shifting 9' to the right because of an obstruction in the area between the existing dome and where they were going to build it, there was less space there than they anticipated and they thought they were going to be able to move some equipment but there are existing structures there that it turns out it can't be moved so basically the sum total of what we are looking at here is a slight shift to the right of that building of 9' and the building height is 10" higher and he doesn't think on 38' that 10" is going to be something that will even be noticed. He said he thinks that is the one significant change that we have to address.

Mr. Tom Nolan of 8405 Woodberry Boulevard testified that his property is the property right to the east of the club here and asked what is the distance between the end of the club and the property line, you said it is being moved over 9'.

Mr. Lamanna said it was 46-1/2' and he thinks it will go to 37'.

Mr. Barr said it should be 37' flat.

Mr. Nolan said his next question is, what is that structure from the side going to look like.

Mr. Barr said it is a steel structure.

Mr. Nolan asked about the color.

Mr. Barr said they haven't picked the color yet.

Mr. Nolan said he is not crazy about moving a four-story building any closer to the east but he doesn't know what we can do as far as a landscaping standpoint to make it look a little nicer if we are going to move it 9'. He said he doesn't know what the landscaping plan is but he thinks it needs to be addressed in terms of putting in Pines 8'-10' staggered and the color of the building from the east side as opposed to the front and in addition to the front.

Mr. Gutoskey recited the motion from when it was previously approved. "The applicant will submit the detailed landscape plan to the Zoning Inspector for approval prior to issuance of the certificate showing conformance with the various discussions of the board including screening on the east side of the property starting with the jog out of the exterior courts to the rear of the building and also in the area around the oval, similar to what is shown on the aerial perspective to provide screening from the western view of the property. The applicant has also agreed to a condition that there will be at least a 50 year guarantee with respect to the finishes on the building. The applicant will comply with the Geauga Soil & Water Conservation District requirements for the submission of plans and with respect to any requirements to deal with storm water run-off." He said he thinks there was a drawing because the drawing had to be submitted to Ms. Endres. He said when the board originally approved it we looked for screening on that side.

Mr. Nolan said he doesn't know what that is.

Mr. Barr said which was agreed to and they are certainly willing to do the screening. He said they are working on the landscape plan and he knows that his builder has been in touch with a landscape company about what they are doing, they are choosing between Blue Spruce and a Canadian something or other and they will be happy to submit a plan for approval and he is sure it will be consistent with what was approved that last time.

Mr. Nolan said he doesn't know what that means.

Mr. Gutoskey said it is within the board's minutes and he thinks it was pretty well detailed in the minutes what the board was looking for.

Mr. Nolan said for all intents and purposes if it is going to be moved 9' he would like to see at least 9' – 10' trees.

Mr. Barr said he thinks he can hopefully even do slightly better than that because the builder texted him today and said they have a choice between 8' trees and 12' trees and he said get the 12' trees.

Mr. Nolan asked if they will be put in staggered because money will be wasted and they will not get the proper screening if you don't stagger them.

Mr. Gutoskey said he thinks we asked that they be staggered, if not we are asking them to be staggered tonight.

Mr. Lewis said he thinks we are going to put 12' trees staggered in tonight's motion.

Mr. Nolan asked on the east side in addition to the front and his other question is he doesn't recall but has there been any discussion regarding the color of the east side of the building being 40' tall.

Mr. Barr said he thinks it was supposed to be consistent with the look of the clubhouse but he is open to color.

Mr. Charles Waldorff of 8285 Woodberry Boulevard testified that the previous set of minutes were about 22 pages long so if you go through them which he did today there was a discussion on the appearance of the building and we all agreed that the best result was to make the color of the building consistent with the current structure so that decision has been made unless you are asking for a change from that he thinks we should stick to what we said we were going to do. He said it is supposed to be the same color as the existing building so if you are trying to match the color of the clubhouse and also match the roof and put some architectural features in so it looks like they were meant to be together.

Mr. Nolan said he just does not want to see a 40' white side of the building.

Mr. Waldorff said you will not see a 40' white if it is the same color as the clubhouse because the clubhouse isn't white.

The crowd responded that it is a light gray.

Mr. Barr said they should have submitted to the steel company the color and there is no departure from what we agreed on before.



Ms. Katy Donahue of 16440 Crown Pointe testified that she is on the side of the building as well and she has a question and that is the picture that Ms. Endres had up earlier that was showing the 9' and it also showed the HVAC and asked if the HVAC is in addition to the 9' because if you are accommodating that 9' and then you are also putting an HVAC system on that side.

The board discussed the variance requested.

Mr. Barr said he went back and looked at his text again and it looks like he is leaning toward a Norway Spruce.

Mr. Nolan said if you are going to do it right you have to put in drip lines.

Mr. Waldorff said that Norway Spruce is a better choice.

Mr. Jim Donahue of 16440 Crown Pointe testified that they are the house directly east of where the building is moving closer to and he had a conversation with Mr. Barr and also talked to Mr. Tim Stephan who is the builder and said he doesn't want the building to move closer but he understands the mechanical issue, if you pull up that contour drawing again the other point was the HVAC unit and is on their side of the building which wasn't in any of the drawings before so he really doesn't want an HVAC unit in his backyard, looking at it and listening to it and they certainly could move it and he doesn't know if it could be moved and he thinks if it is on the other side of the building it would be advantageous. He said the second thing was we were all surprised that they cleared everything to the property line and they had heavy equipment digging the drainage pond and he is worried about losing more trees in their greenspace so it is really important to them to get the screening in. He said he is not happy about having things that close to him it is almost a 40' building but with 12 footers in and the HVAC on the other side, that is important to them.

Mr. Lewis asked Mr. Barr in the 9' of space on the other side where we have the mechanicals for the dome you have got a 9' wide ally there, can you take the condensers and put them in the ally next to the rest of your equipment and remove them from the east side of the building.

Mr. Espinoza said he will check with the mechanical engineer and does not suspect that it would be a problem.

Mr. Lewis asked Mr. Donahue if that will satisfy him.

Mr. Donahue said yes.

Mr. Gutoskey said it would help with the noise too.

Mr. Mike Smith of 8345 Woodberry Boulevard testified by asking if it was defined the right amount of trees staggered to allow them to grow as well and still provide coverage now.

The board discussed the planting of the trees.

Mr. Donahue said there is a canopy in the woods so when they cleared that undergrowth out we can see the site lines of the club that used to be covered.

Mr. DeWater said we are talking about them going past the corners of the building too so it softens the edges of the building.

Mr. Lamanna said if you get them about 15' apart so you will have two rows so you are looking at trees that about 6' – 8' in diameter at the bottom.

Mr. Nolan asked if they are not going to do the outdoor courts right away.

Mr. Barr said it is going to be as it is now, there will be space in front where the courts were and it will remain.

Mr. Nolan asked if there will be grass in there.

Mr. Barr said probably.

Mr. Gutoskey said they will have to stabilize it for Soil & Water and at least seeded.

Mr. Waldorff said there has been a lot of discussion about landscaping and we should go back and look at what the conditions were for the conditional use permit to be issued, Mr. Barr was supposed to produce a detailed landscaping plan and if we don't have that now we are talking about things we would like to see and asked when Mr. Barr will have that.

Mr. Barr said he doesn't know, he has been talking to the landscaper.

Mr. Waldorff said the first three conditions was the detailed landscaping and an agreement that the building would have at least a 50 year warranty on it and there was something to do with the storm water plan.

Mr. Gutoskey asked about the zoning permit.

Ms. Endres said she hasn't issued the zoning permit, all that has to happen before and she doesn't even have construction plans yet.

Mr. Waldorff asked what the basis is for all of the work that is being done.

Mr. Lewis said they are doing lot clearing which they can do whether they build or not so he thinks the hook will be we are back to the building plan and the landscape plan and the conditions. He said even if the board votes favorably tonight it is not approved until our next meeting anyway when the minutes get approved which gives you a thirty day countdown which we are going to be looking for before approving those minutes.

Mr. Lamanna said you are not going to see a zoning permit until you comply with those conditions.

Mr. Lewis said your checks and balances are in place and it would just be if you can fast-track it with the landscaping plan and the building plan.

Mr. Lamanna said if he gets his landscaping plan in by our next meeting then we are ready to do the zoning permit.

Mr. Waldorff asked if there is a storm water plan too.

Mr. Gutoskey said the site plan seems to cover that.

Ms. Endres said she needs something from Soil & Water.

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

#### Motion BZA 2016-37 – 8345 Woodberry Boulevard

Mr. Lamanna moved to amend the previously approved changes to the conditional use zoning certificate from BZA case 2014-24. The requirements from that prior action will continue in effect except as they are specifically modified herein.

1. The building height will be increased from 38' to 38'10".
2. A vestibule connecting the existing facility to the proposed facility is increased in size from 175 sq. ft. to 230 sq. ft. The side setback of the southernmost part of the building from the eastern property line will be modified from 46'6" to 37'.
3. The fifth outdoor tennis court which was previously shown offset from the other four is deleted and as a result of that deletion the lot coverage will drop below 40% so the variance to 40.04% will no longer be necessary.
4. The board also clarifies that with respect to some outdoor sand volleyball courts that those do not need to be considered as part of the lot coverage.
5. With respect to certain heating and cooling units that are shown on the east side of the building, those will be moved preferably to the space on the west side or alternately if they can't be located in that area to the rear of the building at the south side.

Motion BZA 2016-37 – 8345 Woodberry Boulevard - Continued

6. With respect to the landscaping plan, the landscaping plan for the east side of the building that is moving closer will reflect two rows of 12' Spruce trees planted approximately 15' apart to the edge of that side and that will be part of the full landscape plan which the applicant is required to submit prior to getting a zoning certificate.
7. There are also two corrections that were discovered from the prior action on page 19, variance #3, the reference should read 80' to 46'6" rather than 80' to 46.6' and 80' to 48'10" rather than 80' to 46'10" to make sure all of the references fully correspond.
8. The board also amends condition #7 to be until May 30, 2018. The time period on former condition #8 will run from the date that the current decision in this case 2016-37 becomes final, three years to December 2019.

Based on the following findings of fact:

1. The reason for granting these modifications are that they are not largely inconsistent with the previous plans so the previous findings continue to apply.
2. The board has taken steps to ameliorate the one change of any significance with respect to moving the building by adding additional screening to offset any effects from that reduction on the sideline setback.

Mr. DeWater seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 12:20 A.M.

Respectfully submitted,

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

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

Date: December 15, 2016

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 17, 2016

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 12:20 A.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Gutoskey moved to adopt the minutes of the October 20, 2016 meeting as written.

Mr. Murphy seconded the motion.

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

Applications for Next Month

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

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

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

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

Application 2016-42 by Stein Mart for property at 7705 Market Place Drive

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

Since there was no further business, the meeting was adjourned at 12:33 A.M.

Respectfully submitted,

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

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

Date: December 15, 2016