

Bainbridge Township, Ohio
Board of Zoning Appeals
December 18, 2008

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass.

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.

The following matters were then heard:

Application 2008-34 by Susan Shipitalo for property at 8885 E. Washington Street (Milestones)

The applicant is requesting a renewal of a conditional use permit for the purpose of continuing an adult group home. The property is located in a R-3A District.

The zoning inspector's letter dated December 18, 2008 was read and photos of the site were submitted.

Ms. Susan Shipitalo was present to represent this application.

Ms. Shipitalo testified that she was before the zoning boards many times going back to 1994 and she opened and successfully operated Milestones Adult Group Home at 8885 E. Washington Street with 16 beds, an adult care facility and she took care of 18 and older adults. She said she managed it up until July of 2006 where upon she listed it for sale and after two years of unsuccessfully trying to sell it she decided to reopen it again and her plan is to go ahead and operate it just as she did before, she had an outstanding reputation in the community, she had all of her inspections done through the Bainbridge Fire Department and never received a violation from them or anybody else, she focused with various hospitals and facilities and she had a successful residence for the elderly for almost 12 years. She said the plan would be to open in February and she is coming to this board for notification, she is not planning on any structural changes or anything else on the exterior, the interior will be updated as they go. She said going back historically she had to move here so she bought a house adjoining this house so she is the adjoining neighbor but she currently lives at 8885 E. Washington Street and there is an apartment there. She said she has literature she would be happy to submit to the board.

Ms. Sass asked Ms. Shipitalo if she is going to continue to live there.

Ms. Shipitalo said at this point yes.

Mr. Murphy asked if she also owned the property to the west.

Ms. Shipitalo said that is correct and there is a total of six acres there.

Mr. Lamanna asked if the former conditional use permit expired.

Ms. Shipitalo said no that was a question her lawyer brought up too and he felt that since it was the same usage that she really did not have to be here but she felt that she should come before the township.

Mr. Lewis said the Department of Health license expired in March 2008 and he does not know if the original conditional use on this required that it was active and he does not know if that has to be current to keep the variance.

Ms. Sass asked if this application has come back since it was granted.

Mr. Michael Joyce, Zoning Inspector testified not to his knowledge.

Ms. Sass asked if conditional use permits come back for regular review.

The board discussed conditional use permits and how often they are to be reviewed.

Ms. Shipitalo said in 1993 she had been before both boards and it took her 13 months of zoning to get it passed.

Mr. Lamanna said the code was actually changed to allow this.

Ms. Shipitalo said she came back in 1997 to put in a garage etc.

Ms. Sass asked if this should be treated as a new conditional use permit or a renewal of a conditional use permit.

The board reviewed conditional use procedures.

Mr. Joyce said conditional uses do not transfer with the land, they stay with the owner.

Mr. Olivier said conditional uses are in Chapter 109.06 (B), third paragraph.

Ms. Shipitalo said she began to sell it in 2005 and closed the facility in 2006. She said she was up here talking to Mr. McIntyre about it and he just waived her on.

Mr. Lamanna said the board was going to make sure the people were coming back in for their conditional use permit renewals and it was adopted in 2000.

Ms. Sass said Ms. Shipitalo was approved in 1997.

Ms. Shipitalo said she has been operating since 1995.

Ms. Sass asked Ms. Shipitalo if she has any paperwork with her from the last time she was here.

Ms. Shipitalo replied no.

Mr. Joyce said he has the application and the minutes from the last time she was here.

Ms. Sass said the permit was never revoked but she does not know if it lapsed because she closed it.

Mr. Joyce said as he understands it, in the past, conditional uses were reviewed only when the applicant voluntarily came in to do it, we never notified them or did anything if they didn't come in so that left him with a very ambiguous path to follow here.

Mr. Lamanna said the board had this discussion about four or five years ago. He said the zoning amendment might have been because everyone kept saying there is a renewal provision for conditional uses and there really wasn't a renewal provision for conditional uses and that is maybe why it is in there.

Mr. Olivier said he thought a schedule would be established to get everyone to come back in.

Mr. Lamanna said the board had this discussion with the zoning inspector.

Mr. Joyce said he does have the vehicle to do that and keep track of them through the ZonePro software that could tell us automatically when they come due since we were inconsistent in the past in how it was handled.

Mr. Lamanna said there is a question as to whether this would apply to existing conditional uses or not because it is a regulatory aspect, it is not a property right aspect.

Mr. Murphy said the board should take this as a renewal application under Chapter 109.06 (C) and the fact that she did not have active clients for two years he does not think changes the property.

The board reviewed the criteria for conditional uses.

Mr. Lamanna said he thinks this should be treated as a renewal.

Mr. Lewis said it doesn't qualify as being revoked.

Mr. Murphy said Ms. Shipitalo will have to still get her permit from the state, it would have to be licensed and all of the other things that were originally approved.

Ms. Shipitalo said she is aware of that and added that when you make an application you are only allowed to have two residents until they come and do a full house inspection which can be in 90 days.

Mr. Lewis asked Ms. Shipitalo if she made her application.

Ms. Shipitalo said no not yet.

Mr. Lewis said you do not want to get the cart before the horse.

Ms. Shipitalo said right.

Ms. Sass asked Ms. Shipitalo if she gets a written report after they make their inspection.

Ms. Shipitalo replied yes.

Mr. Lewis said the board could have that on file.

Ms. Sass said that could be one of the conditions upon granting the conditional use permit is that the board gets a copy of the written report after the state inspection.

The board discussed notifying the applicant in 4-1/2 years to give the applicant time to get into the board in 5 years.

Mr. Lamanna said the board needs to look at all of the conditional uses that have been granted since 2000 and the point is to go out and take a look at what they are doing and take any conditions the applicant has been subjected to and any of the conditions that generally apply and see whether or not they are performing and the whole idea of this is to set a mechanism so that the zoning inspectors will be taking a look at these people on a regular basis to check if the applicants are doing or are not doing what they are supposed to do. He asked Ms. Shipitalo if anything has changed in the physical structure.

Ms. Shipitalo said absolutely not.

Mr. Lamanna asked Ms. Shipitalo if she will be doing the same thing she did before.

Ms. Shipitalo replied yes.

Ms. Sass said and she will give the board a copy of the state's written findings.

Mr. Lamanna said any of the conditions in the original decision and any subsequent amendments all will continue to apply as well so we need to get those and make sure they are satisfied. He asked Mr. Joyce if there have been any complaints on this application that he is aware of.

Mr. Joyce said none that he is aware of.

Mr. Lamanna said this is a renewal and will be subject to renewal in five years.

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

Motion BZA 2008-34 – 8885 E. Washington Street (Milestones)

Mr. Murphy made a motion to renew the conditional use permit for subject application.

With the following conditions:

1. Once the applicant has the state's inspection, to re-issue her certification by the state, the board shall get a written copy of that report as well.
2. From this point forward, this particular application shall be subject to the renewal time constraints as set out in the zoning resolution Section 109.06 (B). The anniversary date would be the date of the issuance.
3. This is a renewal and all of the conditions both generally applicable to conditional uses as well as specifically made with respect to this property as they have been amended all continue to apply.
4. The applicant is going to have to satisfy those conditions and the zoning inspector will actually look at the property and make sure there are not any existing violations.
5. The certificate renewal is subject to complying with all of those conditions as well.
6. The official renewal will occur once the zoning inspector states the applicant is in compliance with the currently applicable conditions.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Application 2008-35 by Melissa and Michael Obradovic for property at 18833 Riverview Drive

The applicants are requesting area variances for the purpose of maintaining a light post, light design and fence. The property is located in a R-3A District.

The zoning inspector's letter dated December 18, 2008 was read and photos of the site were submitted.

Mr. and Mrs. Obradovic were present to represent this application.

Mr. Obradovic testified that he has been a resident of Bainbridge for 34 years, his parents live on Kingsley and he moved to Riverview in June of 2007. He said this past summer he wanted to do some more landscaping in his yard and he put in a decorative fence and a lamppost. He said he works for the illuminating company and they have car/pole accidents all of the time so he got a lamppost and the head lamp from work and put in underground wiring from his house to the post and it is run from an on/off switch in the house so it is not on all of the time. He said he got a letter from the zoning inspector stating he never filed for a permit for the fence or the light and he never knew he needed a permit for a fence and a light in the yard so that is why he is here.

Mr. Lamanna asked what kind of light it is.

Mr. Obradovic said it is a standard UV lamp post that goes in all underground developments now.

Mr. Lamanna asked what kind of a lamp it has in it.

Mr. Obradovic said it is a 100 watt high pressure sodium bulb and that is standard for all underground developments now, some of them are 150 and 175 but they are going to the 100s.

Mr. Michael Joyce, Zoning Inspector displayed some photos of the subject property that shows the fence and lamppost.

Mr. Obradovic said he gets all kinds of utility poles from job sites and he bought the split rails from Home Depot and never thought anything about it, he rented a two-man auger and his Dad came over and helped him and they did everything to get them in and the first one is maybe 20" in the ground and the deepest one is the back one at 24" and the outside one is 18", it is barely in because it is all rock there and it could have been back-filled when they built the house and driveway, he does not know. He said he added flower beds there with plants that will come up every year and all he was trying to do was make the yard look nice.

Mrs. Obradovic testified that this is a security light because there are no other lights on the street.

Mr. Obradovic said the street is very dark at night.

Ms. Sass said sometimes those lights are necessary and referred to a gentleman on Bainbridge Road that was hit by a car and killed while getting his mail at 6:30 in the morning.

Mr. Obradovic said they don't have it on all of the time, it is usually when they have company or when he gets called into work in the middle of the night so his wife will have it on.

Mr. Mike Curran of 18709 Riverview Drive testified that he lives on that street and they walk their dogs twice a week down the street and that light is nice for them because people don't drive very slow so it is nice for them to have a light on.

Mr. Lewis asked Mr. Joyce about the narrative regarding the question of whether this is placed in the right-of-way.

Mr. Joyce replied yes and said there are two major points, the light design and size. He said the resolution says that any light above 2500 lumens should be full cut-off and this is not a full cut-off and light trespass cannot leave the property and go onto other properties and obviously by design this sends light out 360°. He said the location is also another issue and he contacted the County Engineer to find out if it was in the road right-of-way or not and explained that the right-of-way is 30' from the center out and the road lanes are approximately 12' wide per lane so this should be set back about 18' from the edge of the pavement, how far exactly, the engineer never got around to give him that number but it is less than 18'. He said it is in the road right-of-way and the liability is if a car impacts this post and the posts are telephone poles and 11" in diameter, the township could be liable for allowing an unsafe structure in the road right-of-way and that is one of the reasons we are here. He said he does not know how far back they should be, everybody assumes it is in the right-of-way and he does as well but he can't prove it.

The board discussed right-of-ways and the location of these poles.

Mr. Lamanna said if it is actually in the road right-of-way, this board does not have any jurisdiction over it unless it is moved onto his property.

Mr. Obradovic said when he spoke to Mr. Joyce, he showed him the view from the property line and it would have to be almost in the middle of his yard and he never thought about it.

Mr. Lewis asked how many lumens this bulb is putting off.

Mr. Joyce said 5,000 lumens.

Mr. Lamanna asked what a 100 watt bulb would be.

Mr. Joyce said a 100 watt bulb is 2500 lumens if it is an incandescent but this is a high pressure sodium.

Mr. Lamanna said that is about four times an incandescent bulb or similar rating.

Mr. Obradovic said there are four panels to the light and the back side of the panel, the top part is shielded and it reflects the light and goes down at an angle and you can see it in the pictures and it goes basically to the center of the road and covers the road.

Mr. Lamanna said then it sounds like it is already a cut-off type of fixture.

Mr. Joyce said by definition it is not, full cut-off by definition means there is no part of the light that goes beyond the bottom of the fixture or no light can go beyond the plane of the light of the fixture. He said if you can see the element it is considered glare but any light coming out above or the bottom of the fixture would be considered light trespass to the adjacent property.

Mr. Lewis asked if a different bulb could be put in it such as a 100 watt incandescent that would still give the light otherwise the fixture would have to be replaced.

Mrs. Obradovic said it could be rewired.

Mr. Obradovic said originally the light was going down.

Mr. Lewis referred to the photos and said you should not be able to see the light bulb and it should be no different than what you would see in a shopping center at that point but if you want just a circumfluous bleed of light you are going to have to drop a 100 watt incandescent bulb in there.

The board reviewed Chapter 161.12 of the zoning resolution regarding lighting.

Mr. Lewis said he does not think the board has jurisdiction over the location and that has got to head out to the county.

Ms. Sass said it is the township.

Mr. Lewis said this language was adopted in 2001.

The board discussed items located in the township right-of-way.

Ms. Sass said the board should not address that part.

Mr. Lewis said the board can address the lumens and the head on the fixture.

Mr. Murphy said the zoning for this was adopted in 2001 so there are a lot of things that are probably not in compliance that were put in before that and read the following from the zoning resolution – “All sources of illumination of the exterior buildings and grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited.” He said the bottom line is what they are trying to do is to eliminate the glare. He referred to Mr. Curran who said it is enjoyable because he walks his dog and it lights up the whole street but the idea is that if you are driving down that street, that lamp should not be glaring. He said he has not seen it at night, the photos look like a streetlight but it is only 10’ – 12’ off the ground and right next to the road and basically that is what the township is trying to do away with, trying to do away with the giant glaring lights, wall packs, commercial looking lights that you can see from ten houses down the street and that is the whole idea of the zoning and until whether it is up to this board to decide or not because it is not technically on his property, he still thinks the bottom line is that the light fixture doesn’t really fit the idea of what the township is trying to do, the township is trying to eliminate that commercial glare.

Mr. Joyce asked Mr. Obradovic if there is a smaller or less lumens bulb he could use in place of this one.

Mr. Obradovic said yes, he would have to search around.

Mr. Lamanna said there might be a 70 watt.

Mrs. Obradovic said there is.

Mr. Lewis said this does not behave like an incandescent.

Mr. Lamanna said it doesn’t, it is four times the light.

The board discussed the wattage of lighting.

Mr. Joyce said wattage is a measure of power equal to amps times volts.

Mr. Lamanna said right, lumens is a totally different measure of light and referred to a standard 60 watt bulb.

Mrs. Obradovic said a 60 watt bulb is 800 lumens.

Mr. Murphy asked if the fixture could be modified to shield it.

Mr. Joyce said they had put shields on the top.

Mr. Murphy asked if it is on all four sides.

Mr. Obradovic said it is on the front and back so it goes out side to side and straight down and that is basically how they are designed.

Mr. Joyce asked about the shield.

Mr. Obradovic said there is no shield and that is the white frosting that they put on the lens.

Mr. Murphy asked if in the daylight, you can't see through the frosted lens.

Mr. Obradovic said no.

Mr. Murphy said it is clear glass underneath and then frosted glass on the top and that is front and back and not on the sides.

Mr. Obradovic said from the picture you can see the bulb.

Mr. Lewis said that is definitely not shielded.

The board reviewed the photos of the lamppost.

Mr. Curran said there is a metal plate on the top.

Mr. Lewis said the shielding is not opaque so whether they are frosted or not the light is bleeding through and it is fully visible. He said he hesitates to spend a lot of time on the light fixture because he is back to the fence and light fixture and establishing the proximity of placement and he would really like to get that established first with another department and then have it come back here but if he is going to move it, he doesn't need a variance.

Ms. Sass asked Mr. Obradovic if he is inclined to move it.

Mrs. Obradovic said they prefer not to.

Mr. Olivier said if he moves it, he still has to take care of the bulb.

Mr. Lewis said the board has to deal with the bulb either way.

The board discussed the application.

Mrs. Obradovic said when you look directly at the light you can obviously see it but it does not illuminate past the gravel onto the road.

Mr. Lewis said the zoning code says we do not want to see the bulb if it is over 2500 lumens so if the bulb is not visible and all of the light is going down, he sees light but not the glare of the bulb, it is has got to be completely hidden or shielded and there is not a lot of wiggle room on that, it is very clear. He said his only suggestion might be if they are looking to retain that fixture, they need to figure out a way to use a 100 watt incandescent bulb in there.

Ms. Sass said with the darkness out here without street lights and she knows it can't extend onto the road but sometimes you want it to extend onto the road when you are getting your mail at 7:00 at night, from a safety perspective, sometimes you want a little bit of light on that road so that oncoming drivers can see you.

Mr. Michael Maistros testified that he lives next door and has for 49 years and would like to put a light up just like this one with the crime and the robberies going on in the neighborhood and everything and he thinks it is great. He said if he puts one up, he would put it up to a streetlight height and he would pay for theirs and put theirs up streetlight height in order to keep the same 175 watt bulb and keep them as street lights and encourage the neighborhood to get more up.

Mr. Joyce said the streetlights they are putting in now are full cut-offs and that is the standard that CEI is using. He said there have been a lot of legal cases from groups.

Mrs. Obradovic said from Dark Sky.

Mr. Lamanna asked what they do with the shorter, decorative poles that are put in a lot of places.

Mr. Joyce said they are in the new subdivisions.

Mr. Lamanna asked if they are cut-off fixtures also just designed to look like that.

Mr. Joyce said they are very popular.

Mr. Lamanna said they may make a cut-off fixture that is that style.

Mr. Joyce said they reduced the lighting inside of them and they are less than the 2500 lumens. He said initially there was a neighbor that was complaining about the glare in her bedroom.

Mr. Obradovic said this is the neighbor who continuously calls the police on her surrounding neighbors.

Mr. Murphy asked if she is the adjoining property.

Mrs. Obradovic said across the street.

Ms. Sass asked if she is here.

Mr. Obradovic said she is not here.

Mr. Joyce said she was notified but chose not to be here.

Mr. Obradovic said he can rearrange the shielding in there, the frosting, and then it would not go across the street onto her property at all. He said how he came to find out about part of the issue was from his son through another neighbor that she called the police about the light and fence.

The board discussed the zoning code regarding this application.

Ms. Sass asked if the board is not going to address the location because it is not in the board's jurisdiction to do so.

Mr. Joyce said if it is in the road right-of-way, they would not have the standing to ask for a variance.

Ms. Sass said right.

Mr. Lamanna said the board can't grant a variance to allow it in the road right-of-way.

Ms. Sass said the board can't hear the location issue but it can clearly hear the lighting issue.

Mr. Obradovic said it is a bulb issue.

Mr. Lewis said you can change the header and change the bulb, the board is not going to deal with the location.

Ms. Sass asked if the board could continue this for 60 days to give them an opportunity to change the bulb.

Mr. Lewis said the bulb would have to be 2500 lumens or less.

Mr. Murphy said or keep that same bulb and bring the shielding down.

Mr. Lamanna asked if that is a standard fixture.

Mr. Obradovic said the whole pole itself is and explained that if they get a car/pole accident anywhere and if it is broken at the base, we go out and put a new one up and this is what we stock.

Mr. Lamanna said so this is a recycled pole and asked Mr. Obradovic to get from the manufacturer, the exact light pattern that this light puts out. He said they would have the books on exactly what the light patterns are and what it will be at a given height on the ground.

Mr. Obradovic said the post is 3' short and we put them in the ground 3'.

Mr. Lamanna said that would be close enough but if that information would be helpful and after looking at the data, the board may find that the light doesn't pose an issue and an advantage of a fixture like this, you will be able to obtain that kind of information.

Mr. Olivier asked if it is a trespass issue or an issue of glare when driving down the road.

Mr. Lamanna said this is being regularly used as a streetlight so he doesn't think it poses any traffic hazards.

Mr. Obradovic said on a regular basis, these things are on day by day with the same bulb.

Mr. Lamanna said it is just a question on how bright it is and how far it extends.

Mr. Murphy said he lives on Catsden Road and he looks across the valley there at the one development right next to the freeway in Solon Road and there are 786 of those and he sees every one of them right there in that little line and he hates it every night that he sees every one of those and he does not think we have any business having vapor lights as a yard light and he personally has a thing about yard lights so he is not personally in favor of those kind of lights, they are great in some developments in Mentor or Solon and he understands having light on the streets but he happens to like it the other way.

Mr. Lewis said the street can be illuminated with a down fixture, they are done in shopping centers where there is no bleed off to the adjacent property and not being glared out by the visibility of seeing the bulb and you can affect what the span is which satisfies safety and a lot of that can be controlled by how high up you set the fixture.

Ms. Sass said the applicants will have to fix the light and if they don't, Mr. Joyce will cite them.

The board discussed denying the variance request for the light but not addressing the location of the pole and fence because it is not the board's jurisdiction.

Mr. Murphy said it looks much nicer than not having the fence there too, he understands that for aesthetics.

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

Motion BZA 2008-35 – 18833 Riverview Drive

Mr. Murphy made a motion to deny the light design.

Based on the following findings of fact:

1. It does not conform to Chapter 161.12 of the Zoning Resolution.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Since there was no further testimony, the public hearing was closed at 8:45 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Lorrie Sass

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

Date: January 15, 2009

AUDIO RECORDING ON FILE

BZA PH 12/18/2008

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Bainbridge Township, Ohio
Board of Zoning Appeals
December 18, 2008

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:45 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass.

BZA 2008-11 – 8481 E. Washington Street (Key Bank)

Mr. Lamanna made a motion to accept the applicant's withdrawal of subject application.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Zoning Inspector Comments

Mr. Michael Joyce, Zoning Inspector reported that the Woodforest Bank located inside the Walmart store had removed its sign. He also stated that two stations have been placed with rules of the park at the South Russell Village Park on E. Washington Street and the village will be posting more signs along the lot line. Mr. Joyce discussed the proposed fence at 7395 Chagrin Road that was not granted by the board. The board was in agreement that if the applicants want the fence, the request will have to come back to the board.

MINUTES

Mr. Lamanna noted that the board had transposed the east and west sides of the building with respect to where the overall signs would be located that faced into the shopping center access road on BZA application 2008-33 – 7010 Aurora Road (Waterway Gas & Wash).

Mr. Lamanna made a motion to adopt the minutes dated November 20, 2008 as written with the exception that west be changed to east on Items #3 and #5 of the motion for application 2008-33.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Secretary's note: The minutes had previously been corrected.

Joint Zoning Meeting

The board discussed a proposed joint meeting with the zoning commission to review the zoning resolution.

Mr. Lamanna made a motion to call a special meeting on January 10, 2009 at 9:00 A.M. for a joint work session between the Board of Zoning Appeals and the Zoning Commission to review the zoning resolution.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Applications for January 15, 2009

Application 2008-32 by Jon Bruce for property at 8573 Beacon Hill Drive - Continuance

The applicant is requesting area variances for the purpose of constructing a detached garage. The property is located in a R-3A District.

Application 2009-1 by Roger Fortney for property at 16760 Snyder Road

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

Application 2009-2 by Melissa Cobb (MCG Architecture) On Behalf of Riser Foods Company (Giant Eagle) for property at 8515 Tanglewood Square

The applicant is requesting an area variance for the purpose of adding a drive-thru pharmacy. The property is located in a CB District.

Application 2009-3 by Joyce Building Co. – William Joyce for property at 7020 Country Lane

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

Application 2009-4 by Bainbridge North Land Development LLC for property at 18813 North Market Place Drive

The applicant is requesting an area variance for the purpose of constructing a retail building. 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 15, 2009 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 9:10 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Lorrie Sass

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

Date: January 15, 2009