

Bainbridge Township, Ohio
Board of Zoning Appeals
December 15, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:39 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 welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals and explained the hearing process. He then swore in all persons who intended to testify.

Application 2005-59 by Almon Corrigan for property at 9380 East Washington Street

The applicant is requesting a substitution of a use for the purpose of selling and repairing horse trailers. The property is located in a R-5A District.

The zoning inspector's letter dated December 8, 2005 was read and photos of the site were submitted.

Mr. Almon Corrigan testified that he wants to sell and do minor repairs on horse trailers. He said that he is the manager of the Chagrin Valley Farms and there is a fair amount of traffic with the horse shows etc. and he also has access there to have trailers and he would like to sell trailers and repair them in the building on the corner of Snyder Road and E. Washington Street.

Mr. Lamanna asked what part of the building would be used.

Mr. Corrigan said it would be the front half that is closest to E. Washington Street and added that this facility was once used for the rental of U-Haul trailers.

Mr. Takacs asked what is in the rest of the building now.

Mr. Corrigan said it is used for a lawn mower shop at the far end of the building.

Mr. Takacs asked what is in between.

Mr. Corrigan said that is what he would use for a showroom and the shop for minor repairs, changing tires, greasing, etc.

Mr. Takacs asked about the size of the trailers.

Mr. Corrigan said they will go from about 30' at the very largest to about 15'.

Mr. Takacs asked if he will not be selling the great big ones with the snorkels on etc.

Mr. Corrigan said no and the 30' ones are goosenecks but they are not monstrous.

Mr. Takacs asked Mr. Corrigan if he was planning on storing any of the horse trailers at this site.

Mr. Corrigan replied yes.

Mr. Takacs asked how many and where.

Mr. Corrigan said less than ten and referred to the diagram submitted and said he has reviewed this with Mr. McIntyre and Mr. Ed Radick who is the owner of the property and the diagram shows a few trailers in the front and towards the back.

Mr. Takacs asked where the parking is for the customers.

Mr. Corrigan said he will not have a whole lot of traffic because the way the trailer business works, a lot of it is going to be done over the telephone, people will call him from outside the area so he does not expect a lot of cars. He referred to the diagram that shows where the proposed trailers will be parked. He noted the turn-around and where cars can be parked and said that is more than enough space for cars because the mower shop does not have a lot of traffic either.

Mrs. Stanton asked if one of the owners of the property is here.

Mr. Corrigan said no.

Mr. Olivier asked about the dump trailers that are going to be sold as well.

Mr. Corrigan said they are more of an agricultural use trailer because people are not spreading manure anymore, they are dumping it and having it removed so instead of spreaders now, they are using the hydraulic dump wagons.

Mrs. Corrigan testified that they are smaller than the horse trailers and they are bumper pull type trailers.

Mr. Corrigan said they are not planning on selling used trailers and if he takes in a trade, he will send it out right away and he would be better off putting the used trailers at the farm and selling them there because of the traffic from the horse shows.

Mr. Takacs asked Mr. Corrigan what his connection is with Chagrin Valley Farms.

Mr. Corrigan said he manages the farm as well as all of the horse shows there.

The board reviewed the variance request and site plan submitted.

Mr. Corrigan said that he has talked to some of the neighbors there and part of the reason he chose that location is because it is close to Chagrin Valley Farms which is a family run business and everything on the corner there is pretty much a family run business and he has not had any negative feedback.

Mr. Lamanna said that the board has one significant issue here and that is the fact that there is a prohibition against the outside storage of equipment for sale and trailers are going to be displayed outside here and it is not even permitted in the CB District and this is a non-conforming use in a residential district. He said that one of the things the board has been trying to do at this particular location is to not allow people to have exterior display of what is being offered for sale and he has a problem with a repair business here because repair businesses necessitate outside storage of things coming in for repair unless they can be all kept inside. He said there will be things outside and the problem is where this particular property is located because it is extremely visible and the mere fact that the guy next door has a non-conforming use and running a body shop, is interesting, but he has a non-conforming use also and it does not extend any rights to the adjacent property to also be non-conforming because he happens to be in there prior to that provision being in effect. He said the idea is that someday, these things will go away and he sees some real issues here. He said that technically any substitution of use should be no more demanding than the prior use was and the applicant is asking the board to basically sanction what Chapter 143.04 does not really allow which is outside storage of items that are for sale. He said it would be bad enough if this were in the CB District but the applicant is asking the board to not comply with commercial prohibitions in a residential district with a non-conforming use.

Mr. Corrigan asked how other places down E. Washington Street are allowed to do this and how that is possible and referred to the car dealerships.

Mr. Lamanna said they are non-conforming uses and were there prior to the enactment of the zoning ordinance and there prior to 1996.

Mr. Al Corrigan, Sr. testified that this property previously was used as a U-Haul trailer rental place.

Mr. Lamanna said he is not sure that U-Haul trailers were properly in there and people do things that maybe they are not supposed to do and we may or may not catch up with it, depending on how long they do it or if someone happens to notice it and it also depends on where it is and what the circumstances are.

Mr. Lewis said he sees it as a step back from 2002 because the board had an application for the same area and there was a change in the non-conforming use and the restrictions were pretty heavy as far as outdoor merchandise for sale so the board even put restrictions on where the dumpster could be and where any subsequent storage and materials would be. He said the fenced area was to be kept clean behind the entire structure so the board has gone from the maybe obscure possibility of something being offered in the front yard for sale that really should not have been able to be there, to a substitution of a non-conforming use that was dressed up very tightly to conform with the code that was passed in 1996 and he does not think the board will be real anxious to start taking steps away from what the board has already achieved. He said there does not seem to be any issues with the business nature itself, what it seems to be directed to is the outside storage of materials, either for sale items or items that are on the property that belong to the customer, so if a trailer is taken in for a repair and it was being stored within the confines of the building during the repair until time of pickup, there wouldn't be any intrusion on Chapter 143.04.

Mr. Lamanna said they will be taking deliveries and maybe it would stay a few days until the person that purchased it takes delivery, so the board would accommodate those types of situations where there is a short term turn-over of a small number of items that could be kept in the back somewhere, but as far as using the outside for a display area for products for sale, every business in the world wants to have outside sales. He said the board allows some things such as flowers for sale under the covered area at Heinens, within the building part of it, but the board has had tons of requests for the sale of outside goods. He referred to a landscaper selling bulk items that they can store out of the way out of the normal line of site from people going by or coming in and out, and those are specialized circumstances like that, but here we would have the trailers lined up in the front at E. Washington Street and it is not going to fly, so under those kinds of restrictions is it really going to make sense whether this property can be used and whether it is going to work. He said certainly the board will allow keeping the trailers in the back area, along with the new trailers that are coming in for delivery, for a reasonably short period of time to be picked up by the owner.

Mrs. Corrigan asked if there were any restrictions as far as the inside of the building because there is a very large showroom.

Mr. Lamanna said the inside of the building can be used and it is not a problem and that is what the board wants, so if you want to pull four or five inside, it is not a problem in terms of bringing them in on a delivery basis, and the board would certainly allow that.

Mr. Corrigan said okay.

Mr. Lewis told Mr. Corrigan if he wants to put one in the rear it is okay, but the board is still really not interested in having the pieces displayed in the front yard for five days because it hops into this area of questionability, but if he needs to take delivery, he can put it in the rear of the property for those several days until the buyer can come by and pick up the merchandise if he doesn't have room indoors. He said he thinks the board can be understanding with that but the real concept is that the for-sale merchandise has to be indoors.

Mr. Olivier told Mr. Corrigan that he does not have to decide that on the spot, he can think about it and decide if there is enough room there and come back to the board.

Mr. Corrigan said he is going to have to go back there and look around to see if it will work and it is a hard situation, and we have all gone past car dealerships and he is not going to load it up that way, but he has to look like he is open too.

Mr. Lamanna said the problem with this piece of property is, the way it is situated is there is no "behind the building" to it and it would be a little easier if someone had a piece of property where the trailers could be put back behind the building and the board maybe would allow something like that.

Mr. Corrigan referred to the diagrams and said you can see where Mr. Radick had proposed some different landscaping and asked if any of that would fly.

Mr. Lamanna said no, this is pretty clearly right out in front.

Mr. Corrigan asked if it would be okay if he was able to get rid of the ones in the front.

Mr. Lamanna said the board really does not want this thing to be set up as a display area where people are taken and shown around and that was the clear intent of the ordinance that it is not supposed to happen, so we want to keep that to a minimum, especially the bigger the item gets. He said it is one thing if people are selling a few flowers for three or four weeks out of the year, but it becomes something else when people begin selling things the size of horse trailers, pretty much all year round, because the impact is a lot greater. He told Mr. Corrigan to go back and take a look at it to see whether or not it is going to work for him with those kinds of restraints.

Mr. Corrigan thanked the board.

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

Motion BZA 2005-59 – 9380 East Washington Street

Mr. Lamanna made a motion to postpone consideration of this application to the next regularly scheduled meeting to be held January 19, 2006.

Mr. Takacs seconded the motion that passed unanimously.

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

Application 2005-60 by Marty Glaserman (Adams Signs) for Dollar USA for property at 7435 Market Place Drive

The applicant is requesting area variances for the purpose of replacing a wall sign. The property is located in a CR District.

The zoning inspector's letter dated December 5, 2005 was read and photos of the site were submitted.

Mr. Marty Glaserman of Adams Signs and Mr. David Kubaitis of Dollar USA were present to represent this application.

Mr. Lamanna asked if this is a replacement of an existing sign.

Mr. Glaserman said yes and submitted photos to the board. He testified that he took some pictures and arrived there during the daylight but it got dark and the weather was pretty cloudy.

Mr. Kubaitis testified that he should have come to the board 1-1/2 years ago and he had them make the sign originally from what the lease said and Michaels, Dick's and Petsmart have the same overhead, frontage, but as soon as his sign went up, it looked too small because all four had the exact same type of overhead or awning so his sign basically does not fit compared to the other three signs and it actually looks out of place and then on top of that the landlord also has flags on poles that hang up there now that is right in front of his sign that say Fall or Christmas so from the street, you can't see his sign and also, if you walk out of Walmart, you can't even see his sign because it is much smaller. He said you can see Michaels, Dick's and Petsmart but cannot see his sign. He said he bought a sign when they first opened but the landlord should have told him right away that he should have come here in the first place, so now he hopefully has to buy a second sign. He said hopefully it will match the other three signs that are all the same size, he is not looking for something bigger, he is just trying to have the same size as those three and they all have the same front. He said TNT is down on the end and TNT and Radio Shack don't have the overhang awnings so they can have smaller signs but, you can see where the front comes up and these four stores have the overhang, but again his sign is real tiny compared to the other three.

Mr. Glaserman said he wanted to clarify what Mr. Kubaitis just said and added that he is from the sign company that made the application and you have a very good looking structure that has four projections and he tried to show that in the picture, but if you at look the dark photo, you see Michaels beside it and you will see how much bigger that sign is and there are four on that building and they are all approximately five feet high and they all look good, they all just look out of balance and the three signs, being of that certain size, on each of those projections, even though the store frontage is a little bit different, the projections are similar and the Dollar USA is much smaller so it is not only a case of wanting to have the same as the others, it would just make that entire plaza area look very balanced which it does not do right now.

Mr. Lamanna asked what the current size of the sign is right now.

Mr. Kubaitis said it is two feet high.

Mr. Glaserman said it is 2' x 25'.

Mr. Kubaitis said if his is two feet and everybody else's is five feet, it almost looks like a temporary sign.

Mr. Glaserman said he used a measuring stick and tried to scale it and if you look at the one photo, Michaels, and take the entire store front, they are way over the allowable square footage and also he does not know if everyone came in and got variances.

Mr. Joe Orłowski, Assistant Zoning Inspector testified that the Michaels sign was one of those approved along with Home Depot and Kohl's.

Mr. Lamanna asked how big that sign actually is.

Mr. Orłowski said he could find out fairly quickly.

Mr. Lamanna said he wants to see what it actually is.

Mr. Kubaitis referred to Michaels and said they have additional wording.

Mr. Takacs said it came through a meeting here and we had all of them at one point.

Mr. Glaserman said he shows about 215 sq. ft. of signage for Michaels with a 90 ft. frontage.

Mr. Olivier asked if 215 sq. ft. includes the smaller signs too.

Mr. Glaserman replied yes but if you take the two side ones out, it is still at 192 sq. ft. and even if you take those out, it is still two times the allowable square footage.

Mr. Kubaitis said they have their big sign and wording underneath and signs on both sides also.

Mr. Olivier said one says "Silk Flowers".

Mr. Kubaitis said yes and something else.

Mrs. Stanton asked what the frontage of Michaels is.

Mr. Glaserman said it is 90'.

Mrs. Stanton asked if Michaels is 90' and this is 96.5'.

Mr. Glaserman said Dollar USA is 60' and we are proposing 150 sq. ft. which is 81 sq. ft. over.

Mr. Orlowski said that the Michaels sign is 27.6' x 5'.

The board reviewed the signage for Michaels.

Mr. Lamanna said 96' is the frontage of the store.

Mr. Kubaitis said that originally his store was supposed to be the Family Toy store and explained the location of TNT and the store that is open right now, for rent. He said that 6,000 sq. ft. are still available right now.

Mr. Orlowski said that 96.6' was supposed to be the Family Toy store.

Mr. Lamanna said that Micheals has a much bigger frontage.

Mr. Glaserman said it is 90'.

Mr. Lamanna said it is bigger than 90'.

Mr. Glaserman said he measured it.

Mr. Kubaitis said all he is trying to do is match the signs.

The board reviewed Michaels versus the Dollar USA frontage.

Mrs. Stanton said that once she passes Kohl's, she has no problem seeing the sign from that sidewalk.

Mr. Kubaitis said when you are coming out of Walmart, you cannot see his sign but you can see Michaels and Petsmart.

Mrs. Stanton asked if it isn't the way Michaels comes out.

Mr. Kubaitis said they all come out but it is because his is much smaller, and if you walk out of Walmart, you can't see his sign and you can see his sign is 40% of their signs.

Mrs. Stanton said if she can see it from Kohl's she can see if from the main entrance.

Mr. Kubaitis said he understands that Michaels has a bigger store and with four big awnings, his looks very much out of place because the sign is so small. He said for the customer coming in it does not match the three other signs and he thinks Dick's is actually even bigger, it is not as wide but bigger.

Mr. Glaserman said that Petsmart is taller because the sign is made like a wave and it is more than 5' even though the letters are 5'.

Mr. Takacs said there is 60', from the canopy area and asked how much there is off to the left.

Mr. Kubaitis said his store goes to the pillar on the right and on the left it is just past the end of his awning, 60' and on the right it is a break in the wall.

Mr. Takacs said there are three pillars to the left and asked if his is the middle one.

Mr. Kubaitis explained that his store is where the white line breaks apart.

Mr. Glaserman said it is the edge of the left projection and to the right it goes past the projection to the pillar which comes out to 60'.

Mr. Kubaitis said there are six windows from the door going to the left.

Mr. Lamanna said it does not look like the width of the sign is changing very much.

Mr. Kubaitis said it is just making the letters bigger and there are actually two blue dots on the front of the façade, built in.

Mr. Lamanna asked what the width is of the current sign.

Mr. Glaserman said the width of the current sign is 25'.

Mr. Lamanna said it is only going to become 5' longer but 2.5 times higher.

Mr. Glaserman replied yes and it may not be quite 30' either.

Mr. Takacs said the proposed sign is only 23'.

Mr. Glaserman said 5' x 30' is what was submitted but it is actually going to be shorter than 30' by a foot or two.

Mr. Kubaitis explained that there are two blue cement designs and the sign will go right between them, it would not go any further than those.

Mr. Lamanna asked what it is going to look like.

Mr. Glaserman said it will look like the other signs, like Michaels and Petsmart.

Mrs. Stanton said they are bigger stores.

Mr. Lamanna said they have a much bigger frontage.

Mr. Lewis said they are proportioned to the frontage of the space that they have so there is 150' of frontage, the sign is scaled proportionately to 150' regardless of where it is mounted on the façade.

Mr. Glaserman said they understand that but it is a win-win situation because it would make the entire facility look better.

Mr. Lewis said for a 24" tall sign, his chart says there is 1,000' of visibility which gives it a view from a reasonably unobstructed viewpoint anywhere within the shopping center, whether you are at Kohl's and added that the angle is not particularly great from Walmart and does not know if there is anything that can be done about that, nor if the landlord decides to hang flags from light poles in the primary sight line as people are entering in, but that is something that needs to be taken up with the landlord.

Mr. Kubaitis said if you look at all four, whether or not they have bigger frontage than his, for the look of the center and the look going in there, it looks like there is something wrong with his sign and that is just the aesthetics. He said he debated back and forth about whether he wanted to spend any money to do this, but it will make it match and actually the landlord understood and he has proposed that he will pay one-third of the sign, because he (himself) already paid for the sign. He said the main thing is it just does not match and everybody's sign is white on that side.

Mr. Takacs said this sign is the only one with block letters.

Mr. Kubaitis said that all three are different.

Mr. Takacs said he was at Kohl's the other night and looked across there and it just looks smaller, that is the only thing. He said you would be just making it bigger but you are using the same type of letters.

Mr. Kubaitis said it is not a trademark sign, so if the board wants a different type of letter, he has no problem with that at all, he is just trying to make it match, it can be any size letter the board wants, he is just trying to get it to match, he is not stuck on the big block letters at all.

Mr. Takacs said the block letters make it look different.

Mr. Kubaitis said he has no problem with what the board wants. He said he is not sure how Petsmart's is but Dick's sign is very straight, Petsmart waves but he is not sure if they have big and small letters.

Mr. Takacs said that Petsmart is more like Michaels and Walmart is closer to this one.

Mr. Kubaitis said he does not have a problem if the board wants his sign to match Michaels or if he used smaller letters and USA was bigger.

Mr. Takacs said Dollar USA is in all caps.

Mr. Lamanna said with a 60' frontage, it would need 69 sq. ft. of signage and he thinks that because of the size of this particular pediment area, it is really smaller than the other locations and their width of the pediment is a little wider and a little higher.

Mr. Kubaitis said all four of the awnings match, it is just how they are designed but they are all the same height.

Mrs. Stanton said theirs is a bigger spread, and a bigger store.

Mr. Takacs said the board reviewed those in a late night meeting and we had some criteria that we followed.

Mr. Lamanna said that is right.

Mr. Kubaitis said he is open to different size letters and if the board does not want it to be 5', it wanted the sign to be 4', he is open to that, he is just trying make it match more.

Mr. Lamanna said given the relative scale of the building, the sign at 5' is going to look a lot bigger and referred to Michaels being upper and lower script giving it a smaller appearance.

Mr. Kubaitis said he understands, not wanting the 5' to look obnoxious.

Mr. Lamanna said that all upper case letters will look bigger to start with and just looking at the two building sizes on the drawings, that is a bigger building, it is wider and because of the way it is shaped, arched, it optically makes it look even wider than it is, so yours at 5' will look bigger than the other ones and at 150 sq. ft. it is double what is permitted and the board has not given anybody, anywhere near that.

Mr. Kubaitis said he is open to anything and in his opinion, his sign does not fit.

Mr. Lamanna said he does not disagree that it does not look right.

Mr. Kubaitis said it is not a trademark sign.

Mr. Glaserman asked the board if they would be in agreement to 4' x 28' (4' high letters x 28').

Mr. Kubaitis asked if the D in dollar could be upper case and the USA in upper case.

Mr. Lewis said yes because you could overall scale it up to draw some attention to it by using upper and lower case letters so it is not so completely overwhelming.

Mr. Kubaitis said he understands that.

Mr. Lewis said the board is just trying to establish a compromise so it will work aesthetically and still look proportionate to the shopping center and give some kind of benefit by scaling it up a little bit.

Mr. Lewis said some variations could be done to it, and if it is going to be scaled differently, he would like to see how it fits with the rest of them.

Mr. Lamanna said he would like the sign to be kept under 100 sq. ft. and if you scale back what you had by 80% it would be 4' x 25'.

Mr. Glaserman said that can't be done, it comes out to 28'.

Mr. Takacs said if you narrow the letters it comes out to 25'.

Mr. Lamanna said if you shrink it 80% in the height and 80% in the length it would be at 4' and 24'. He told Mr. Glaserman and Mr. Kubaitis that the board would like them to do that and come back next month for the board to look at it.

Mr. Kubaitis said that is fine.

Mr. Glaserman said that is their goal to keep it under 100 sq. ft.

Mr. Lamanna said with an 80% reduction, it gets the sign to 96 sq. ft. and the applicant can adjust it to make the letters look right.

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

Motion BZA 2005-60 – 7435 Market Place Drive (Dollar USA)

Mr. Lamanna made a motion to postpone consideration of this application until the next regularly scheduled meeting to be held January 19, 2006.

Mr. Takacs seconded the motion.

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

Application 2005-61 by William A. Joyce for Eugene A. Smelik for property at the N.E. corner of Country Lane and S. Franklin Street (02-335651 & 02-335652)

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

The zoning inspector's letter dated December 5, 2005 was read and photos of the site were submitted.

Mr. William Joyce was present to represent this application.

Mr. Lamanna asked if there are two existing lots here and said that one is on the corner and one is on Country Lane.

Mr. Joyce testified by saying that is right and one is a little over four acres and the other one is almost six acres. He said he did not draw on the map the location of the ridge of the wetlands that is on S. Franklin and explained that there is a 15' rise and a 20' – 25' fall to the wetlands and he is proposing to consolidate and re-split the lots so both homes front on Country Lane and the only problem is, he falls short of five acre zoning by a tenth of an acre. He said one lot would be five acres and one would be just about 4.86 or 4.89 acres and because it is five acre zoning, the minimum frontage is 240' and he is trying to meet the minimum frontage for a building lot and still keep all the side yard and front yard setback requirements and trying to make it look of a more presence where the houses are lined up using an existing century home directly across the street. He said it is a little less than 100' from the road but sits nicely up on a perch there in the corner and the home directly east of this lot is a three year old home, approximately 110' from the road and sits nicely up front and is non-conforming, but both properties are beautiful and there is a newer log cabin two doors down. He said he is the next door neighbor and indicated where his house is located on a map and said he has a newer home that is 1-1/2 years old.

Mr. Joyce showed the board, on the map, the two parcels in question and explained the surrounding lots and homes. He said they don't have gas on the street and he wanted to have some control over how the houses will look and added that he wants to try to get gas from Bentleyville because all of the houses are on propane, electric or oil and it would be cheaper to bring it from there rather than the Chagrin Falls Park area. He said not having many homes here, they will be able to line them up and he will build the houses to run on propane so they can convert to gas. He said he does not own the property right now, Mr. Eugene Smelik does, but the owner has agreed for him to take on the responsibility of the second lot after he builds the first house.

Mrs. Stanton asked about the property owned by the Metroparks.

Mr. Joyce said the property behind is all Metroparks and the larger lot is severe with regards to a riparian setback so it will be a tough lot to build on.

Mr. Lewis asked about the way the lots are going to be split.

Mr. Joyce explained that he could move the houses up closer and still have room for the septic systems and said he has no problem with the septic locations on the lots.

Mr. Lewis asked if one of the lots could front S. Franklin.

Mr. Joyce said there is a 15' – 17' rise off of S. Franklin.

Mr. Lamanna said the house could be rotated to face S. Franklin.

Mr. Joyce said he would rather have three homes lined up.

Mr. Lamanna said both of the houses will come off Country Lane as far as the actual driveway goes.

Mr. Joyce replied yes and explained the slope that is approximately 450' back so he will have no trouble getting a septic field in the rear and there is city water so there will be no well location.

Mr. Takacs asked if the lots were left the same, if there would be a problem with riparian setbacks.

Mr. Joyce said that is exactly right and added that it will help us get the gas up the street as well and what he is finding as a builder, that people want the five acres but they don't want to keep up with five acres so he is clearing 150' in the back and 30' to 40' on the side and they want to only take care of 1-1/2 acres but they want the buffer of the acreage so they will feel that they are in the country and added that the wetlands, as nice as they are, naturally, are not the nicest thing to look at so they will have the buffer going back to the wetlands but they will not be on top of it.

Mr. Lamanna said if you develop this property, you will end up putting a house up front somewhere so in a lot of ways it will preserve the property better.

Mr. Joyce said they will outlet their storm sewers to the culvert ditches instead of the wetland area.

Mr. Lamanna said you are preserving this whole area.

Mr. Lewis said the whole back, almost six acres, is never going to be touched.

Mr. Olivier said it abuts the park land.

Mr. Lamanna said it will essentially be contiguous with the park land.

Mr. Lewis asked about the location of the houses.

The board discussed the setbacks proposed and reviewed the five acre side yard setback requirements regarding lot width.

Mr. Joyce said it is 240' on a five acre lot and 200' on a three acre lot.

Mr. Lamanna said the minimum lot width is 250' for a five acre lot and it is measured from the front setback line.

Mr. Joyce said that his house has 60' of frontage and he thought the minimum frontage was 60' and where the house was placed would be at 250'.

The board reviewed the setbacks for the proposed houses.

Mr. Lamanna said he does not have a problem with 200' because it will allow a 100' house with 50' side yard setbacks and added that it is a better land preservation with the alternate arrangement and it looks like the whole area next to the riparian will have no intrusion on it.

Mr. Takacs said somebody may want to put a barn way back there.

Mr. Lamanna said there will be no barns in the back of the property.

Mrs. Stanton said there is a drop off to the land back there.

Mr. Lewis said he would rather see it developed in a manner that makes sense and if it is going to be developed, this seems to be a better solution.

Mr. Lamanna said it is going to create a bigger area that looks undeveloped and it will not look dissimilar to the other properties along Country Lane already that are a little close together.

Mr. Bill Fikter of 7011 Country Lane testified that he lives in the century home.

Mr. Lamanna asked if he has any problems with this application.

Mr. Fikter replied no and said he is just here for moral support.

Mr. Joyce explained the location of the surrounding homes and Mr. Fikter's century home with a detached garage. He added that he talked with Mr. Fikter and Mr. Fugedy, his neighbors, to let them know that he was going to try to do this. He said the owner lives in North Carolina and is trying to sell one lot at a time, so he thought this would be an opportunity to make a difference in the neighborhood and to help get gas up the road as well.

Mr. Fikter said that the gas company said that if there were more houses, it might be more worth their while to do it and that was about three years ago.

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

Motion BZA 2005-61 – N.E. corner of Country Lane and S. Franklin Street (02-335651 & 02-335652)

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of consolidating two existing lots – Parcel Numbers 02-335651 & 02-335652 and then re-dividing those lots into two parcels to front on Country Lane as shown on the attached drawings and one being 5.0 acres and one being 4.9 acres.

1. A variance of .1 acre on the one lot.
2. A variance for each lot from the required minimum lot width at the front setback line, that seems to be Country Lane, from 250' to 200' plus or minus, up to 5'.

With the following conditions:

1. The driveway access for each of these parcels will be from Country Lane.
2. No structures other than leach fields will be placed on the rear 400' of such properties so as to protect the natural wetland areas on these properties.

Motion BZA 2005-61 – N.E. corner of Country Lane and S. Franklin Street (02-335651 & 02-335652) - Continued

Based on the following findings of fact:

1. A practical difficulty exists because there are two existing lots that will remain two existing lots with the same total acreage.
2. The variance from the total lot size of .1 acre is de minimis and in this case by reconfiguring these two lots, the riparian wetlands areas on the one lot would be better preserved in their natural state.
3. The relative housing density will be consistent to that which exists on Country Lane.
4. The overall spirit and intent of the zoning district to maintain a rural feel will be maintained.

Mr. Takacs seconded the motion.

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

Application 2005-44 by Brian Winovich for property at 17477 Chillicothe Road -
Continuance

The applicant is requesting area variances for the purpose of constructing multi-family residential – condominiums. The property is located in a R-3A District.

Secretary's Note: This application was withdrawn at the request of the applicant.

Since there was no further testimony, the public hearing was closed at 8:51 P.M.

Respectfully submitted,

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

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

Date: January 19, 2006

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
December 15, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:51 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 November 17, 2005 meeting as written.

Mr. Takacs seconded the motion.

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

Other Business

Mr. Lamanna noted for the record that this is Mrs. Stanton's last meeting because she will be leaving the board after five years of service and thanked her for a job well done.

Applications for January 19, 2006

Application 2005-59 by Almon Corrigan for property at 9380 East Washington Street - Continuance

The applicant is requesting a substitution of a use for the purpose of selling and repairing horse trailers. The property is located in a R-5A District.

Application 2005-60 by Marty Glaserman (Adams Signs) for Dollar USA for property at 7435 Market Place Drive - Continuance

The applicant is requesting area variances for the purpose of replacing a wall sign. The property is located in a CR District.

Application 2006-1 by Carol M. Freebairn for property at 16760 Park Circle Drive

The applicant is requesting area variances for the purpose of maintaining a storage facility. The property is located in a LIR District.

Application 2006-2 by Mark J. Glavic & Karen O'Hara for property at 7846 Scotland Drive

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

Since there was no further business, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

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

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

Date: January 19, 2006

AUDIO RECORDING ON FILE

BZA R 12/15/2005

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