

Bainbridge Township, Ohio
Board of Zoning Appeals
December 17, 2009

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:03 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Mark Murphy and Ms. Lorrie Sass. Mr. Todd Lewis and Mr. Mark Olivier were absent.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Application 2009-31 by Michael G. Lanzilotti for Edgewater Reserve Homeowners Association for property at the entranceway to the Edgewater Reserve Subdivision (corner of Nighthawk Drive and Snyder Road - PP# 02-420133)

The applicant is requesting an area variance for the purpose of installing a natural stone subdivision sign. The property is located in a R-5A District.

The zoning inspector's letter dated December 17, 2009 was read and photos of the site were submitted.

Mr. Michael Lanzilotti for the Edgewater Reserve Homeowners Association was present to represent this application.

Mr. Lanzilotti asked if everyone has seen the application because there are photos etc.

Ms. Sass replied yes.

Mr. Lanzilotti testified that he is representing the homeowners association which is Edgewater Reserve off of Snyder Road and he has been a resident there for five years and the development has been there for longer than that, about eight years or thirteen and there really hasn't been any formal entrance to the development up to this point and he thinks there was an original sign that was placed there by the developer that has since fell apart so he and a few other people volunteered to see if they can improve the aesthetics. He said the corner is private property, it is owned by Dr. George Stokes who has graciously told us we could do whatever we like on that corner because it is an empty lot so he submitted the proposal on behalf of the association. He said they would like to place a natural stone sign indicating the entrance of Edgewater Reserve on the corner as per the diagram on the photo, similar to the Hawksmoor stone on Bainbridge and very similar in terms of size and description and that is really the substance of the sign and they will landscape around it and make the corner look very beautiful.

Mr. Lamanna asked if there is a written agreement with the property owner.

Mr. Lanzilotti said they do have one, it is in the application.

Mr. Michael Joyce, Zoning Inspector, submitted the letter to the board and said it was not in the variance application, it was in the original sign application and was not duplicated into the variance request.

Mr. Murphy asked what was meant by an empty lot or spare lot and said somebody could build a house there next year.

Mr. Lanzilotti said Dr. Stokes owns three properties, one is the corner lot and that is the corner he is giving them permission to put a sign on and to landscape.

Mr. Murphy asked if the homeowners association is expected to maintain it because according to this letter he (Dr. Stokes) is granting authorization to change and maintain as needed and if you decide not to and he wants to, is there any kind of agreement going on there.

Mr. Lanzilotti said Dr. Stokes is not here but he authorized him to represent what they are doing.

Mr. Murphy asked if the wooden sign was lighted.

Mr. Lanzilotti said no, it was not.

Mr. Lamanna asked if there is a description of exactly what this is going to be such as the dimensions.

Ms. Sass said it is indicated in the zoning inspector's letter and then also there is a detailed drawing.

Mr. Murphy asked if there is a size of the sign variance.

Mr. Joyce said yes, 25 sq. ft. is allowed and this is 53 sq. ft.

Mr. Lamanna asked where exactly this sign will be located.

Mr. Lanzilotti referred to the GIS photo and said it will be at the corner of Nighthawk Drive and Snyder Road and the little square is close to where the sign will be. He added that three diagrams were submitted.

Mr. Joyce said the location is 39'-6" off and 9' off of the road right-of-way.

Mr. Lamanna said the board wanted to make sure it was well out of the right-of-way.

Mr. Murphy asked if the photographs were taken by the township.

Mr. Joyce said yes we took those.

Mr. Murphy asked if the two stakes have anything to do with the sign that are in this picture.

Mr. Lanzilotti said those stakes were put there by him just to estimate if there was a stone with that dimension, what it would look like.

Mr. Murphy asked how many homes are in the subdivision.

Mr. Lanzilotti said they have about thirty homes on five acre lots.

Mr. Murphy asked if there are any neighbors here.

Mr. Ray Rosenberger asked if the board is going to move to the public portion and asked if he can give testimony at this time relative to the application.

Mr. Lamanna replied yes.

Mrs. Cindy Rosenberger of 18802 Snyder Road testified that she has some questions about the map.

Mr. Lamanna asked where her property is located.

Mrs. Rosenberger testified by saying it is right across the street.

Mr. Rosenberger said they are the other house to the left and down (he referred to the GIS photo) that you see.

Mr. Lamanna asked if that is the bottom left corner.

Mr. Rosenberger said yes.

Mrs. Rosenberger said they made a public records request but did not get all of the material because they said there are pictures and an agreement that we did not see.

Ms. Sass said it was from the property owner to allow them to use the property.

Mrs. Rosenberger said yes and she has a question about the map itself. She said in Item I of the application in requesting a variance, there isn't a north arrow on there and asked which is north on the map.

Mr. Lanzilotti showed the location of Nighthawk on the site plan.

Mrs. Rosenberger said it isn't Nighthawk and asked what it says.

Mr. Lanzilotti said it is Nighthawk.

Mr. Rosenberger said no it is Highback on the map.

Mr. Lanzilotti said it should be Nighthawk, the landscaper did the map.

Mr. Murphy asked if there is a street, Highback.

Mr. Lanzilotti said no, it is Nighthawk. He changed the name to Nighthawk on the drawing.

Mrs. Rosenberger asked about the north arrow.

Mr. Murphy said the GIS almost always runs to the north.

Mrs. Rosenberger referred to Item I regarding dimensions and said she does not see any dimensions and they need to be on the map if she is reading it correctly and it should be drawn to scale with a north arrow.

Mr. Lanzilotti showed Mrs. Rosenberger the dimensions and the location on the drawing.

Mrs. Rosenberger asked about the lots and parcels.

Ms. Sass said it is on the county GIS.

Mrs. Rosenberger said the map or plan has to have dimensions on it.

Ms. Sass asked Mr. Joyce if he uses the county GIS and does he require all of the particulars previously set forth in the zoning application.

Mr. Joyce said they are asked for prior to but they are on the GIS and the GIS is controlled by the auditor's office so there is no way for anybody to get in there and change it so we accept the data on the GIS as accurate.

Mr. Murphy asked Mrs. Rosenberger what her concerns are.

Mrs. Rosenberger asked where the lot is.

Mr. Murphy explained the location of the lot and the neighbor's lot per the GIS photo and said it states the exact acreage, square footage and everything about the lot and it is available on-line to everybody in the whole world. He said the applicant is not asking to change any lot lines here.

Mrs. Rosenberger said the map should give the dimensions on it. She said they did not receive a list of names and addresses of all parties of interest.

Mr. Murphy said you were notified as a party of interest.

Mrs. Rosenberger said they made a public records request.

Ms. Sass asked what the public records request was for.

Mrs. Rosenberger said all the materials associated with this variance.

Mr. Lanzilotti said he submitted who the neighbors were.

The zoning secretary supplied Mrs. Rosenberger with a copy of the contiguous properties regarding this application.

Ms. Sass explained that the list of contiguous owners is for the board to notify people of the hearing and added that it is on-line.

Mrs. Rosenberger asked about the type of stone that will be used for the sign.

Mr. Lanzilotti said Hawksmoor is quartz and it is a heavy stone and it has the name on the stone on Bainbridge Road for the Hawksmoor Association.

Mr. Murphy said it does not show what the stone species is.

Ms. Sass said the Hawksmoor Subdivision has placed this stone as a sign at the entranceway of their subdivision and her understanding is the board has received this as an indication of an example of what Edgewater Reserve is requesting to do.

Mrs. Rosenberger said so he doesn't have to put exactly what the sign is going to be.

Mr. Murphy said no.

Mr. Lanzilotti said this is so we can put a sign in of that dimension.

Mrs. Rosenberger asked Mr. Lanzilotti why he would do a sign that is not according to zoning.

Mr. Lanzilotti said the zoning is currently 25 sq. ft. and we wanted a sign that was similar to the Hawksmoor stone which is larger than 25 sq. ft. and it will look nicer and they want a natural stone and if you have a natural stone that is too small, it might look like a grave stone and we don't want anything that will look something like that so we are trying to make it look aesthetically pleasing.

Mr. Lamanna said the actual lettering is probably within the allowance of the sign.

Mr. Lanzilotti said if you look at the location, it sits back about 39' so if you look at the distances and if they had a sign that was smaller it would appear out of proportion to the corner and to the entranceway to the development and it would look too small and even a stone of that dimension is going to look just right, it will not look too big.

Ms. Sass said and the Hawksmoor one does for that particular area where it is as well.

Mr. Lanzilotti said it is proportional to the landscaped bed.

Mr. Murphy showed Mrs. Rosenberger the photos taken by Mr. Wrench and explained the location of the stone per the photos. He told Mrs. Rosenberger that she probably won't even be able to read it.

Mr. Lanzilotti said the sign will have really nice landscaping around it so it will be a pleasure to look at and that is the intent. He added that there will be small lights at the bottom just to illuminate the lettering.

Mrs. Rosenberger asked if the lighting will be straight up or sideways.

Mr. Lanzilotti said just to illuminate the stone at night.

Mr. Ray Rosenberger testified that he had some additional questions. He said he read application 2009-31 and the supporting documents that were sent and he read Bainbridge's 1987 zoning resolution, chapters 117 along with 173 and it described them as a party of interest because they are neighbors and this is why the document was mailed to them. He said if he understands, he can ask questions of the applicant according to the zoning. He said he is going to move right to the center of what he has found. He said the applicant is requesting a variance under Chapter 173 – Signs (A, 2) and it reads, "Permanent subdivision development identification. One real estate development sign indicating the name of a subdivision development and the identity and telephone number of the owner or manager thereof may be displayed on each street abutting the perimeter thereof. Each such sign shall have a total area not exceeding twenty-five (25) square feet, with a height not exceeding six (6) feet. No such sign shall be located less than thirty-five (35) feet from any occupied dwelling unit."

Mr. Rosenberger continued by saying the disadvantage that we are at is because the map that we obtained a copy of and we did not obtain a copy of all documents and we did make a public records request and apparently there were photos and he found no letter signed by Mr. Stokes and Ms. Green giving permission, it is all implied by the Edgewater Reserve Homeowner's Association so using those documents that we obtained plus the zoning resolution, the applicant, what is being asked is they are asking to place a sign on a residential lot, that is a residential lot, it is not a common area to the development and it is not abutting it is going to be actually on the lot, he does not know how the original sign got on the lot, he does not know if there was a variance for that sign but it is clearly to request of a residential property owner to put a sign up on the property, it won't be abutting and it clearly is from what he has seen, there is no telephone number and no name on it and that is what is permitted under this section.

Mr. Lamanna said that is what you can put on it, you are not required to put all of those things on it, you are allowed to put those things on it, that is what is permitted, if you choose not to put some of them on there, it is within your right, you do not have to put the name of the owner and manager, that is on there to allow in the development stage, the name of the developer can be put on there and the phone number if they so desire during the development stage, but if you look at almost any of the others that are post development, none of them have anything other than the name of the development on them.

Mr. Rosenberger said he appreciates that response but he went by what the zoning requires and what the law says.

Mr. Lamanna said it is not required nor is there anything in the code that requires it to be in a common area, it only says it can be located on any street abutting the perimeter.

Mr. Rosenberger said it is a sign that they are going to place on a residential lot, a private residential lot and there is no other place that he knows of and he went back and researched back to 1993 on all the signage meetings that were held and he could find nowhere that even in 173 that there was ever a variance granted for such sign placement so this will be a precedent allowing the sign to be placed on residential property. He said he understands the homeowners are in agreement with it and he understands there is a letter but that to him, he went by what the zoning says not what was in the agreement between the homeowner's association and a parcel owner within that subdivision.

Mr. Lamanna said this section certainly doesn't limit it to be on common property and he does not know if every single one is located on common property or whether some of the signs are actually on somebody's lot.

Mr. Rosenberger said he could find nothing in the board of zoning appeals records where they had an application for 173.10 as it relates to this application.

Mr. Lamanna said the reason the variance is being requested is for this total signage size because this is a permitted sign.

Mrs. Rosenberger asked on private property.

Mr. Lamanna said it doesn't specify where it is permitted.

Mr. Rosenberger said he thought it says abutting.

Mr. Lamanna said no it says it may be displayed on each street abutting the perimeter of the subdivision.

Mr. Rosenberger said but this sign is going in the subdivision, it is going on a parcel of property that is in the subdivision.

Mr. Lamanna said everyone is on a parcel of property in a subdivision whether it is common property or a private lot, it is a piece of property in the subdivision and there is nothing in here that says it can't be on a private lot nor is there any reason for that, what possible difference would it make whether the sign is on common property or on somebody's lot who has given permission for them to have an easement to place it on the lot.

Mrs. Rosenberger asked what if the lot is sold and the next purchaser does not want the sign on their lot.

Mr. Lamanna said like any easement, you buy the property with the easement, the same as if the gas company puts an easement across your property.

Mr. Rosenberger said when the sign goes onto a residential lot it now falls into a different section of 173 because 173 talks about what is permitted on residential lots without a variance.

Mr. Joyce said our zoning resolution requires such signs to be located outside of the road right-of-way which would by definition require these to be on private property or some kind of other lot.

The board reviewed Chapter 173 regarding signage.

Mr. Lamanna said signs are permitted in residential districts, it does not say whether it is on common property or other.

Mr. Rosenberger said right but Chapter 173 does specify and differentiate between subdivision signs and residential, this is a sign going on a residential lot and he sees that possibly the application is incorrect where it is asking for the variance.

Mr. Murphy said but the intent is the sign is a notification for people on Snyder Road that this is a subdivision, it is not like a house for sale, it is not a residential yard sale sign, everybody on Snyder passing this is going to see this is the Edgewater Reserve which is a subdivision.

Mr. Lamanna said there are two classes permitted and this is one of them, there are limitations on where it can be and it must be less than 12' from a street or lot line.

Mr. Murphy asked if this is the only entrance to the subdivision.

Mr. Lanzilotti said this is the only entrance that is on the corner road, they did put an entrance at Amber Trails which now hooks up to what used to be a culdesac and it comes out on Taylor May.

Mr. Murphy said so the Taylor May entrance is not Edgewater Reserve nor is there any intention that you know of from the homeowners to put an Edgewater Reserve sign there.

Mr. Lanzilotti said there was some talk about it but as of right now, the focus is just on the corner because there is no identification for the development.

Ms. Hannum asked if this is a replacement of a sign that was destroyed by Mother Nature.

Mr. Lanzilotti replied yes.

Mr. Lanzilotti said when he filled out the application he indicated that this is a replacement sign and because of the nature of the size, Mr. Joyce said it would probably need a variance because of the size so he filled out the application and the variance and that was his understanding of what they were required to do.

Mr. Rosenberger said his past experience with the board of zoning appeals and the way it used to be is that the applicant would present and it would be asked for those to wish to give testimony for or against the application and he does not know if that has been merged in because maybe there is only two of them here this evening and asked if that is the format the board follows.

Ms. Sass said the board generally takes all comments pertaining one way or the other.

Mr. Rosenberger said then more neutral comments. He said he lodges his objection to it based on information that he has given the board that has been discussed. He said Chapter 117.10 variance procedure requires the applicant to “specify the exact nature of the variance”, understanding that their knowledge was somewhat limited to the public records that were supplied to them so we went through the application and the application says to specify the exact nature of the variance but the applicant responded in Section K,1 “If required, a variance to install an entranceway sign consisting of a natural stone inscribed measuring 5’ x 10’8” x 12” (thick). He said the nature of the variance as he understands it not is that it is going to take up more than the permitted 25 sq. ft. that was mentioned earlier and it would be closer to 50 sq. ft.

Mr. Lanzilotti said that is exactly why he submitted the variance.

Mr. Rosenberger said he can appreciate that but nowhere in the application did he find where 25 sq. ft. was stated and so it is 50 in the application itself, the written body of the application saying this is the exact nature, the reason why you need the variance.

Mr. Lamanna said as far as determining what the specific variance is, ultimately it is up to the zoning inspector to identify from what is being submitted exactly what the provision is that is being sought and that is what goes out in the public notice as to what that variance is so the fact that the person doesn’t state he needs precisely this much, the notice is there if he just states, this is what he is going to do and he needs an appropriate variance for this. He said the zoning inspector identifies the section of the code and the specific requirements for which the variance is sought and how they do not comply with the requirements. He said the board does not leave it to the applicant to be required to put down the specifics of each section and amount and everything else, the applicant comes in and provides reasonable identification of what they want to do and if they need a variance, we are not holding people in residential applications to super strict standards of identifying in their application exactly by code and verse.

Ms. Sass said he did, he indicated the particular section from which a variance is sought, he did not mention that 25 sq. ft. is all that is permitted and he is requesting 53 sq. ft. however he did specify the section requesting the variance from and he did specify the size he was requesting. She asked Mr. Rosenberger what his objection is to the sign.

Mr. Rosenberger said he was in the process for the record entering what his objection was that we could not figure out from the documents that we obtained, it was left to our interpretation to try and figure out what the variance was. He said it is a definite disadvantage to anyone who received the notice, they would have to do their homework which is what he tried to do to figure out what was the variance and when he found out it was going on a residential lot, he had to stop because he couldn’t comprehend that. He said he received a map that had a street on it that they didn’t know where Highback was, they went by the documents that were given to them, not interpreting them, they went by the facts, they went by the zoning resolution that stipulated what you must submit to the board, he would assume part of the reason was to avoid confusion or confliction or interpretation.

Ms. Sass asked Mr. Rosenberger if he had an opportunity to understand what the specific request is now.

Mr. Rosenberger said he understands more now yes, does he understand completely without his research no, probably not.

Ms. Sass asked Mr. Rosenberger if he had any particular questions he has of the applicant that might help him understand specifically what he is requesting.

Mr. Rosenberger said no, he has moved to that portion of presenting to the board what his objections were to granting the variance. He said the variance itself is double the allowable signage for the area and in the variance request, the applicant indicates that at least within that application, it talked about significant and he thinks to double the size is significant. He said he went through the practical difficulties and he went through each one of them that was in the application and four or five of them he feels the applicant did not meet the practical difficulty which is imposed as part of the area variance being requested. He said now that he knows it is an area variance, he did not know that until now.

Ms. Sass said that was what was filled out on the application form.

The board discussed the agenda and what is advertised for each application.

Mr. Murphy said according to the application, doubling the size of the sign does not seem substantial in their mind.

Mr. Rosenberger said when he saw it was going onto a residential lot, he did not know what to use as a reference point. He said he went through the practical difficulties and he finds that there are a number of them that the applicant didn't meet and he does not know if that is the correct term. He said what happened here is a sign got put onto a residential lot and over a period of time it deteriorated and fell down because it originally was on a residential lot and he has no idea how the sign got there.

Mr. Murphy asked Mr. Rosenberger how long he has lived in his house since.

Mr. Rosenberger said they moved into or lived at Snyder since 1983.

Mr. Murphy said so you have watched the sign deteriorate.

Mr. Rosenberger said he never thought about it deteriorating.

Mr. Lamanna asked Mr. Rosenberger if a landscaped circular area there with a large rock (5' x 10') with Edgewater Reserve carved onto it will somehow adversely affect him.

Mrs. Rosenberger said the lights at night.

Mr. Rosenberger said they didn't know where the lights will be until this evening.

Mr. Lamanna said understanding that the lights really have nothing to do with this because the lights are permitted and if they have a smaller sign, they wouldn't even be here.

Mrs. Rosenberger said right.

Mr. Lamanna said they could have a 25 sq. ft. white sign which would reflect ten times as much light as a natural stone sign would reflect light so think of it as a context of how is the fact that this (a rock) is 50 sq. ft. versus 25 sq. ft.

Mr. Rosenberger said it is a variance.

Mr. Lamanna said he understands it is a variance but the whole point of variances is especially here is because we are talking about a somewhat non-property related restriction, signage is a little different from some of the other things and that is why in looking at the area variance requirements not all of them fit with respect to signage anyway and the fact that you don't have to show any specific number of those items, they are all to be considered and weighed based upon the facts and circumstances and we can decide there is only one of them that is really important to a particular case and render our decision solely on what the board thinks is the most relevant and ignore all of the others because they may not be relevant in every case and that is somewhat the situation here. He said the major relevancy here is does this adversely affect anybody.

Mr. Rosenberger said he thinks it adversely affects everyone and the reason for that is it is one more example of failure to conform to the comprehensive land use, the zoning that was derived from it and that is just one more example of a variance and when you add them all up you have a community perhaps that starts to look like the one you moved away from so he is objecting to it because he does not believe it conforms to the spirit of the comprehensive land use plan 2000 and he does not believe it conforms to the legal intent of what is required to place a sign on a residential lot.

Ms. Sass said that land use plan has been updated and adopted.

Mr. Rosenberger said he has the most latest version of it yes.

Mr. Lamanna asked if anybody else had anything they wished to say.

Mr. Murphy asked if a 5' x 10' is a relatively inexpensive stone to buy or would a 4' x 8' piece of stone look just as well.

Mr. Lanzilotti said in terms of the stone, it is about the same. He said they tried to get something as close to the Hawksmoor size because that was a precedent and it seems to fit, they had a variance, it looks nice, it adds to the aesthetic nature of the entranceway to Hawksmoor and their intent is totally sincere and right now the lot is an empty barren corner and it looks terrible and they intend to make it look beautiful within the context of natural materials instead of maybe just putting a concrete sign in.

Mr. Lamanna said what could be more in keeping with maintaining a rural atmosphere than putting in a sign that is a rock and what could blend in better than that.

Ms. Sass asked about the installation and said she knows when the Hawksmoor subdivision installed it, it has a base and had to have it keyed in for safety purposes and asked Mr. Lanzilotti if they are going to do the same thing.

Mr. Lanzilotti said yes actually, he is using the same people who put in the Hawksmoor stone.

Mr. Murphy asked about the text on the sign and if Edgewater Reserve will be split in two words, one above the other.

Mr. Lanzilotti said it will be as close to the drawing as possible.

Mr. Murphy asked if it will only be illuminated from one side.

Mr. Lanzilotti said yes, the back side is into the woods.

Mr. Lamanna asked about the size of the lights.

Mr. Lanzilotti said they have not figured that out but their intent is to use the smallest possible for illumination as necessary.

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

Motion BZA 2009-31- Edgewater Reserve Homeowners Association (Snyder Road)

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of installing a natural stone subdivision sign.

1. A variance from the maximum signage permitted of 25 sq. ft. to 53 sq. ft.

Based on the following findings of fact:

1. This is a sign composed of a natural stone and the actual lettering on the sign is fairly close or below the permitted variance.
2. The fact that it is a natural stone material means that it will blend into the surrounding landscape and will not be inconsistent with other developments in the area or adversely affect any of the neighboring properties because of its natural size.
3. It does not exceed the height limit so it will not be unreasonably intrusive for that reason.

Mr. Murphy seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Ms. Sass, aye.

Application 2009-32 by Parkside Church for property at 7100 Pettibone Road

The applicant is requesting a modification of a prior conditional use permit and an area variance for the purpose of permitting the sanctuary addition to be 45 feet in height. The property is located in a R-5A District.

Mr. Dale Markowitz, Attorney for the applicant, Mr. Anthony Paskevich, Project Architect, Mr. Jason Kekic, Project Engineer, Ms. Cynthia Paschke, Wetlands Consultant, Mr. Mike Bowerman, Director of Facilities for the Church, Senior Pastor Alistair Begg, Mr. Yoram Eckstein, Hydro-Geologist and Mr. Andrew Komer, Traffic Engineer were present to represent this application.

Mr. Dale Markowitz testified that he is here on behalf of Parkside Church and they are seeking a modification of the existing conditional use permit and they are seeking a height variance for a portion of their structure that they would like to add to their site and the reconfiguration of what they are doing at the church. He said the height limitation is 35' in that district and they are seeking to increase the height to 45'. He said this is a project they have literally been working on for ten years and very intensely looked at it over the last two years and they now have come to the point where they are comfortable with their proposal and they felt that they are ready to come to the board and seek its help in getting this accomplished and there were a lot of things they had to do to get there which they will go through tonight.

Mr. Markowitz introduced everyone that will be speaking on behalf of the application. He referred to a Power Point presentation that displayed an aerial photograph showing the existing facility and noted where the addition will be done which will be on the back end of the property. He indicated per the aerial photo the two parcels that would be encompassed as part of the overall CUP and right now this 40 acres which is about 38 acres after you take out the right-of-way and is in their CUP and they want to add 15 acres to it. He said this 38 acre net parcel, gross 40 acres goes to the other side of Root Road, it actually encompasses Root Road and goes past it to the east and these two parcels are actually contiguous to their property line. He said it is kind of unusual but Root Road got kind of carved out in the parcel and it took them a long time to figure out what the county did but it is something that happened about 80 years ago so they have some land adjacent to the 15 acre parcels which is part of why you see a lot of things together which are all part of the same drainage system that he will show. He introduced Senior Pastor Alistair Begg to the board.

Pastor Begg thanked the board for allowing them to come and testified that he has been asked to give a brief history of Parkside Church. He said he has enjoyed the privilege of being the Senior Minister of this congregation since 1983 and the first of those years was in Beachwood and 6-1/2 years at Solon High School and the last 17 years have been on this property down here on Pettibone Road. He said when they came here 19 years ago in similar circumstances to this asking for permission to do what they have subsequently done they were an unknown quantity and today things are very different. He said 17 years later their church congregation is significantly represented in the Bainbridge community in education, in medicine, in construction and all kinds of areas and those members of the congregation are also invisibly engaged in lots of things that have an impact in this community and these are unseen things on a daily basis but they are very important things for example their engagement with young people in terms of drug addiction, helping them, dealing with disintegration of family life, helping those who are facing various circumstances that jeopardize them both in terms of their finances in every other way. He said the church as it exists is not a building in their minds but it is a community of people who are committed to the message that the church conveys and so invisibly the church is at work and engaged in all kinds of ways. He said visibly no one even knows what is going on there of course services on a Sunday, three in the morning, one at seven o'clock in the evening and they also have various activities that go on during the week, activities which are very meaningful for the people who come but they are really fairly minimal in terms of their impact in the surrounding community both in the coming and the going of people and added to that they also have activities to engage the whole community so for example every so often you come past there and see signs that are saying this is their open house and they would like people to come and that is a genuine invitation on their part. He said in the same way when they are included in the routine of activities, initiatives that have come from the rescue services, it is not uncommon to go down there and find the Bainbridge Fire Department conducting emergency exercises and shooting their ladder way up into the air or drawing water from their pond or whatever else it is, it is a relationship that they value and try to cultivate as with the local police, some of whom are engaged with them on a Sunday by Sunday basis and they are also the church that the military have come to for the passing out services and going to Iraq in the last little while and again they are very glad of that.

Pastor Begg continued by saying they have sufficient space for the Life Flight helicopters to land on their property as well making it a nice safety for people who are finding themselves in need of that and finally in terms of visibility, the community now knows that they have a very nice facility and it is a cared for facility, that the landscaping is exemplary and it stands out now as something of a nice entity and it can at least hold its own. He said the reason they are here is to ask for the board's help in relationship to this request and as with a family home, after you have lived in it for a period of time you recognize that there are things that you would do differently and ways you might configure it and with his home at least, what they are seeking to do here is to reconfigure elements of the life of their congregation. He said in the building of a new auditorium that has more seats, it gives them the opportunity to reduce their three morning services to two services which will have an impact on the access and egress that goes on. He said that act is motivated simply by the fact that he was 30 when he began the project and now he is 57 and he does not mind on the public record that they are trying to build more seats because Begg is failing fast, he is failing but not fast and he has invested his life in Cleveland largely and in this place, this is where they made their family home when they moved here from Scotland, his children went to Gardiner Elementary School until he was exiled to Solon and he has been there ever since. He said regarding the facility itself, he does not want to come to you and say they are going to knock the building down and or start again and give us the opportunity to reconfigure it and because things have developed so much it is not uncommon for us to have three or four things that we want to take place at the same time. He said during the Christmas concert and if anybody happens to die and needs the auditorium for a funeral, then they are immediately up the creek and to be able to reconfigure in this way it will allow them to be even a better neighbor and friend and he appreciated the chance to express himself.

Mr. Markowitz asked the board if they had any questions and said he is going to stick around as long as he can for the meeting. He continued by saying the proposal tonight will take a little bit of time because there are a number of things that impact the decision they thought were important for the board to understand what they did before they got here tonight and before they filed the application which is why he has so many consultants that worked on this project here. He said the members of the church felt very strongly that due to their commitment to this community, they didn't want to come forward until they were absolutely confident that they had the project and the right conditions in place. He said they have an existing parcel that has 40 acres but under the code they have to deduct the right-of-way so it gets it down to 38 acres and when they looked at what they wanted to do, their lot coverage was going to exceed 40% and he adamantly insisted that they were going to make this project fit within the 40% so what they ended up doing is kept adding more land until they got to the point where they stayed under 40% and in doing so, they penalized themselves a little bit and he referred to the Power Point presentation. He showed the aerial photo that is extremely accurate and close in time and they had it done a couple of months ago.

Mr. Markowitz referred to the parcel that they first started thinking they would add to the project but when they calculated it, they were still over 40% so they went back to the second parcel and it netted out as just under 40% and they were penalized because they had to take the water bodies out as well as the driveways and the houses and he will explain that they will be adding some retention here (he referred to the aerial photo) and why they didn't do it in accordance with the code that allows you to except that area from lot coverage because of the ratios that can make things they think are counter-productive to the project. He said the reconfiguration that was talked about is they are going to add a sanctuary and add some more classrooms and they are going to add some more support areas for storage and maintenance and when it is all said and done they are going to be adding 1,000 seats to the sanctuary but they are also going to have a smaller sanctuary available as Pastor Begg was talking about so if there is a funeral it can be done at the same time as another function and when they looked at how to do this they concluded that it should all happen back here (he referred to the aerial photo) and keep it away from the road as much as they could. He said this area here (he referred to the aerial photo) was all part of their land and is where you are going to see some of the additional items. He referred to the photo and noted the piece that is part of the Solon park property and it goes back to a bigger area. He explained the location of the house owned by the church and said the next property up is the Weirdsma property on Root Road. He explained the homes and parcels on the other side of the street and said including the church property they own ten parcels and they also own this piece over here (he referred to the aerial photo). He showed on the aerial map the new driveway for the Shops at Marketplace where the Flower Factory is and another property that the church owns. He said Mr. Tony Paskevich will explain the height variance and why they had to go to 45' because he kept challenging the church on how they can do this in 35' and we concluded that they would severely compromise what they were trying to accomplish in that facility and they couldn't possibly do it in 35' but what they did was they looked at what the impact of that 45' would be in the area and they will show sightlines that they drew that will show between the mounding and the trees and the distances how far they are that they are not going to have a significant impact on the area. He said the new facility will have 288' from this property line to here (he referred to the site plan) so they have large setbacks from the other properties we don't control. He said he went back and checked the history of all of the approvals that were granted and the church got its first conditional use permit approval in 1991 and it was opened in 1993 and came back in 1995 and got approval for more parking which he found in a newspaper article from Joan Demirjian. He said they got over 500 spaces approved but they didn't use them all at the time, they came back in 1997 for approval for another addition to the facility but they never built all if it, they were going to build a gymnasium and that is where both of the extensions are going to go now so part of what they got approved in 1997, they never went ahead with it. He said since the time they got approval in 1997 there has been a lot of changes in the area and one of them is Geauga Lake has shut down and if you saw CNBC today you would know that Apollo Management just bought Cedar Fair today so things are going to change for Cedar Fair and a number of places but they are no longer operating other than the water parks and they have been trying to sell the land but they haven't been able to accomplish that yet.

Mr. Markowitz said secondly, the Market Place at Four Corners got built on the other side of Rt. 43 and that created a lot of changes to the traffic because a traffic light was put in, Geauga Lake Road got relocated because of an agreement with McGill as well as Six Flags and then across the street they built the Shops at Marketplace where we have the Flower Factory, Home Depot and Target and they put in this road here (he referred to the aerial) that goes from Pettibone to Route 43 which gives another relief valve for people in addition to the way they reconfigured Geauga Lake Road, there was less impact on people who lived to the north and to the east of there. He said another very important factor to them was that they did not want to come back until they could give the board the confidence in their ability to increase the coverage on this site through what was going on with the infrastructure so they worked out an agreement and it took them a long time but they got it between the City of Solon, the City of Cleveland, Bainbridge Township and Geauga County to get sewer and water to their property so they now have sewer from Solon and on their property they have a waterline that is supplied by Cleveland to Solon and Solon to them. He said they did a declaration with the township that was part of their agreement with the sewer and water and in there it provided that these parcels in this area here (he referred to the aerial map) will be entitled to tie into sewer and water. He said his declaration was recorded in 2007 and he did this in conjunction with the county prosecutor where they agreed as part of the sewer and water arrangement that if they were to have the 208 plan extended to cover their property that they would never seek to annex their property to another community and secondly that if the zoning on their property were to change to either industrial or some commercial district we agreed to petition to include our property in the JEDD that covers the Shops at Marketplace on the north side of Route 43. He referred to a slide in the Power Point presentation and said this is their exhibit which shows the parcels that are included in the expansion. He said they bought some more of the homes in the area and referred to the aerial photograph and noted the parcels with the houses and said that shares the well that they have dug 431' deep on the property and the only thing they use that well for is irrigation on their property and the two homes have cisterns that were built in a time when people did not dig wells and they thought it was time to get them off of it so that well services that property but if they have to tie into the water they can. He said those two homes are used by missionaries when they come back into the United States from serving in foreign countries and they will stay in those homes and they are also used by visiting pastors when they come to the church and since they have owned both houses, they have been part of the church so they felt it was appropriate to include them in the conditional use permit. He said the other thing that happened, was Pettibone Road in Solon and they just finished improvements to the roadway and they have changed their intersection, they have turn lanes and have synchronized their light. He said when they were here in 1997 one of the conditions imposed was to try to get Solon to improve the synchronization of that light for them and they did and in addition to that they now have two traffic lights that are in conjunction with the lights that are also on Route 43 that serve the Marketplace at Four Corners so all of those things have happened since they came to the board in 1997 and all things they felt ought to be in place before we came back.

Mr. Markowitz said Mr. Tony Paskevich will present the floor plans and elevations and he will show what they are doing interior and exterior wise and with the site so the board will understand how it will have very little impact on the community and Mr. Jason Kekic will explain what they are doing with the storm water and when they were here back in 1997, a couple of times during the meeting, one of the residents on Jackson Road was concerned about the storm water. He said a couple of things happened in addition to what they are going to do and number one is when the Shops at Marketplace was developed they found out that there was a very large culvert that had been blocking Rt. 43 for decades and there was a lot of water backed up and that was part of what created the wetlands on the other side of the street so the drainage in that area was improved as well as things that were done at the Marketplace at Four Corners. He said in addition to that when they did their development last time the EPA Phase II rules were not in effect so they built to the standards of the day then. He said in their new project their standards are much more stringent and Mr. Kekic will explain why that is and how we are actually going to improve the storm water management that is in place on the property now. He said they also knew that traffic issues would be presented tonight and they submitted a traffic report and when they first came in with their application they said they would like to be able to go out onto Root Road from the church. He referred to the driveway on the aerial photo and said under the 1997 conditional use permit the board said to only use Root Road in emergency situations and we did not tell our traffic engineer what to do, we said this is what our proposal is and this is how much we are going to add and you tell us the best way to manage traffic and he came back and said we think it is better for the community that you come down Root Road so we looked at it and when we applied we said it would be a right out only and that was at his assistance because he thought it was better to not have cars turning left going to Jackson Road but after they looked at the numbers and studied them very carefully, he looked at it and said the number of cars that could turn left on Root Road is so small what would it do if we made it a full intersection, how would it help improve things, so they went back to the traffic engineer and asked him to do that analysis for them and they did and it slightly improved traffic management to make a full left and full right turn and it will be explained on how little of an impact it will have on Root Road and the people on Jackson. He said the other thing they have is some wetland impacts and there is a riparian map that says you have to reach certain setbacks if you are going to build on a site with a riparian area. He referred to a photo of a Bainbridge Township fire truck and said it proves that the township's fire trucks can fight fires 100' high. He referred to the riparian area and said he will show the board that that area is not a threat and noted that Ms. Cynthia Paschke has photos regarding the township's definition of what a riparian area is. He said finally Mr. Yoram Eckstein is here who is going to talk and added that he was here in 1997 when the conditional use permit was approved and he will explain to the board why what they are doing by increasing the lot coverage is not going to have any impact at all on ground water which is one of the reasons why there are lot coverage maximums and added that they are not asking for a variance but because they are here for a conditional use permit and seeking to expand on what was approved last time, they thought it was important for the board to understand and for the community to be able to understand.

Mr. Markowitz continued by saying when they got their last approval in 1997 the board allowed them 135,000 sq. ft. and they only added a 55,000 sq. ft. community hall but the gymnasium was not built and in 1995 when the conditional use permit was modified again it allowed 547 more spaces and in 1997 when the modification to the CUP was granted that is when the board imposed the requirement to put the mounds on Pettibone and on Root Road which they did and he is glad they did because it is now more than 10 years later and it has matured and it shows that they won't have the impacts that you would otherwise think they would. He said they are not here for a variance on the lot coverage but he went through the BZA minutes over a number of years and looked at what the board did do with lot coverages and he found in non-residential settings Drug Mart had been allowed to go to 45.6% coverage, the Motorcycle Repair Shop on Route 43 to the east of Marketplace was allowed to go to 84% lot coverage and a caveat to that is they actually got higher coverage in place of going to a lower one, Cliff Hershman's strip center that is behind Drug Mart was allowed to go to 50% coverage, the Marketplace at Four Corners was granted 46.42% and the Shops at Marketplace was granted about 45% coverage. He said there were circumstances in each of those cases that justified it and he found that every one of those cases had two things in common and one is that they all had sewer and water and secondly there was no indication that there was any ground water concerns and that is actually what we are going to show here so we think that that would be consistent. He said he is going to turn the testimony over to Mr. Tony Paskevich unless the board has any questions.

Mr. Murphy asked if Parkside Church as 10 parcels and 81 acres.

Mr. Markowitz said yes but not all 81 acres are in this application.

Mr. Murphy said and they are not all contiguous either.

Mr. Markowitz said no and explained that they own a parcel that is on the northwesterly corner of Jackson and Root Road.

Mr. Murphy asked if all of the properties are on this diagram.

Mr. Markowitz replied yes but they bought some since then but those are the parcels that are subject to the declaration. He said they bought J. Davis' home which is a little bit to the east which is a ten acre parcel that fronts the corner of Root and Pettibone.

Mr. Lamanna asked what parcels the existing conditional use permit covers.

Mr. Markowitz said just the 40 acres and it is specifically stated in the application.

Mr. Tony Paskevich testified that he is a registered architect and his offices are in downtown Cleveland but he is a Geauga County resident and he designed numerous projects in northeast Ohio over the last 35 years. He said some local ones are the Eagle Creek Garden Center, the Stoneridge Condominiums, the Westwoods Nature Center, the Lake County Environmental Learning Center, the Geauga County Veterans Memorial etc. and he worked with Parkside Church for the last ten years trying to figure out how to reorganize their facilities to better suit the conditions that they require today. He said reorganized rather than expanding because in the process they determined that not only due to the expanding congregation and needing a larger sanctuary but they also needed a smaller sanctuary for funerals, weddings and settings like that. He said they looked over a ten year period every conceivable way of expanding and adding on and organizing and they are going to present to the board this evening what they believe to be the best solution in this situation. He said he will give a brief overview of what they have here and noted the location of Pettibone Road and Root Road on the site plan and said the main entrance and secondary entrance is on Pettibone and there is an entrance off of Root Road into the complex. He showed per the site plan the existing facility and the main entrance to it and showed the area of the existing sanctuary, the commons area that was added in 1997 and the proposed sanctuary addition. He showed per the site plan the existing parking and the proposed new parking. He referred to the main floor plan and noted the location of the existing sanctuary and the existing commons area and the sanctuary that they are planning on adding on to. He said in the existing sanctuary (he referred to the site plan) they are showing proposed configuration of the reconfiguration and that is a 400 seat small chapel on the left with circulation in the center and these are seven classrooms that they will be adding to the portion to what is the existing 1,600 seat sanctuary and then this is a 2,588 seat sanctuary (he referred to the site plan). He referred to the site plan (A2) and said this is an enlargement of the new sanctuary and the commons area. He showed the entry and lobby area, secondary entries and drop-off points, the area for coats and the entry way showing part of the seating. He referred to the site plan and said this is the cross-isle which is at the same elevation as the lobby and it is at the same elevation as the platform. He said it slopes down to three feet in this area and three feet below the platform and then this is the beginning of the terrace seating which slopes upward and goes over the coats and restroom area. He referred to another site plan and said this shows another level and the entire 2,588 seats and said it is sloping down and he showed the elevators and stairs and circulation. He said the next level is 20' from the platform.

Mr. Murphy asked if there is an actual balcony with seats underneath the upper seating.

Mr. Paskevich said there is no balcony, this seating starts at this level and slopes down three feet and explained how the seating goes up at a steeper rate. He referred to another slide (A4) of the site plan and said it shows the lower level, the basement area, and they are adding 14 classrooms, four offices, toilets, coats, storage and mechanical space and this connects to the lower level for the existing commons area which has classrooms as well. He said these are built in sections and they are adding 52,349 sq. ft. on the lower level and on the first level and they are adding 10,119 sq. ft. on the second level and is a total of 114,817 sq. ft. that they are adding with this addition.

Mr. Paskevich referred to the building sections (A6) and said that is if they took a knife and cut the building and then looked through it so you can see the interior as well as the structure. He referred to a site plan and said this one is cut through the sanctuary looking north and this is the basement level where the classrooms and offices are and showed the level of the lobby and the cross-aisle as well as the platform and the choir area and these are audio visual presentation screens and this is a baffle and this area is for structure and mechanical equipment. He referred to a site plan and said if you cut the building in half it cuts through the center of the sanctuary and explained the slope, terrace seating going up to the level 20' above the platform. He explained the screens that are 20' wide x 11' 3" tall and that is the projection area and showed the location of the structural area. He said this height from the platform to the bottom of the structure is 38' and then there is 6' 8" for structure and heating/ventilating and mechanical equipment. He referred to the grade and said it is 45' to the top of the building which is what they are asking the variance for. He said it has an overall height of 45' and they employed Acoustical Dynamics as a consultant and they are premiere acoustical audio/visual consultants with offices in Europe, San Francisco and Houston and they have consulted on numerous churches, theaters, stadiums and concert halls and they have worked on the Washington National Cathedral, the Crystal Cathedral and the Dodgers Stadium and various others. He said they have been working with Steve Reed who is the Vice President and we told him that we needed to compress the space as much as possible and still maintain the high quality of the intended experience. He referred to their analysis and said the height of the building is dictated by variables and the seating design, projector system and sound amplifications and the catwalk systems all work together to provide the quality of performance venue. He said the first element that influences the height of the room is maintaining good sightlines to the platform. He said the platform level is the same as the lobby level and it goes from easy wheelchair access around the facility to the platform. He said the lower seating level goes down to the cross-isle through the platform and behind is the terrace seating that has to have a steeper rate to maintain good sightlines to the platform. He said the top row of the terrace seating is approximately 20' above the platform. He said the next element that influences the height of the room is the size and position of the projection screens referred to as imag for image magnification. He said the size is directly related to the distance from the screens to the first seat in the room and the width of 16.9 ratio screen is derived from the distance from the furthest seat derived from 7.5 which gives us a 20' wide screen which is the result for this project. He said to provide good sightlines for each audience member to the imag screen which is issued at 9.6' above the platform floor and this prevents the person sitting in front of another from blocking their view from the screen. He said the audio systems are designed to provide coverage across the entire room as well as to provide clear site lines to the imag screens and places the position of the imag screens at 23' above the platform floor and this puts the top of the speakers at approximately 32' above the platform floor. He said the speaker systems then get put at height of the wing, catwalk and roof structure positioned above the catwalk above the speaker systems and providing 7' of headroom clearance of support to provide HVAC and structural systems beginning at approximately 38' and if any of these elements are compressed the experience in the room will be severely compromised so this is how we determine the necessary 45' height and they tried very hard to get that at 35' but it was just impossible and we think this is the best solution.

Mr. Paskevich continued by saying this is how they determined it to be 45' and the building will be constructed to exceed all State and National codes and will have a sprinkler system. He said there will be no occupancy in the upper portion of the sanctuary for any portion of the building above 35'. He said the township fire department practices on the church property and this is the photo showing its 100' capacity for firefighting so that would not be an issue with the 45' height. He referred to the slide showing the elevations of the existing facility with the addition of the new facility and noted the west elevation and said you can see the existing facility which is 35' in height and the steeple goes up to 72' and there are varying heights to the building. He referred to the elevation of the proposed addition of the sanctuary regarding the 45' height and there is a step-down. He showed the south elevation which is what you see from Pettibone Road and showed the existing elevation and the proposed addition. He showed the existing east elevation and the common area and the addition and the north elevation with the existing and addition. He said they will be using similar materials as the existing so it will blend in with it to break down the scale of the addition and to fit into the existing composition. He referred to the SP-2 site plan regarding the dimensions to the new and existing conditions and said it shows the distance from the addition to Root Road and it is 466', the distance from this point (he referred to the site plan) is 680' to Pettibone Road and the dimensions from here (he referred to the site plan) are 603' and 982' so it is set back quite a way from all of the property lines to minimize the impact of it. He referred to a site plan that shows Pettibone Road that was taken from the west entry to the main entry and said you will see the sightline goes up and hits the existing building and then goes back so from that vantage point the existing building actually blocks the addition on Root Road and on Root Road they installed mounds there in the past at the board's request and some evergreen trees and there is a lot of existing foliage there but from Root Road you can see the addition and with the distance and the mounding and the trees it will have a minimal impact also. He said the church property has 1,100 parking spaces for the 1,600 sq. ft. sanctuary and showed on site plan SP-1 the existing parking and there is additional parking that they will be covering up, 187 spaces that they will be losing with the new sanctuary and what they are proposing of adding here is 388 spaces and that will give them a net gain of 205 spaces which will provide them with a total of 1,305 parking spaces and there are studies that indicate that retail parking needs at least one space for every two seats and for the 2,588 seat sanctuary they are adding and it falls within the range of the ratio that they have determined within the ratio of this facility.

Mr. Jason Kekic, Project Engineer from Hejduk-Cox & Associates in Solon testified that he is a civil engineer and he is Ohio registered and has been there for 16 years and his specialty is site design up to and including utilities, grading plans and drainage and his projects in Bainbridge Township include the Winbury Professional Center just across the highway, Brighton Park Estates on Chagrin River Road and most recently the new South Franklin Circle. He said last year he was the lead designer for the water main and sanitary sewer extensions to Parkside Church, they came from Solon along Pettibone Road and that was completed in May of this year and as a result their water well is only used for landscape irrigation and their on-site septic system and treatment system has been removed and the disturbed area there has been seeded.

Mr. Kekic said in preparation for tonight's meeting he requested Aircom to take this photograph that was done in October and using computer-aided drafting he was able to calculate the exact amount of existing pavement, roof tops, ponds and sidewalk. He said this first diagram was taken from that photograph and the green is natural, the gray is pavement and the blue are the existing ponds. He said after placing Mr. Paskevich's building and parking lot additions into the digital map he calculated a proposed lot coverage of 39.6% and the breakdown table is on SP-1 on the lower left and it is important to note that the church's legal description called for each of these boundary lines. He noted the five and ten acre parcels on the site plan and said the Root Road right-of-way is a 40' strip reserved along that church's easterly side so the parcels are in fact contiguous.

Mr. Markowitz asked Mr. Kekic to explain how he did his lot coverage calculations which he included.

Mr. Kekic referred to the site plan and said the work zone is outlined in the red dotted line, they took the architect's building, dropped that in and factored in some new pedestrian sidewalks. He said the traffic island is there and the light green is new lawn and landscaped areas on each side of the building. He said they added in the parking lot expansion and the existing storm water retention area in this location (he referred to the site plan) and as the new storm water pond is constructed and after that is built the old one will be filled in. He said they are including the new storm water pond in their lot coverage calculations and for the pond they chose not to use the option for six to one side slopes, they are constrained by wetlands which will be explained by Ms. Paschke and the width of the berms on this side would effectively have to be doubled and would severely impact the amount of trees that need to be removed to make it fit. He said the church is the self-contained sub-area, the purple shaded area, with the exception of some landscape fringes on the east side that drains toward outlet #2. He explained the location of the existing drain basins and outlets and referred to a diagram that shows the primary flow directions that run south to north. He referred to the site plan and said the church's sub-area is here and the current basin, the larger area to the east flows through this pond and the culvert and showed where it exits to the lower pond. He said from there it goes through into a deeper ravine and into McFarland Creek. He said the discharge location of the church's storm water retention is not being changed. He said in 2007 the Geauga County Soil & Water District upgraded their storm water retention requirements and they are now about 30% tougher than the previous edition, for example the 100 year design storm used to be 4.6", it is now 5.9" in a 24 hour period and Parkside will meet this new standard and after the project is complete downstream landowners will be more protected than before. He referred to the map showing the two watersheds and said both of the tributary watersheds are well under and said the riparian setbacks will only apply to this corner (he referred to the site plan) and would be 25' and they will not be doing any work in that area.

Mr. Markowitz introduced traffic engineer, Mr. Andrew Komer.

Mr. Murphy asked about 6" of rain and the watersheds above the Parkside property and what the approximate acreage to each of those.

Mr. Kekic said the onsite is about 30 and it all goes to the north.

Mr. Murphy said he is asking upstream of that purple property, how many acres flow through that purple property.

Mr. Kekic said he did not do that determination.

Mr. Murphy said he understands it is 30 acres and 6" of water is a lot there but do we have 10,000 acres upstream of that and asked if there is any concept of the watershed above these two areas.

Mr. Kekic said just from the proportional standpoint with the 132 acres just east of Timberlake Park which is the next parcel up which might be 50 acres. He referred to a site map regarding where the shopping center drains.

Mr. Lamanna said the railroad track is the dividing line.

Mr. Kekic said there is no off-site flowing through.

Mr. Andrew Komer testified that he is a traffic engineer with TMS Engineers, Inc. and they are a firm that specializes in traffic engineering and the preparation of traffic studies, review of traffic studies, traffic related construction plans and plans which pertain to traffic signals, pavement markings and those things. He said he has been at this for approximately 10 years and has conducted numerous studies throughout northeast Ohio, both prepared and reviewed. He said they were asked to prepare a traffic impact study to determine the impact of the additional square footage of the church and the first thing they did was conduct traffic counts on Sunday, it was done on November 1st from 8:00 A.M. to 1:00 P.M. and traffic counts were conducted at two signalized intersections at Rt. 43 and North Marketplace as well as the two access drives along Pettibone which they labeled Parkside west and east to differentiate between the two and also at Pettibone Road and Root Road. He said as the result of those traffic counts they found it was two distinct peak hours of operation at those drives as well as coinciding with the Pettibone traffic and the first occurred from 9:00 A.M. to 10:00 A.M. and that coincided with a heavy arrival, there was a significant amount of people inbound into the access drives to the church and the second out was from 11:00 A.M. to 12:00 P.M. and that coincided with the heaviest departure of vehicles from the church site. He said from there they went into some calculations to determine the amount of traffic the additional size of the church would generate and tracked it based on the usable square footage of the church so they took the existing traffic volumes generated by the church and compared it to the existing usable square footage to determine a generation rate and they then took that rate and multiplied it times the new or the additional usable square footage and they came up with the generated traffic volumes that they felt the additional square footage would add to the adjacent street. He said from there they began their analysis and it is important to remember that their analysis is based on what they consider a Level of Service Analysis and they are given letter grades A through F very similar to school with A being the best and F being the worst.

Mr. Komer continued by saying those grades are based on levels of delays experienced by drivers and a level of delay includes the time when you slow down to stop at the intersection, amount of time you stop at the intersection and the amount of time it takes you to reaccelerate back to what would be considered the normal travel speed. He said what they determined in their initial analysis and under the existing conditions when they observed those two peak hours the signalized intersection to the west as well as the access drive to Root Road are currently operating at acceptable levels of service and we consider levels of service D and above to be acceptable and the State allows that to be considered acceptable based on ODOT's standards and methodology for preparing and reviewing traffic impact studies. He said from there they forecast the 2009 traffic to what they would consider would be estimated as the 2012 no-built traffic and from there they took the generated traffic volumes that they determined and discussed earlier and added those to the 2012 no-built to get their 2012 built volumes and those volumes were distributed through the street network based on a distribution pattern consistent with where the vehicles have currently gone or the origin and destination of the vehicles currently. He said built conditions is when the building is expected to be completed and open, the signalized intersections at North Market and Route 43 expect to still operate with acceptable levels of service and require no additional improvements and can adequately handle the generated traffic heading west from the church. He said when they analyze the peak hour situations to access drives they start to see some problems develop at Pettibone at the east access drive, the southbound left turn movements expected to a level of service E while the right turn still operates with a level of service B. He said the west access drive is expected to have a level of service F a failing level of service and what those levels of service indicate to them is that those driveways when they reach these failing levels of service they have reached their level of capacity. He said it is important enough that with this failing level of service, these delays are contained to the site and these are people on the site waiting to exit. He said levels of service for the traffic along Pettibone Road are still operating at acceptable levels of service and this pertains solely to the access drive and traffic exiting on there that has reached capacity. He said they determined that there were no improvements along Pettibone such as turn lanes and traffic signals that would alleviate this delay and turn lanes and traffic signals will be not be warranted in this case. He said there are a set of warrants put forth and is what is called high vehicle traffic control devices which is required by the Ohio Revised Code when considering the installation of a signal and in unique circumstances that this is a situation that occurs primarily on Sundays, once a week, and is defined as a short period of time and traffic signal control wouldn't be justifiable because for the rest of the week you would be stopping vehicles on Pettibone and the traffic coming out of the church would be manageable to minimal. He said through the analysis and looking at the results we noticed that there was additional capacity at the east access drive as well as on Pettibone and Root Road so basically they determined that Parkside West and Parkside East had reached capacity in certain directions, they had Parkside East still at capacity and Pettibone Road still at capacity so typically what you see is when you reach access points at capacity you need to find an additional access to lessen the flow of traffic at those access drives therefore they came to the conclusion that allowing traffic to access at Root Road and then head to Pettibone it would be a viable option to alleviate some of the vehicles and some of the congestion at the two access drives.

Mr. Komer said they also recommended that the left turn movement at Parkside West be prohibited and what they have found is that there is a minimum amount of vehicles that perform this movement and currently the driveway is controlled by a police officer who is traffic control so to allow those left turns and right turns out the officer has to stop both eastbound and westbound flow on Pettibone and if you prohibit left turns he can still allow the eastbound flow to operate, many vehicles can still head eastbound to Pettibone or they can turn into the site because he will have stopped the westbound flow to allow the right turn vehicles to exit so by eliminating that movement it serves less than ten at each peak hour and simplifies the movement and should make it easier for traffic control to operate and also allow less hindrance to the Pettibone Road traffic. He referred to the impact study that was displayed and said they believe that the full turn on Root Road is a viable option and should not significantly affect residents to the north on Root Road or Jackson because they have determined in the existing distribution of traffic that there is just not a significant volume of traffic heading north on Root Road or coming from Root Road and in their calculations they are estimating approximately and these numbers include the existing church volumes and the new generated church volumes and you would see approximately with arrival peak hour, 25 vehicles coming from the north to the church and then six vehicles exiting during that hour to go north and then the departure you would see five vehicles coming from the north and ten wishing to head to the north and the existing traffic right now, currently to make that move coming out of one of the church drives here on Pettibone making a left, coming up to Pettibone and stopping again and making another left to go here. He said this would remove some vehicles from Pettibone, lessening the volumes on here and also lessening some of the left turn volumes here while allowing them to come out here and make their movements here so they would lessen some of the volume on Pettibone Road. He said the number of vehicles that travel north on Pettibone Road and also stop to Root Road, they don't feel will significantly impact the operation of traffic. He said the level of service indicates during the arrival peak hour the level of service will range from A to C with various movements at the intersection and then A to D during the departure peak hour. He said their arrival peak hour now indicates that based on scenarios they analyzed and three scenarios which they talked about earlier and the first scenario would be just eliminating this left turn movement and forcing these left turn vehicles to this intersection including no access at Root Road. He said their second scenario was still remaining this left turn and allowing partial access here (he referred to the Traffic Impact Study) which only included right turns out, no entry from Root and no exit to the north on Root and the third scenario was elimination of this left turn and full access. He said their analysis during the arrival peak hour, they saw some overall improvement with scenario two and a little bit slightly better improvement with level three and the additional improvement with level three comes from the reduction in volumes along Pettibone by allowing that small percentage to use this access and avoid a left turn here and a left turn here. He said they then analyzed the departure peak hour and they saw very similar results with scenario one and scenario three offered them the most improvement and in analyzing the overall amount of delay in terms of vehicle hours for delay the calculation basically tells them of the vehicles entering this site during this peak hour and if you take a cumulative effect of all of those vehicles exiting that site how many total hours would that apply.

Mr. Komer said from scenario one, they determined that it is approximately a total of 12.6 hours that the vehicles experience and scenario two lowers that delay to 7.7 hours and the other scenario lowers it to 7.4 which you see here in number three.

Mr. Murphy asked what the definition of the delay or what is 12.6.

Mr. Komer said 12.6 is the average time per vehicle and said for example if an intersection has a service level of B with 15 seconds of delay that would mean that vehicle at that intersection, the average vehicle would experience 15 seconds, making a stop or slowing down with cars turning, he could experience 15 seconds and to get the total queue effect they took both movements delay exiting the site so for example they have 100 vehicles and they experience an average of 20 seconds, they took those 100 vehicles times 20 seconds per vehicle and divided it by 3,600 to reach the 12 hours.

Mr. Murphy said so we have 1,100 current parking spaces and 12.6 hours divided by 1100 is 15 seconds and asked how much delay are we delaying each car right now with scenario one.

Mr. Komer said he believes it averages between 35 – 40 seconds per vehicle which is in the level of service D & E range and 35 is the breaking point between D & E and some of the movements are slightly below 35 and some of the movements are slightly above 35, they are within probably a plus or minus five second range without moving up the charts and tables. He said just to touch on conclusions the majority of existing traffic is concentrated at the west access drive and that is due to two factors, the majority of traffic is western based and also this driveway (he referred to the site plan) is controlled by a uniformed police officer and he in effect is operating like a traffic signal stopping very smoothly and allowing them to exit whereas the other driveway has to wait for gaps in the traffic. He said the signal at North Marketplace is providing gaps in the traffic especially for eastbound traffic as it turns and recycles through the light. He said the main distribution of traffic and access site locations and based on anticipation of the two access sites beginning to fail and reaching capacity this was based on a level of service and delay and evenly distributed between the access points and again as the three access points operating at true stop sign controlled intersections without the benefit of personal control. He said you see the level of service or delay experience decreases for each scenario and we feel that scenario three, the preferred alternative allows full access and to help negate some of the congestion at the two Pettibone Road access points. He said he would be happy to answer any questions.

Mr. Lamanna asked what happens to the level of service on Pettibone Road during these times and one issue is you have got essentially a manual traffic control device there, how do you factor in a manual traffic control device if you do not know what cycle needs operating on in terms of managing the traffic.

Mr. Komer said that is difficult, you can't, there is no true way to analyze the personnel based situation because he is using his discretion, you could assume it to be signal controlled because he is stopping certain movements, we chose to do it as it is marked with a stop sign because that provides to us to what we consider the worst case scenario where people have to wait for traffic vehicles are at the mercy of those platoons along Pettibone Road in terms of their exiting and entering the site.

Mr. Lamanna said he could say he does not much care how much the traffic is delayed getting on and off the site, he only cares what is happening to the traffic on the road up to a point because otherwise what happens if you have an uncontrolled situation you have people trying to fight their way through and create a bigger hazard. He asked what kind of traffic we are experiencing on Pettibone Road during those peak hours.

Mr. Komer asked in terms of level of service.

Mr. Lamanna said if there is an absolute number of vehicles and level of service and how much is it changing.

Mr. Komer said from a generation standpoint the existing church in terms of total entering and exiting volume in the arrival peak hour is approximately 1,100 vehicles and the departure is just over 1,000 vehicles.

Mr. Lamanna asked how many vehicles during the 11:00 – 12:00 hour are going by on Pettibone Road.

Mr. Komer asked if that is non-church.

Mr. Lamanna said yes non-church, people who are not going into or coming out of the church.

Mr. Markowitz said they have that answer.

Mr. Lamanna said he assumes there is an answer somewhere.

Mr. Markowitz asked Mr. Lamanna if he is asking under existing conditions or under the full build in 2012 and said there is a slight difference and every year there is a percentage increase and it is about a percent and a half they were actually going to use when they started this and they really ought to take what they have done until 2012 so the number is actually higher than what they could have put in there.

Mr. Lamanna said his interest is in what they are doing to the level of service and the true traffic on Pettibone Road and how many cars are we affecting, if the level of service goes from B to E and it affects 1,000 cars it is one thing but if it goes from B to E and it affects ten cars it is quite another.

Mr. Komer said the arrival peak hours heading eastbound, full traffic passing by the site is 92 vehicles, during departure peak hours it is 155 vehicles, going westbound it is approximately 104 vehicles and then the departure westbound is 211 vehicles. He said the levels of service along Pettibone Road at the drive intersections westbound traffic on their scenario doesn't receive a level of service because vehicles don't have to stop and make right turns so you don't have an eastbound because you stop behind the left turn vehicles. He said at the west access drive it is approximately 20 and 16 seconds and those are levels of service C and the east drive is actually a little bit better because a lot of traffic drops off at the first drive they will turn into as they go to the first drive available, it drops down to 10 to 9 seconds which is levels of service B and A because ten seconds is the cut-off between those two and those are compared to existing conditions and they anticipate the no-build 2012 without additional traffic. He said the largest increase is about 10 seconds.

Mr. Lamanna asked if there was any traffic actually using Root Road during these periods.

Mr. Komer said very little and it showed 33 vehicles southbound towards Pettibone and 14 during the arrival and departure and vehicles turning onto Root heading north was 15 vehicles during arrival and 24 vehicles during the departure so most people are leaving and heading east on Pettibone as opposed to coming out and turning, there are a few but it is not a significant percentage.

Mr. Markowitz asked how many cars are queued up during the peak hour at the intersection of Pettibone and Root.

Mr. Komer said based on their analysis the majority of the traffic would exit at Root and turn right heading home and they analyzed the anticipated queue length based on ODOT's procedures for storage lane and queue length lane and based on an un-signalized intersection the traffic volumes for both right and left turn lanes because there is only one, the average queue length for that hour would be about 275' which comes out to about seven vehicles which would be well within between Pettibone and the access so it should not stack back up into that driveway where the vehicles would be exiting at and right now is about 25'.

Mr. Murphy asked about the current parking lot and if that driveway to Root Road indicates when you are on the property, are you invited to exit onto Root Road today.

Mr. Markowitz said no, in 1997 when the conditional use permit was put into place, the board said we could not use Root Road other than an emergency so prior to Pettibone being reconstructed by Solon, we were not using it, but this year when the road was under construction and it was blocked at the railroad tracks for awhile, we were allowed to use Root Road and in our experience, there were never traffic jams or difficulties as you would perceive it on Root Road, there were never an excessive amount of vehicles out Root to Jackson they were essentially following the pattern and a very small number of cars went north, almost everybody was going to Pettibone and again they did not have the kind of stacking that was expected which is why we had a study done at the time we did because we wanted to make sure we would not be stacking and create a problem.

Mr. Lamanna said if we start to use Root Road as a regular entrance and exit, one concern was, the board did not want to tie up the intersection for people coming in and out and the second concern is if we start using Root Road is that going to encourage more cars and he is sure there is a small number of people that go up Root Road and over Jackson and they get on Geauga Lake Road to get out the backside, it is probably not a lot of people because it is not a place you can go zipping along but you would avoid some of the exiting traffic if you live over on that part of the township.

Mr. Markowitz said they are going that way now by going out the east drive and making a left hand turn on Root.

Mr. Murphy said you are on Pettibone already and it is much easier to go up to Geauga Lake Road but if there is a seven minute wait to get onto Pettibone and thirty seconds to go out Root and he is allowed out Root, he is out Root and most of Bainbridge is in that direction too. He asked if these numbers are actual numbers from November 2, 2009.

Mr. Komer said these are the forecasts for 2012 so they took their 2009 volumes.

Mr. Murphy said these are relatively similar to what you saw when you went out there.

Mr. Komer said they are about a 2% increase.

Mr. Murphy referred to the Traffic Impact Study regarding arrival peak hour and departure peak hour and said when he sees this arrow that says arrival there were 735 cars coming up Pettibone passing Marketplace straight through and that number is in an incoming, there were 800 cars approaching, some straight through from here some turning left so those numbers are all relative numbers for the busy hours and then the other numbers in parentheses are leaving so you are planning to take 400 cars out Root Road down to Pettibone.

Mr. Komer said yes and that is based on worst case scenario because when you reach capacity it is nearly impossible to predict every individual driver's enter and exit points so what you do is you balance the amount of the lay, sort of like water seeking a natural level and that typically provides you with a worst case scenario especially at this drive (he referred to the site) because of percentages of vehicles in that direction.

Mr. Murphy asked when the construction went on was a sign put up in the parking area to say Root Road is now open.

Pastor Begg said no they just open the gate.

Mr. Markowitz said they do have church personnel on the site when they are entering and exiting on Sundays to direct traffic in addition to a uniformed patrolman so that is part of what helps reach that natural equilibrium and in situations often you can move traffic in a different way if you need to.

Mr. Lamanna asked if they had any idea of how much traffic that goes out and then turns north onto Geauga Lake Road.

Mr. Komer said they didn't do a traffic count there and the amount of vehicles heading towards Geauga Lake, he does not have how many that turn onto Geauga Lake.

Mr. Lamanna said his one concern would be are we going to start having traffic filter around that way and it is somewhat of a trade-off otherwise the traffic would be going down to Geauga Lake Road and more people may be encouraged to go that way. He asked Mr. Komer if he looked at the level of service at Pettibone and Route 306 at all as to what happens there.

Mr. Komer said no, they felt that that intersection was far enough out so there wouldn't be an impact. He said he has the volumes heading from Geauga Lake to Route 306 and there are 28 heading in that direction, 56 during departure and 133 coming inbound from that direction so that is representative of 15% – 20% of the total volume for the church.

Mr. Lamanna said so 20% of the total volumes are heading eastbound and 80% is coming westbound.

Mr. Komer said yes and we say westbound some of that traffic could be coming out the Marketplace and straight through to Pettibone as well.

Mr. Lamanna said the reason is there is really for the traffic that heads eastbound pretty much all of it is going to end up at the light at Route 306, there is really not any significant places along the way where that traffic is going to go away.

Mr. Markowitz said it seems like everybody is going to eat breakfast or lunch after services.

Mr. Lamanna said just naturally by where the population is, it is going to go that way, that is why he was trying to get some idea but you are saying about only 20% of traffic is coming and going towards Route 306.

Mr. Komer said the arrival peak based on 128 vehicles with 100 inbound and 28 outbound heading that direction and if 100 vehicles is ODOT's cut-off from traffic impact studies and if you do a development that generates 100 or less total vehicles, they don't even require a traffic study so 100 vehicles is a pretty good gauge of an impact in terms of that reference.

Pastor Begg said just in terms of fielding complaints, which he gets a few of there has been confusion down at Route 43 and great anxiety about the turns etc. but they haven't actually faced that in terms of Pettibone either by non-attendees or even by attendees and we would be very quick to say why do we have a policeman up there, that doesn't give us any quantifiable understanding but it is a pretty fair gauge of what is going on because people aren't slow to make their feelings known.

Mr. Lamanna said that is why he was trying to get some idea in terms of the split-up traffic because if only 20% of the traffic is going that way the impact is a lot less than if 50% is going that way and now we are adding 25% onto that and that is where the bottleneck will develop especially because of the relative timing on that signal in fact all of the traffic has to turn either left or right when it gets there essentially because you are dead-ending onto that road.

Mr. Murphy said he has a question for Mr. Paskevich and currently there are 1,600 seats and you are putting 2,580 and are losing one-half of the original 1,600 and a small chapel is going to be kept.

Pastor Begg said they are losing 2/3 of the existing 1,600 seats down to 400 seats.

Mr. Murphy said then $\frac{3}{4}$ of the seats will be lost. He asked if they plan to ever have two services at the same time.

Pastor Begg said no.

Mr. Murphy said so you are really looking at 2,500 seats or are you going to a video feed in for the 500 in there.

Pastor Begg said when they built that room and came out of Solon High School we thought we were finished for the rest of our lives because we had 900 people and 1,600 seats and we never imagined that we would do anything other than that but he saw the motivation and they presently have a new campus that is 40 miles away and their plans are more in terms of people who are traveling distances to be encouraging them to establish small outlying congregations that would be entirely separate from ourselves but the context he thinks is most possible is where you do have a situation where you have something taking place in the new auditorium and the times that the auditorium itself is entirely filled as well even under the present circumstances is not routine yet, they are probably at the most probably 80% of capacity, maybe a little more than that so you could have a situation where you might have 2,200 people in that place and you may have another 300 attending a funeral in the other place but it would still be under the total seating of the new space.

Ms. Cynthia Paschke of the Forsythe Engineering Group testified that she is providing the wetlands delineation consulting services for the project. She said she has approximately 20 years of experience in wetlands delineation permitting, identifying and design and she has a background and Undergraduate Degree from Allegheny College in Meadville, Pennsylvania and a Masters Degree from Gannon and primarily both degrees were in environmental studies and natural resources. She said she has licensing that is consistent with wetlands science and she is a Professional Wetlands Scientist certified by the Society of Wetlands Scientists, there really isn't a state registration or a federal registration for her occupation. She said she has worked with the Army Corps of Engineers over those 20 years in the State of Ohio and also Pennsylvania and New York. She said with respect to performing wetland delineations in Geauga County and in particular Bainbridge Township she has done a lot of work in commercial and residential subdivision development and did wetland delineation work on Pettibone Road for the Geauga County Engineers when they did improvements between Route 306 and Geauga Lake Road and had worked on the Eagle Creek greenhouse and Stoneridge Subdivision. She said she started this particular project in January of 2008; she did a wetlands delineation on the as-built portion of the church parcel which was roughly about 17 acres. She referred to a copy of the Wetlands Delineation map and said this does reflect some additions that were requested and required by the Army Corps of Engineers in October of 2009 and they had a field visit with representatives from the Buffalo District and as a result of that field meeting they added this .02 acre area designated as Wetland F and they also added a small amount of area to Wetland E that didn't substantially change the acreage, they added a small additional area to Wetland C of .02 acres and then they were requested to add a drainage way connection between the existing Wetland E and the designated Wetland F. She said they also have another drainage way feature especially with Wetland D and was confirmed as such and they also identified an intermittent stream in the northeast corner which totals about 90 linear feet. She said they have two more very small insignificant wetland areas A and B located along Pettibone Road and when she started to do the study part of the initiative was to look at areas that could substantially be affected by the installation of the water and sanitary sewer line so these too areas were obviously ones that were treated very carefully when those plans were drawn up and they didn't have any effective impact on them. She said in meeting with the Corps they verbally affirmed the delineation and as of two days ago they actually got a written confirmation.

Ms. Paschke said the other thing that they took into consideration with respect to the accurately delineated map which now has been confirmed by the Army Corps of Engineers is that they would have some impact and said this is a nice sketch that Mr. Kekic put together very specifically showing potential impact resulting from the relocation of the retention pond from over in this area to here (she referred to the wetlands delineation map) and also some grading will be necessary along the parking lot and also some of the distances from the parking area. She said they would effectively impact all of Wetland area F which would be .02 acres and they have a small impact on this portion of Wetland E which is linear in nature and would be .0403 and this would be the result of grading the retention pond and the parking lot you add another .006 and then also .0231. She said the total impacts are .0894 acres which is less than a tenth of an acre for those of you who have done wetlands work that is a magic number although she will say since the Nationwide Permits were reviewed in 2007, even though it is less than a tenth of an acre impact, they will have to apply for a permit and the church is aware of that and if they move forward with this design as proposed, they would apply for a permit, it would be a Nationwide Permit number 39 is what they would qualify for and because the effects are so insignificant and also minimal they would likely not be required to provide mitigation for these wetland impacts. She referred to the Wetlands photos and said Wetland E is more of a scrub/shrub area, very low quality and this is Wetland F which was generated as a result from that drainage area and the water that comes up from the existing storm water pond that is not channeled directly into an off-site drainage way. She said the next slide shows the actual drainage way and these are important and she referred to the wet area and said there is no defined bed or bank, there is no ordinary high water mark that would be consistent with a course designated stream and the Corps did evaluate the wetlands drainage way and concurred that it was not a stream it was essentially a water conveyance channel. She said this is a more vegetative drainage way connecting Wetlands E and F and again does not have a defined bed and bank or ordinary high water mark consistent with a stream and the Corps did concur that it would not be designated as a stream. She said the significance of her accepting whether or not there are stream features in these areas lays back to the riparian setback that is on the Geauga County GIS website and again as Mr. Markowitz had indicated that this area they are in disagreement with, they agree that there is some water features there, wetlands and connecting drainage ways but it does not substantiate a stream or watercourse and therefore a 25' riparian setback is not warranted in that area. She said they do concur because they had identified an intermittent stream here (she referred to the map) from a culvert that originates under Root Road and it brings the drainage from across the street to these ponds and this warrants a riparian setback however there is no work proposed in this northeastern corner and therefore they would not have any impacts or requirements to address the riparian setback in this area. She said this just shows from the GIS photograph, the beginnings of Wetland E and the linear feature, the very loose drainage way connection that is vegetated and the wetland starts up here (she referred to the wetlands delineation map) so it shows that there was probably perhaps a feature there or something but essentially what has developed is wetlands and where the culvert comes off of Root Road you can see the stream in the northeastern corner and again she concurs that it is more of a riparian setback. She said per the linear wetland portion you can see there is no stream feature there it is very similar to what would be designated as a wetland.

Ms. Paschke showed per the map the intermittent stream feature we have defined by the bank and the ordinary high water mark here and you can see that there is a flowing body of water that we would all agree it is a stream and then there is a picture of the culvert that comes under Root Road conveying the water across the property. She said at this point there is no Ohio EPA jurisdiction that they will be addressing based on the wetland delineation map and these two features being the only two items of water on the site there will be no impact proposed there and further more they do not believe that there will be anything for 401 water quality certification necessary because of the minimal amount of impact and the fact that as you can see from the photograph none of the wetlands are high quality waters that they would anticipate the Ohio EPA would want some additional studies because they are Category Three Wetlands.

Mr. Lamanna said there is a dispute over whether the one side is a riparian or not. He said it can't be a dispute, it has to be decided one way or the other.

Ms. Paschke said her opinion is that it is not.

Mr. Lamanna told Ms. Paschke that her opinion doesn't count, his opinion counts (zoning inspector).

Mr. Markowitz said actually under the township's zoning code, her opinion does count.

Mr. Lamanna said no because he (zoning inspector) has to make a decision as to whether it is within or without and if he says it is without and the applicant disputes that.

Mr. Markowitz said the code says like all others, the zoning inspector makes the determination but he is allowed to rely on the delineation that we provide.

Mr. Lamanna said right he has got to rely, he can't just decide arbitrarily and as far as the board is concerned, it is his opinion that counts.

Mr. Markowitz said if the board makes it a condition that the applicant has to satisfy it and the zoning inspector is comfortable with it, with the delineation approved by the Army Corps of Engineers.

Mr. Murphy said not necessarily, the Army Corps does not necessarily have the best interests of Bainbridge Township and the riparian rights of everybody here.

Mr. Markowitz said they are saying to the board that under the township's code, as you wrote it, it says how the zoning inspector has to determine that it is a watercourse.

Mr. Lamanna said he does not think it says how the zoning inspector has to determine.

Ms. Sass said no, it says that he has to.

Mr. Markowitz said that is what he just said and we are confident that we can show him that that it is not a riparian area because the township's map is not binding on the board or us it is a general guideline, he (zoning inspector) has to have site specific information to make his determination, the map is a starting point for that and he could find a riparian area where it is not shown on the map and vice versa he could determine if the map is not correct based on the site conditions.

Mr. Lamanna said this is a procedural point as much as anything and shouldn't that decision have been made before we are here tonight on a basis that ultimately if you have a dispute then the board is going to have to hear an additional case on zoning inspector error.

Mr. Markowitz said if you (board) were to determine that there was a riparian area they could come back either on the basis of the error or the variance all they are saying to the board is that we are telling you in our opinion that it is not a riparian area so when we come to get a permit which is one we have to apply for the final submission for the facility he will look at what the riparian requirements are and go by that determination and if in fact he disagrees with us then we would come back and appeal to you (board) but the mere fact that there is a riparian designation on that map doesn't provide us today to get a variance from you, we just under your code have to prove to you that it is not a riparian. He said if the township code says the map is it, you have got to stick by that and then prove otherwise and he would say they would be happy to go through some process with the board to overcome that but because he is allowed to make an administrative determination.

Mr. Lamanna said his only question is whether that administrative determination should be made while we are sitting here doing this application.

Mr. Markowitz said he does not believe it has to.

Mr. Lamanna said the question is why hasn't an administrative determination been made.

Mr. Michael Joyce, Zoning Inspector testified that he has not heard her presentation before now.

Mr. Lamanna said that when it was said there was some disagreement, he drew from that that there had been some discussion and there has been an agreement between the two parties.

Mr. Markowitz said there is a disagreement between the map and what we found on the site.

Mr. Lamanna said okay.

Mr. Murphy asked Ms. Paschke to go back to her site plan, one or two drawings. He referred to the existing parking area and the very top of the map, the clear white rectangle and said he can't read that.

Ms. Paschke said it is a treated wastewater evaporation pond and at the time that she did this delineation in 2008 this was still in service.

Mr. Murphy said and that is on the new site plan and it is this area here (he referred to the map) the football size lawn.

Mr. Markowitz said that has been drained.

Ms. Paschke said the Corps requires that there is some type of water feature, either manmade or natural but all of those have been designated so at the time she did the delineation this was in service and they recognized it when they did the field visit in October of this year that it was taken out of service and was not any type of jurisdictional feature or something that would be subject to regulation by the Corps.

Mr. Yorum Eckstein of Eckstein & Associates, Inc. testified that he holds a PhD in Geology from the University of Jerusalem. He said he does not reside in Geauga County but has been working in Geauga County since 1979 and he is currently a Professor of Hydrogeology at Kent State University for the last 34 years and he has a consulting business and work conducted within the framework of this consulting company and he is certified in hydrology and is a professional geologist, like the wetlands specialist, we don't have in Ohio a definition of what a hydro geologist is so there is no state certifications. He said he began working as a professional geologist exactly 50 years ago. He referred to the Power Point slide and said with respect to this particular project this is simply a Google view of the site and fortunately an operation of hydrogeology here is easy because there are plenty of water wells and with well log survival it can serve the purpose of the situation so each pin here represents a water well. He said this particular well (he referred to the slide) is actually the deepest well in the county, it is 431' and he personally supervised it for the church and we will review the situation over all of those wells that are indicated here. He referred to the next slide and said this is an example of a well log drilling report showing the well that is the deepest in the county and it gives the sequence of what is most important for a hydro geologist the sequence of type of sediment and rocks encountered through the drilling. He showed another slide and said this is the prospective view of the church, Pettibone Road and looking exactly northwest and this grid is superimposed on this and if you look closely to the north, right now from the church northward, that grid shows a depression like a valley and this is actually a result of a glacier and when the glaciers receded they left behind what we call buried valley and the buried valley consists of sediments from the east to the west. He referred to another slide and said this is a schematic picture of a typical buried valley, the glaciers when receded carved this u-shaped channel and it filled with very consolidated material, not very old material, like what we call bedrock formations on both sides.

Mr. Eckstein continued by saying glacial till beginning from the top is a mixture of clays, silt and sand and since we have a mixture of very fine material like clay filling up all the spaces becoming larger particles like sand or even gravel this is absolutely an impermeable layer and when he says absolutely where there is no absolute in science of course but for all practical purposes this is impermeable information and that is why along this depression, the buried valley, we have the wetlands because this glacial till simply does not let water penetrate into the ground then from time to time glaciers melt and when glaciers melt they send a lot of melt water and that melt water is reworking the material accumulated by ice and therefore accumulated layers of sand and gravel so here you have layers of glacial till, a period of snow and glacial melting then glacial till and melting. He said the important thing for residents in all of this area of buried valley when they drill they don't penetrate the bedrock aquifers, they can get water only from the sand and gravel so they have to penetrate through glacial till and find those sand and gravel layers. He said he recalls back in 1997 the residents on Root Road said to him good luck if you find water there because most of those wells that were drilled there they were too shallow and they did not reach that sand and gravel layer and the wells were dry. He said the sand and gravel gets water from the contact with the bedrock aquifers on the upland to the east or to the west, from the Sharon sandstone and the Berea sandstone so the influx that the buried valley serves is a subsurface, a drainage channel for the bedrock formations feeding that. He said there are two layers of sand and gravel and this is a kind of textbook schematic. He showed another slide and said this is a profile based all those wells along Pettibone and you see by the red lines which well is which and is all according to the absolute elevations, by the sea level and you will see where those wells along Pettibone penetrate if it is sand and gravel and the deepest well is actually the left frame of the scheme itself, the elevation is 1,016' above sea level. He said this whole section is according to elevations measured at each of the water wells so this is a cross-section with actual depths according to the scale. He said now we see that this layer of sand and gravel is supplying all of those wells here and obviously it receives ground water from somewhere east of the this diagram because it was covered by glacial till, impermeable glacial till and just now we went through a second layer of glacial till and reached this deep layer of sand and gravel at the depth of 431' and the total depth of the well was 585' when the driller penetrated the bedrock but it is actually shale and impermeable so of all of this area how much is covered by impermeable pavement or not is not relevant with respect to ground water supply because the surface is all covered by the glacial tills and that is the conclusion. He asked if there are any questions.

Mr. Lamanna asked Mr. Markowitz for copies of all of the presentations.

Mr. Markowitz said that the zoning secretary has all of them for the record.

Mr. George Wierdsma, neighbor on Root Road testified that his property is on the map up there, north of the church and said he is concerned about two aspects, one is the traffic extradition that was talked about what the traffic is today, it didn't say what it would look like and two because there is no percentage of increase based on the square footage so he is at a loss to understand what the potential would be when the church is built.

Mr. Lamanna said that is what they did they projected what the traffic would be based on if they have X square feet today and when they complete this thing they will have Y square feet so lets just say it doubled, they would double the traffic.

Mr. Wierdsma asked if those were the statistics that the board was given.

Mr. Lamanna said yes, that is what they were talking about.

Mr. Wierdsma said it wasn't a study that was done back on the first of November.

Mr. Lamanna said no they took the study done on the first of November and they looked at the traffic, the amount of cars and then they said this is how many square feet we had on the first of November and we are going to expand that to some multiple of that.

Mr. Murphy said it was called the 2012 build.

Mr. Lamanna said if they double the size of their square footage they would extrapolate that and that would double the traffic, the way he understands it.

Mr. Komer said they took two calculations, they took the 2009 traffic as it is and said there will be this much traffic in 2012 if the church does not expand and if they double the size of the church it doubles the traffic.

Mr. Lamanna said they actually also extrapolated for 2012 what the normal traffic growth would be in the area if they didn't do anything at all.

Mr. Wierdsma said he understands that the board understands which cars are going to go out.

Mr. Lamanna said as well as we can.

Mr. Wierdsma said the only other thing he would like to bring up is at some point when they started building the properties across from Pettibone at Four Corners, the property on the north side of Route 43, he said there was a brown stream coming through the property to the lake behind him after some construction had been done across from Pettibone and he tracked back the brown stream that came through the lake that the church owns which comes back through a culvert that comes back underneath Pettibone which runs up the culvert along side of the ditch which runs right to the railroad track that everyone here says is impermeable and watched the brown water flow all through to a stream right in the middle of his lake. He said he has no well, he uses that water for drinking, it is treated. He said there is a 5' drop from the far side of Pettibone on the other side of the railroad track to the level of property he is on Root Road and the watercourse you were not sure about that has been in contention has shown water coming through the back side of that, brown water from the other side going into the lower area behind the dam. He said he walked it in the rain watching it.

Mr. Lamanna said you are talking about the two lakes east of Root Road.

Mr. Wierdsma said they are east of Root Road and north of the church site and both of which are affected by the property across the street from the church but he is not going to worry about that. He said the retention pond that is now a part of the parking lot now on the Root Road side had a salt content of .04% this last winter from salt that was either left on the parking lot or distributed by cars picking it up on the highways which goes straight into that lake that goes behind the house which we get their water so there may be some way of saying is there a way they can mitigate the amount of contamination of the water that runs into the aquifer at that point because it has many accesses from different parts of the area and that is the only thought he had, two things, traffic and water source, the building is fine.

Mr. Lamanna asked Mr. Wierdsma about the ponds in question.

Mr. Wierdsma referred to a map and explained that the watercourse comes in through here and cuts in front of this property and over to this pond and comes up the street here and crosses over here and it comes into the lake over here. He said he can trace that brown stream from this culvert on that side of Pettibone and it comes leaking underneath right there when they were building the Flower Factory right behind there. He said the same day they broke ground over there two days later he saw the water come right through.

Mr. Lamanna said all of this area is being diverted to this pond here (he referred to the map).

The board discussed the situation with Mr. Wierdsma.

Mr. Wierdsma said this is important to him because he is the only guy on the street that gets his water from the lake behind him.

Mr. Lamanna said but at this moment, nothing is going to be put in this watercourse.

Mr. Markowitz said it will remain natural.

Mr. Wierdsma said he is not sure since that sewer system was put in, there is a pipe that goes into that and the water comes out of that runs down here and over to the lake.

Mr. Markowitz said he did not think the sewer would change that.

Mr. Wierdsma said there is a pipe that comes from there, the pumping station in the ditch directly along side the road right into where that water comes by from the culvert.

Mr. Lamanna said it is an outfall from something.

Mr. Bowerman said it is a dripping pipe.

Mr. Kekic said the slab for the pump station has a gravel base and it is an under drain of that slab, that is all it is.

Mr. Wierdsma said the water body has salt in it.

Mr. Bowerman said when the snow is plowed it is mounded up there.

Mr. Wierdsma said and that water drains into that culvert which runs down along there. He said he is just concerned about the water quality.

Mr. Lamanna said this is why we do these things because people come along and ask the board if they realize what is going on and referred to this situation.

Mr. Wierdsma said people should make sure when they do something to consider the people down line and when this construction was done over here (he referred to the map) there was never any down line water source given to him.

Mr. Murphy said but what they are saying it is not supposed to be upstream of you, you are supposed to be on a watershed and it is all supposed to be going towards Tinkers Creek.

Mr. Wierdsma said that is his point.

Mr. Lamanna said in theory the break over is somewhere in there but if you look what you find is that the elevation is really flat along there and it is very hard to tell which way it is going to go. He asked if there is an identifiable culvert on the other side of Pettibone.

Mr. Wierdsma explained the location of the culvert along Pettibone.

Mr. Lamanna asked how it is getting through the railroad.

Mr. Wierdsma said he does not know, he is not the engineer.

Mr. Markowitz said they were cited by Geauga Soil & Water because they were not in total compliance.

Ms. Sass asked who.

Mr. Markowitz said the Shops at Marketplace, they were not in compliance with their erosion control.

Mr. Murphy asked if the entire drainage of the church property ends up in the storm water retention pond.

Mr. Kekic replied yes.

Mr. Murphy asked if there is any thought to adding bio-retention swales to possibly alleviate the salt issues.

Mr. Kekic said it will accumulate it and allow it to settle out.

Mr. Murphy asked if it is part of this or shown on there and if it will do anything for car oils or salt.

Mr. Kekic said no, those things take so long to settle.

Mr. Murphy said he went to a clinic in Geauga County and they put in two bio-retention swales and built some tiny wetlands with sand which then before it gets into the pond it filters some of the salt and oil from parking areas.

Mr. Kekic said they can look at it.

Mr. Mark Bonfils of 7474 Pettibone Road asked what is going to happen to all of the houses the church is buying.

Pastor Begg said ultimately they think that that would be a decision for another generation and the reason they haven't bought them except to use them the way they are using them. He said what they discovered is they use them in multi-various ways and he thinks they use them well, they don't have people camping there, they have severe jurisdiction on who is going in there and for example if someone came to be a pastor at the church up the road and they would move into the area as an intern, we would allow he and his wife to stay in there. He said another pastor from the Akron area had a problem with something in his house so we gave him that house to use or when people come back from Germany or Lima Peru one of the things we provide for them is access to a car and a home so their family can live a relatively normal life and sometimes they are there for up to nine to twelve months so there is a stability in it and in the term what will happen to them, he does not know because it would be when he is dead. He said the reason they did it was because a property came up immediately adjacent to them across the road and somebody came to them and asked if they wanted to buy his place and it made sense, there is adjacent property there, it seemed a sensible thing to do and then they said they could use this to house their missionaries so when the second person came they said they have more than one family so two houses would work but no they are not in this for investment property. He said one thing that could happen to them is that we could turn them back into normal usage by re-selling them but probably not in the present market.

Mr. Markowitz said the two houses will remain there because they had to use the properties for green space.

Mr. Murphy asked if there are any lot consolidation plans.

Mr. Lamanna asked if they planned to merge those three lots and will Geauga County let you do it with the road in there.

Mr. Markowitz said actually they talked to the county and they were able to do it but they did not see any reason to, you can leave the lots as they are and have them subject to the conditional use permit so they did not see a need to consolidate them.

Mr. Lamanna said the board has asked people to consolidate their lots in these types of circumstances.

Mr. Murphy asked if the church pays normal property taxes to the county.

Mr. Markowitz said it depends on what the use is.

Mr. Murphy asked if the tax structure has not changed on those two lots since the church bought them.

Mr. Bowerman said they are paying property taxes on all of their houses.

Ms. Sass asked at the same rate.

Mr. Bowerman said yes.

Mr. Markowitz said they could make an argument on a couple of them, they could try to get them exempted because for missionary use, it has been held in Ohio before to be permitted as an exempted use.

Mr. Joyce said it would be nice if they were merged.

Ms. Sass asked Mr. Joyce if Root Road is a township road.

Mr. Markowitz said it is a county road and in their research they found it out. He said it is very strange because there is no record of how it happened, you have to go to subsequent records to get references to it and they found in the engineer's office a whole record that they have which gives you an indication that somebody did something to make that into a road for the county commissioners so their knowledge is there is nothing that has ever been done unless there is something in the township's journals where it was transferred to the township. He said it was actually a haul way and common ownership went past Mr. Wierdsma's house, it didn't go all the way to Jackson, they carved out the roadway because there was not another railroad stop but there was some kind of a junction there and they called it some name so when they conveyed it they conveyed it from this junction up to some point beyond that guy's property, it was like a little toll way.

Mr. Murphy said to get off the train and get to the racetrack.

Mr. Markowitz said it was before the racetrack and it took them awhile to find it and the title company couldn't find it either and added that the street (Root Road) is only 40'.

Mr. Joyce said according to a survey he has from the county engineer they do list Root Road as a township road and it was published December 10, 2009 and added that he will have them verify it.

Mr. Markowitz said the county engineer couldn't find it so how you (Mr. Joyce) got that he does not know. He said they tried to find out how it got the name Root Road because it had nothing to do with names of the junction or anything like that.

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

The following additional discussion was held.

Mr. Lamanna asked if anybody sought the opinion of the fire department over this particular building.

Mr. Joyce said no mainly because they have a hydrant system there.

Mr. Markowitz said they have sprinklers in the building.

Mr. Lamanna said in the past the board has gotten a review from the fire department because they have the primary interest on this thing whether they have any concerns that the board has not thought of so we would like to have their opinion on that.

Mr. Joyce said we will get it.

Mr. Lamanna asked Mr. Markowitz to follow up with Mr. Joyce on the question of the water and where the drainage is going so when we reconvene we can make sure that we have all of the site drainage issues under control and it sounds like the board needs to be really looking and making sure they are draining any of the building and parking areas into that surface riparian area.

Mr. Markowitz said they showed the board where they were going to drain from the pond, their storm water retention.

Mr. Lamanna said it looks like 99% of it is pretty sure but we just need to look at it.

Mr. Markowitz said they don't have a choice, they have to drain it where it already is.

Mr. Murphy said where it is low and asked if in fact for some reason they decide to leave that little tiny scrub wetland over in the corner, is there any reason why they couldn't put some additional parking spaces back into what used to be the leach field of the septic system or has it been kept aside for future growth.

Mr. Markowitz said they want to try to keep the parking as far away from the homes as they can and keep it as close to their building as they can so it wouldn't make sense for us to move the parking further away.

Mr. Murphy said it would actually be closer to the building if we were to go onto the east side of the parking spaces and just add two rows up in this area here (he referred to the site plan). He said they could add a little bit of parking back here and then you would actually eliminate getting into that entirely. He said they could put a few parking spaces here and come off of that corner far enough to maybe even put in a pre-pond or a bio-swale to reduce some salt and oils.

Mr. Kekic said so what you are suggesting is to pull some back out here, that is entirely possible.

Mr. Murphy referred to the site plan and said put some parking back out here and then you have eliminated a couple here, 50 -100, and put it here. He said he is looking at the space and the land.

Mr. Bowerman said they are trying to keep this space as a lawn and explained where that is.

Mr. Markowitz said they are trying to keep it as little impact as they could.

Mr. Murphy said he does not know if it is going to be an issue or not, the board is not going to decide tonight.

Mr. Lamanna asked if there is any chance they can get this riparian decided by next month so if there is an issue the board will have it included in this case and at this point in time the board will treat that as a potential issue open in this particular application which will be formalized if there is an alleged error so the board can wrap this up in one package.

Mr. Markowitz said they can get it to Mr. Joyce in enough time so he consult with whoever he needs to from the county, He said he can have Ms. Paschke and Mr. Kekic meet with Mr. Joyce.

Mr. Lamanna asked if that is going to be a problem so we won't have to revisit it.

Mr. Markowitz said he is confident it won't be because all of their plans are based on that not being a riparian and if it is they will have to redesign a lot.

Mr. Lamanna said he would be hard-pressed to believe that it serves more than a one-half square mile.

Mr. Markowitz said if you look at the slide it shows that it is less than one-half square mile so it is only a 25' setback but it affects the grading that they would be doing through all of this area here (he referred to the site plan).

Mr. Lamanna said it looks like it doesn't drain one-half a square mile.

Mr. Markowitz said the key is if there is no defined bed and bank and it has to be a continuous intermittent flow.

Ms. Paschke said yes.

Mr. Murphy asked if there are any other buildings at 45'.

Mr. Lamanna said Judson is up there and he thinks some of the Marketplace buildings are up there and maybe Home Depot.

Mr. Markowitz said Home Depot got a variance.

Mr. Lamanna said they are around 40' from what he remembers.

Mr. Markowitz said the one he remembers is Judson and they were not going to occupy that upper level.

Mr. Lamanna said he wants to check with the fire department because with Judson they had some issues with access where they ended up putting some extra access drives so that they could get close to the building because there are some spots where it turned out that they would not have been able to get their equipment in close enough to the building to be able to effectively fight a fire so they added some extra pavement area to ensure they had access.

Mr. Markowitz said he remembers that and they did that at the Weils also. He said here it is different because they are not surrounded.

Mr. Lamanna said it probably is not going to be a problem but he would like to get the fire department to weigh in for their expertise. He thanked everyone and said this will be finished up at the next meeting.

Motion BZA 2009-32 – 7100 Pettibone Road (Parkside Church)

Mr. Lamanna made a motion continue this application to the next regularly scheduled meeting to be held January 21, 2010 where the applicant is to provide additional information and where the board will also consider if necessary the riparian issues that might be posed by this application.

Ms. Sass seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Ms. Sass, aye.

Application 2009-22 by ECHO Real Estate Services, Inc. for Getgo Partners South for property at 17675 Chillicothe Road - Continuance

The applicant is requesting area variance(s) for the purpose of constructing an access drive. The property is located in a CB (Convenience Business) District.

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held January 21, 2010 at the request of the applicant.

Ms. Sass seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Ms. Sass, aye.

Application 2009-30 by Alexander Kourakine for property at 8105 Bainbridge Road - Continuance

The applicant is requesting area variances for the purpose of installing an in-line pond. The property is located in a R-3A District.

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held January 21, 2010 at the request of the applicant.

Ms. Sass seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Ms. Sass, aye.

Since there was no further testimony, the public hearing was closed at 10:40 P.M.

Respectfully submitted,

Joyce Hannum, Alternate
Michael Lamanna, Chairman
Mark Murphy
Lorrie Sass

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

Date: January 21, 2010

AUDIO RECORDING ON FILE

BZA PH 12/17/2009

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Bainbridge Township, Ohio
Board of Zoning Appeals
December 17, 2009

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Mark Murphy, and Ms. Lorrie Sass. Mr. Todd Lewis and Mr. Mark Olivier were absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the November 19, 2009 meeting as written.

Ms. Sass seconded the motion.

Vote: Ms. Hannum, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Ms. Sass, aye.

Applications for Next Month

Application 2009-32 by Parkside Church for property at 7100 Pettibone Road -
Continuance

The applicant is requesting a modification of a prior conditional use permit and an area variance for the purpose of permitting the sanctuary addition to be 45 feet in height. The property is located in a R-5A District.

Application 2010-1 by Waterway Gas & Wash for property at 7010 N. Aurora Road

The applicant is requesting an area variance for the purpose of installing a third ground mounted menu sign. The property is located in a CR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for January 21, 2010 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Joyce Hannum, Alternate
Michael Lamanna, Chairman
Mark Murphy
Lorrie Sass

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

Date: January 21, 2010