

Bainbridge Township, Ohio
Board of Zoning Appeals
November 21, 2002

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

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

Application 2002-55 by Richard Rudar for property at 17540 Haskins Road

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

The zoning inspector's letter dated November 21, 2002 was read and photos of the site were submitted.

Mr. Richard Rudar, applicant, was present to represent this application.

Mr. Rudar testified that he needs a variance on the rear yard setback in order to build his house and it will be 40' from the golf course property line but the tee box is about 300' from the property line. He said there is a ravine in the front yard and he would be able to step off his front porch into the ravine. He continued by saying that he has two lots that are .54 acres and .47 acres that will be combined and referred to the topo.

Mr. Olivier asked if the lots have been consolidated.

Mr. Rudar said yes, and they are sublots 326 and 327. He added that the property juts out 60 some feet so he will be keeping all of the trees as a buffer.

Mrs. Stanton asked if these lots are part of the Tanglewood Association.

Mr. Rudar said yes and added that he is already paying dues.

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

Motion BZA 2002-55 – 17540 Haskins Road

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

1. A variance with respect to a rear yard setback from the required 90' to a proposed 55' for a variance of 35'.
2. A variance on the maximum lot coverage from 10% to 14.1% for a variance of 4.1%.

Based on the following findings of fact:

Motion BZA 2002-55 – 17540 Haskins Road - Continued

1. A practical difficulty exists because this property consists of two formerly plotted sublots with a total acreage of approximately one acre.
2. Due to the severe topological terrain in the front of the property, it requires that the house be set back a substantial distance from the front property line and then owing to the small size of the lot, it would be impractical to move the house forward any farther.
3. In addition, because the house has to be located so far back on the lot, when combined with the smaller than standard three acre lot size, the driveway and other improved areas caused the lot coverage to exceed the permitted requirements but the proposed dwelling and arrangement are consistent with what is in the neighborhood and they are not unreasonable for this location.
4. Due to the fact that the closest neighbor happens to be a golf course, no adjacent residents will be adversely affected by this decision.

Mr. Takacs seconded the motion.

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

Application 2002-33 by JGD Associates Inc. for property at 8501 East Washington Street (Shell Fueling Station) - Continuance

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

Application 2002-44 by JGD Associates Inc. for property at 8501 East Washington Street (Shell Fueling Station) - Signage

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

Mr. John Eavenson and Mr. John Dzwonczyk were present to represent this application.

Mr. Eavenson testified that he was not prepared at the last meeting held in July and he had to research the previous variances that were granted. He said they are here to answer any questions and come to a solution. He continued by saying that they agreed to keep the colonial red brick on the building that was previously agreed to and they will paint the fascia around the building from the existing gray to white. He said they will do very minor changes on the canopy which will be changing the gray color to yellow and he described the proposed sign.

Mr. Dzwonczyk testified that the sign will be close to 32 sq. ft.

Mr. Eavenson explained the brick on the canopy which has gray metal siding.

Mr. Lewis asked if there is brick behind it.

Mr. Dzwonczyk said it makes sense that there would be actual brick behind it and we can probably take the siding off.

Mr. Takacs asked about the proposed signage and said the 166 sq. ft. was granted at the last hearing with a variance of 91.25 sq. ft.

The board reviewed the variances granted at the previous hearing.

Mrs. Stanton asked about the existing blue sign by the car wash.

Mr. Eavenson said they usually take those signs down during their renovation and there is no problem with them taking it down if requested.

Mr. Lewis asked about the ATM sign.

Mr. Dzwonczyk said the ATM sign would have to stay.

Mr. Eavenson said they have been pulling those down.

Mrs. Stanton asked if they had everything listed that they want to do.

Mr. Eavenson explained, per the site plan, everything that is to be painted and what is being renovated.

Mr. Olivier asked about the fascia.

Mr. Dzwonczyk said the fascia will be lit but will be white.

Mrs. Stanton asked if signage will be added around the pumps.

Mr. Dzwonczyk said 2 sq. ft. per side will be added times four which equals 16 sq. ft.

Mr. Olivier asked if there will be signage on the canopy.

Mr. Lewis said there is no signage on the current canopy. He presented photos of the existing lights at this station which were taken at night.

Mr. Olivier said there is no perimeter lighting on the canopy today.

The board viewed the rendering of the proposed renovation.

Mr. Dzwonczyk said they are not proposing to light the perimeter and explained that they will illuminate the face. He said what is now gray will be white and what is yellow will be gray.

Mr. Lewis asked if they have a beer and wine permit.

Mr. Dzwonczyk said they have a lot of cases of beer there.

Mr. Lewis said it is open 24 hours a day.

Mr. Takacs confirmed that by saying yes.

Mr. Dzwonczyk said it is kept clean.

Mr. Eavenson said a lot of times they will bring in new pumps and our rendering shows a re-paint on the pumps. He said with this renovation, there is no major renovation of the site, just to clean it up a little bit.

Mr. Lamanna said there is a lot of new signage proposed here.

Mr. Eavenson said only the "Food Mart" sign is additional.

Mr. Lamanna stated that the board did not like it the last time and said his view on signage is if you are going to change the ground sign to 32 sq. ft. instead of the maximum 25 sq. ft. it has to come out somewhere else.

Mr. Lewis asked if the Shell emblem is illuminated.

Mr. Dzwonczyk said the prices will be illuminated, the red and the white will be opaque and the problem with the old style is the red was opaque and showed gradation of color.

Mrs. Stanton asked about the poles and if the flashing will be removed to expose the brick.

Mr. Dzwonczyk explained that if there is brick they will take off the flashing or paint it white.

Mrs. Stanton said she does not want them to be painted red.

Mr. Lamanna asked if the pumps are white with red.

Mr. Dzwonczyk replied yes and explained what will be painted white and red.

Mr. Lamanna asked what will be painted yellow.

Mr. Eavenson explained that the lettering will be yellow with red writing that says "quality fuels" and the Shell logo will be trimmed with red and stated that this rendering is eight or nine months old. He said the Shell logo is trimmed in red.

Mr. Lamanna said that the board previously conceded to a yellow stripe around the bottom and he does not think this yellow and red band around the canopy is consistent and he thinks white would be more consistent with what is in the area and the current pumps are, by design, unobtrusive.

Mr. Dzwonczyk said in fairness to the existing situation, gray and yellow were Shell's color scheme.

Mr. Lamanna said there is not much red and yellow in the current plan and we would have not liked to have any yellow on this but it was a major concession on our part.

Mr. Dzwonczyk said he passed a Shell station at Route 87 and it is an older type but it has the pumps we are talking about. He asked what they should do with their canopy if it can't be gray or yellow.

The board was in agreement that it should be white.

Mr. Dzwonczyk asked if he can get Shell to concede to white, could he get a red banding?

Mr. Lewis said he has photos of another Shell station with white banding and no red or yellow and said he will show what is going on with the Aurora Shell station because it has white trim with no red or yellow on the canopy and the building is the same brick with no yellow or red.

Mr. Dzwonczyk said for what other reason, the township did not insist on a mansard roof like the BP station and said this is Shell's old image and we have what we have and we are trying to deal with it. He added that BP has a lot of green.

Mr. Lamanna said it is easier to put a green color in because it blends in with the natural environment and added that the board is revisiting almost all of the same issues as before.

Mr. Eavenson said that actually, at the last meeting, we were going to paint the red brick white.

Mr. Lamanna said he was talking about the hearing held ten years ago.

Mr. Takacs said one of the big issues last time was the variance of 1' off the property line to the car wash.

Mr. Lamanna said he would like plain white with no yellow because there is already a red and yellow sign so having it along the roof line defeats the purpose.

Mr. Dzwonczyk asked what would make this a desirable project from the board's standpoint because he will have to go back and sell it.

Mr. Lamanna said the best way to sell it is a lot of concessions were made to have a style consistent with the neighborhood and to have a structure not be obtrusive and if you want to change the gray to white, it fits better. He said the board would be willing to allow a little more color on the pumps, but there is no reason for increasing the signage on the site.

Mr. Dzwonczyk said it sounds like we can do an ID sign on the corner but there is still a lot of resistance to changing the color scheme. He said they could have a white canopy and building fascia, the sign could be redone and the pumps redone because a conditional use gives the board very specific powers.

Mr. Lamanna said the board can impose conditions.

Mr. Lewis said the lighting will get changed to white.

Mr. Dzwonczyk said he thinks they will probably be able to sell it because of the conditional use, he feels comfortable with it and the motion will describe the fascia and canopy conditions.

Mrs. Stanton still questioned the blue sign near Nash's.

Mr. Dzwonczyk said this is the same dealer as in Mayfield Heights, so we know him.

Since there was no further testimony, these applications were concluded.

Motion BZA 2002-33 and 2002-44 – 8501 East Washington Street (Shell Fueling Station)

With respect to applications 2002-33 and 2002-44, Mr. Lamanna made a motion to amend the existing conditional use permit to provide for remodeling/revamping the existing gas station in the following manner.

1. The applicant may replace the ground sign with the new ground sign as proposed on the application which will amend the permitted ground signage from 26 sq. ft. to 32 sq. ft. This does not increase the total signage permitted on the site so that including the new ground signage the total signage on the site must still meet the limits originally placed in the conditional use so appropriate adjustments may need to be made elsewhere.
2. The applicant will be allowed to install new pumps in the configuration and color as shown on the application presented and will also be permitted to paint the existing fascias on the building and canopy from the current gray and yellow to white. Those were the only changes of those proposed that are being approved.

Motion BZA 2002-33 and 2002-44 – 8501 East Washington Street (Shell Fueling Station) -
Continued

With the following conditions:

1. The non-brick trim on the canopy supports will either be removed to reveal brick underneath if that is what is there or otherwise may be painted a color that will match closely the color of the brick part of those columns.
2. In addition, it has come to the board's attention that there is a blue sign located on a pole on the Nash's side of the property which does not appear to conform to any of the permitted signage that was allowed in the prior application/conditional use permit and that should also be removed so that the property will conform.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 8:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

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

Date: December 19, 2002

Bainbridge Township, Ohio
Board of Zoning Appeals
November 21, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the October 17, 2002 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2002-50 by Summit Petroleum Inc. for property at 8782 Bainbridge Road

The applicant is requesting an area variance for the purpose of drilling and maintaining an oil and gas well. The property is located in a R-3A District. – Continuance

Application 2002-56 by Bainbridge-306 Venture for property at Bainbridge Road/Route 422/Bainbridge-Chagrin Road

The applicant is requesting an area variance for the purpose of a lot split. The property is located in a PO District.

Application 2002-57 by Svetlana & Audrey Narinskiy for property at 17840 Geauga Lake Road

The applicant is requesting area variances for the purpose of maintaining a residential accessory building. The property is located in a R-3A District.

Application 2002-58 by Dennis Kievets for property at 17923 Snyder Road

The applicant is requesting an area variance for the purpose of constructing a garden tool shed. The property is located in a R-5A District.

Application 2002-59 by Frank J. Pla, Inc., Domain Builders for property at 8105 Darby's Run

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

Application 2002-61 by Edward C. Vaughan for property at 7444 Pettibone Road

The applicant is requesting area variances for the purpose of a lot split. The property is located in a R-5A District.

Application 2002-63 by Dale M. Kramer/BMW Motorcycles of Cleveland at 8388 East Washington Street

The applicant is requesting a conditional use permit with variances for the purpose of establishing retail sales and service of new and used motorcycles. The property is located in a CB District.

Application 2002-64 by Dale M. Kramer/BMW Motorcycles of Cleveland at 8388 East Washington Street

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for December 19, 2002 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis
Mark Olivier
Ellen Stanton
Donald Takacs, Vice Chairman

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

Date: December 19, 2002

