

Bainbridge Township, Ohio
Board of Zoning Appeals
December 19, 2002

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

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

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

The zoning inspector's letter dated October 10, 2002 was read and photos of the site were submitted.

Mr. William Kinney was present to represent this application.

Mr. Kinney testified that this was talked about at a previous hearing a month or two ago and stated that the well has to be 300' from the property line in order to meet the 150' criteria for recreational facilities like a golf course. He explained that he is asking for a variance to drill 100' from the main tee and the country club will not use the main tee during the drilling process. He said the well will be inside the woods line and will be screened. He submitted a color aerial photo to the board members and said he is asking to drill where it is actually staked.

Mr. Lamanna said the only issue is during the drilling phase.

Mr. Kinney said the access road is getting pretty rough so he will improve it for the Stebels and the other residents. He explained that there are other wells on other golf courses and there has not been a problem.

Mr. Lewis asked if the well will be 175' from the tee box.

Mr. Kenny said there are two tee boxes and explained the elevation of the tee.

Mr. Takacs asked what prohibits moving the well location.

Mr. Kinney said it has to be 300' from the other property line per state spacing regulations.

Mr. Lamanna said the left tee is the most used.

Mr. Kinney said they are going to change it over to the 175' tee eventually.

Mr. Lewis said it would have to be done before the golf season starts.

The board discussed the location of the tees.

Mr. Kinney explained the topography of the land and said he can keep a nice border to obstruct the well from the golf course.

Mr. Takacs asked if the well could be moved up the line further.

Mr. Kinney said it has to be 300' from the eastern property line and can only move up and down per state regulations.

Mr. Lewis asked if the setbacks are drilling only setbacks.

Mr. Kinney said the state requires 100'.

Mr. Olivier said the whole area is heavily wooded.

Mr. Kinney said he wants to keep it screened and when it is done, he does not want anybody to know it is there and he wants to preserve the woods line.

Mr. Lamanna said he would like to see a physical barrier.

Mr. Kinney said it will all be fenced per township regulations and he would like to be able to stand on any of those tees and not see it.

The board discussed alternate locations for the proposed well.

Mr. Takacs asked if the 300' requirement is only during drilling.

Mr. Kinney replied by saying yes.

Mr. Lamanna said again he would like to see a barrier in case something happens.

Mr. Kinney said he could build an earthen berm on that side.

Mr. Lamanna said he would like additional screening provided for the golf course and asked if 8' would be a feasible height.

Mr. Kinney replied yes and said he tries to sculpt it out and he does the same thing with the roads, instead of a straight line through the woods, he sculpts the drive through the woods.

Mr. Eric Simon of 8740 Bainbridge Road testified that he was not aware of the application earlier and described the location of his house. He said that it is a straight shot, in line, with the drilling, not within legal notice range, but believes he will be strongly impacted. He said he lives on Bainbridge Road and has a quiet backyard now. He asked if the board only needs to worry about setbacks from the golf course itself.

Mr. Lamanna said the board decided this when the applicant was here the first time.

Mr. Simon asked if the measurement is going to be taken from the tee area.

Mr. Lamanna replied yes.

Mr. Simon said this area is plainly residential and/or recreational and with truck traffic, noise, etc. it is not appropriate.

Mr. Lamanna asked Mr. Simon what the distance was between his house and the proposed well.

Mr. Simon said his home is approximately 1,000' from the well site.

Mr. Lamanna asked Mr. Kinney about the potential noise from the drilling.

Mr. Kinney said at 66' it's not any louder than anything else in the surrounding area. He said most people don't even notice it and it is equivalent to an over the road truck. He added that it requires 10 truck loads in and 10 truck loads out and said wells have to be drilled where there is oil and gas and said the City of Cleveland wants to drill wells on two of the golf courses that they own.

Mr. Lou Radakovic of 8730 Bainbridge Road testified that he is concerned also because he has worked on the golf course and the balls end up in that area and chain saws can be heard from quite a distance and added that he is worried about the kids in the area.

Mr. Simon asked if the drilling will be 24 hours/7 days a week.

Mr. Kinney said yes.

Mr. Lamanna asked Mr. McIntyre about the storage shed on the property and if a variance is needed for that.

Mr. McIntyre said it should be mentioned in the motion.

Mr. Kinney said the shed is almost not standing.

The board discussed the proposed gas and oil well.

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

Motion BZA 2002-50 – 8782 Bainbridge Road

Mr. Lamanna noted that this is a further request for a variance in accordance with the board's previous interpretations made with respect to the applicable sections in Chapter 181.02 on Oil and Gas Wells. Also, there is a storage shed on the property which is determined not to be an inhabited structure so it is not subject to the 300' distance requirement for drilling.

Mr. Lamanna made a motion to grant the applicant's request for a variance with respect to the golf course and the tee location on the golf course which will be 100' from the tee area to the well site for a variance of 50'.

Based on the following findings of fact:

1. The applicant has proposed adding a bermed area 8' higher than the well location to act as a screen between the well and well equipment and the tee area, thereby, obtaining equivalent protection that is afforded by the 150' setback requirements and therefore it will accomplish the same effect and the applicant is otherwise meeting the setback requirements from the other structures.
2. The applicant will maintain the appropriate 300' setbacks during the drilling because the drilling will occur during a time when the golf course will not be in operation.
3. The applicant will bring the berm around a little bit on the south side to provide some additional screening visually and for noise for the people who live to the south down towards Bainbridge Road.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated December 12, 2002 was read and photos of the site were submitted.

Mr. Harold Friedman was present to represent this application.

Mr. Friedman testified by saying he is asking for a variance to permit a split of the property so that he can obtain a legal description in order to be able to convey the property. He explained that when Rt. 422 came through, the property was physically split but never properly split and was treated as a single parcel. He said if he wanted to convey the property, he would need a legal description and if he wants to convey it to the township, he could not do it. He added that one parcel is short of the two acre requirement for Professional Office District zoning and because it is undersized, he needs a variance.

Mr. Takacs asked Mr. Friedman about the sliver of property by the freeway.

Mr. Friedman said he thinks it is a state easement but is not sure.

Mrs. Stanton asked for an explanation of the where the property is located per the site plan.

The board reviewed the site plan and the township zoning map and looked at where Bainbridge-Chagrin Road was re-located and discussed the sliver of property.

Mr. Friedman said the site plan does not show the sliver and added that he can go back to the county for the information.

Mr. McIntyre obtained a current printout from the Geauga County GIS System so the board could compare it to the site plan submitted.

Mr. Lamanna said the board would be creating two separate lots.

Mr. Friedman said they are two separate lots.

Mr. Takacs said they are not contiguous.

Mr. Friedman said the township should not have re-zoned it to Professional Office District because it is not large enough and the freeway went right through the middle of the property and added that all he wants to do is get a legal description if he wants to convey it to the township and the county said they would not split the parcel because it is too small for POD.

Mr. Lamanna said the board understands that problem but we don't want to grant a variance to create a sub-standard lot.

Mr. Friedman said then he can't use the property.

Mr. Lamanna said the owner should have been compensated from the state when it took the property.

Mr. Friedman said the lot is undersized for a house and he just needs a legal description to split the lot and if the board does not want to give it to him, it will make his argument with the township that much better. He said if the board wants to approve the lot split, subject to further review, that is alright and added that he has to file a lot split but the county is requiring him to get a variance for the lot split.

The board discussed the POD zoning on the property.

Mr. Friedman said before the freeway came through, it was zoned for a shopping center and said he was not concerned about the other side.

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

Motion BZA 2002-56 – Bainbridge Road/Route 422/Bainbridge-Chagrin Road

Mr. Lamanna made a motion to grant a variance for the purposes of permitting the applicant to obtain legal descriptions to split his two pieces of non-contiguous property which are currently considered a single parcel by allowing the parcel at the southwest corner of Bainbridge Road and State Route 306 to have an acreage of 1.742 rather than the minimum required acreage of two.

Based on the following findings of fact:

1. The applicant needs to have two separate legal descriptions for the non-contiguous pieces of property in order to meet the legal requirements for having real property descriptions. This is done solely to facilitate that purpose.
2. This variance is not granted with respect to any future use of the property or any future non-conformance of the property with the minimum acreage required for the zoning district in which it is located.
3. The applicant has presented no evidence with respect to a variance for such purposes regarding any actual use of such property and therefore the board cannot make any decision with respect to any such future use.
4. At such time that the applicant actually desires to build on or use the property, any variance to the minimum acreage requirement will need to be addressed at such time.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated December 12, 2002 was read and photos of the site were submitted.

Mrs. Audrey Narinskiy was present to represent this application.

Mrs. Narinskiy testified that they had a fire the end of July last year so they re-built the barn.

Mr. Lewis asked if the barn is already up.

Mrs. Narinskiy replied yes.

The board reviewed the site plan, photos and aerial photograph of the property.

Mrs. Stanton asked if the original barn burned down.

Mrs. Narinskiy replied yes.

Mr. Lewis asked if it is the same foundation, same footprint.

Mrs. Narinskiy replied yes.

Mr. Olivier asked if there was a previous variance granted.

Mr. Lamanna said it was a non-conforming structure.

The board reviewed Chapter 165 of the zoning resolution.

Mr. Lamanna asked how it was re-built without a permit.

Mr. McIntyre said it was brought to his attention after the fact.

Mr. Lamanna asked what the barn is used for.

Mrs. Narinskiy said her son uses it for a weight room and her father uses it to fix cars. She said that the insurance paid for it and it has a separate driveway.

Mr. Lewis asked if a business is run out of it or if it used for storage.

Mrs. Narinskiy replied no.

The board looked at the adjacent parcels per the location of the barn on the site plan.

Mr. Lamanna said there is no way this building would have been approved at this location and explained that once a structure is gone and destroyed, it cannot be re-built in the same location if it was a nonconforming structure. He continued by saying that it is a difficult decision for the board to make and there should have been a previous permit for this. He asked how old the previous structure was.

Mrs. Narinskiy said the previous barn was built in 1984.

Mr. Takacs said the zoning regulations were in place in 1984.

Mr. Olivier said per the tax duplicate it was built in 1984.

Mr. McIntyre explained the history of the zoning on this property to the board members.

Mr. Takacs asked Mrs. Narinskiy how long she owned the property.

Mrs. Narinskiy said they purchased the property four years ago.

The board viewed photos of the barn.

Mr. Orłowski, Assistant Zoning Inspector, explained the photos to the board.

The board discussed the elevation of the property.

Mr. Lamanna said since the barn is already up, the board would like to get more photos from different views and have the drainage checked and to look at any other issues. He suggested tabling this application until next month.

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

Motion BZA 2002-57 – 17840 Geauga Lake Road

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held January 16, 2003.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated December 12, 2002 was read and photos of the site were submitted.

Mr. Dennis Kievets was present to represent this application.

Mr. Kievets explained that he had a tool shed (8' x 12') built near his house in the same location as the old one that was torn down. He said it meets all the zoning regulations except for one side yard setback to his neighbor and added that it is a very nice looking shed. He said it will be stained a gray color to match the house.

Mr. Takacs asked what the shed is used for.

Mr. Kievets said he stores his lawn tractor, tools and odds and ends in it.

The board reviewed the site plan.

Mr. Lewis asked if the shed is permanently anchored to the ground.

Mr. Kievets said no, it is on gravel.

Mr. Takacs asked how far away it is from the house.

Mr. Kievets said it is about five feet because the idea was to be able to get a tractor through there.

Mr. Takacs asked about the area behind the house.

Mr. Kievets said the area slopes down in the back and said it is pretty wet and the area he chose for the shed is good because if it were back farther, it would have been useless in the winter.

Mr. Lamanna asked if he would have a problem planting four to five evergreen trees along the property line.

Mr. Kievets said not really, but there are already some trees going all the way back and the neighbor is here to verify that. He said he could plant some more or put up a fence.

The board discussed planting a screening.

Mr. Kievets said the existing pine trees there now are huge.

Mr. Lamanna said that some lower trees should be planted there and asked Mr. Kievets if he would agree to do some landscaping there.

Mr. Kievets said he had thought about doing some.

Mr. Takacs said once the shed is painted it will look better.

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

Motion BZA 2002-58 – 17923 Snyder Road

Mr. Lamanna made a motion to grant the applicant a side yard variance from the required 50' to 14.5' for a variance of 35.5' for the purposes of maintaining an existing 8' x 12' shed.

Based on the following findings of fact:

1. A practical difficulty exists.
2. There will be a minimal impact on the neighbors.
3. This is a small shed and it is not very tall.
4. It is close to the house and does not encroach on the side yard setback requirement substantially more than the existing structure already does.
5. Because of the size and the fact that the shed will be maintained the same color as the house, it will blend into the house and not be obtrusive to the neighbors.
6. Furthermore, the neighboring house is located approximately more than 100' from the property line and separated by a large stand of evergreens so that the presence of this small shed will not adversely affect their view or use of the property.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated December 12, 2002 was read and photos of the site were submitted.

Mr. Brian Hengle was present to represent this application for Mr. Frank Pla.

Mr. Hengle testified that Mr. Pla is on his way home from Florida and he is not familiar with this property but Mr. Pla briefed him about the elevation of the house.

Mr. Lamanna said it is a measuring issue.

Mr. McIntyre said the original elevation indicated the house would conform but during the framing it was changed and the elevation came in at 39'.

Mr. Hengle said the house is actually a bi-level home that is raised.

The board reviewed the floor plans and the photos of the house.

Mr. Lamanna said the height was increased on the back side for the walk-out basement.

The board discussed the elevations of the property.

Mr. Lamanna said no one will be living in the top portion of the house.

Mr. Lewis said the driveway is in front so it does not appear to have a problem for fire department access.

Mr. James Mountford of 8115 Darbys' Run and neighbor testified that the basement floor of the house starts level with his second story. He said the grade was not much different than at his house and he had to spend a lot of money to beautify his property. He said not one person in Laurel Springs agrees that this house is beautiful, it is the ugliest house in the subdivision.

Mr. Lewis asked if Laurel Springs had an architectural review board.

Ms. Joanne Haluska of 18180 Moss Point said she is the treasurer for the homeowner's association and does not know how this house got through David Blond.

Mr. Hengle said he believes that David Blond is the listing agent for this house.

Mr. Mountford said he designed his own house and hired an architect to comply with all the standards of Bainbridge Township.

Mr. Lamanna said this was a complicated calculation that goes into calculating the building height and the board is not aware that someone was trying to circumvent the system.

Mr. Mountford asked where the measures were taken from.

Mr. McIntyre said they were taken from the finished grade.

Mr. Lamanna said the grade changes on all four sides of the house and the average was taken.

Mr. Mountford asked which side of the house they are trying to build up four feet.

Mr. Hengle said there is no place to build it up.

Mr. Lamanna said that is why there is a variance request.

Ms. Haluska said the most frustrating part is the design of the home because it is entirely different from the rest and said it is also the way it is cut into the land because it looks like a five story house and it stands out to look less expensive and now it is four feet above the rest of the homes.

Mr. Lamanna said the township cannot regulate architecture.

Mr. Hengle said the area is in the grading and the variance request is so we won't have to re-grade.

Mr. Mountford said it might make the house look less tall.

Ms. Haluska said to re-grade it and make it appear not so tall would be better. She said that Domain Builders also owns lots on both sides and they are graded the same.

Mr. Lewis said she should go to the homeowner's association, but the height variance is the only issue the board is dealing with tonight.

Mr. Lamanna said the concern is safety reasons and the access the fire department has to the house.

Mr. Mountford said they can't change two sides.

Ms. Haluska said the grade itself goes up from the street.

Mr. McIntyre explained how the height was calculated which was all from the finished grade and taken from four sides, but the zoning has changed and the height measurement is only taken from the front now. He said this house was built on the old regulations.

Mr. Mountford said that four feet could be added to the front with a wall next to the driveway and it would make the house look 100% better.

Mr. Hengle said there is a window off to the side.

Mr. Mountford said he could modify his windows and told the board they should go down and look at the house.

Ms. Haluska said the photos don't show everything.

Mr. Lewis said the board cannot deal with aesthetics, it is only looking at a height variance.

Ms. Haluska said the neighbors are hoping that if the grade is raised four feet, it won't look as tall.

The board discussed the elevations of the property and house.

Mr. Mountford asked why the plans got altered and said it is the architect's job to make sure it is correct.

Mr. Takacs said the original plans averaged out at 35'.

Mr. Mountford said somewhere, someone detected it was four feet over.

Ms. Haluska said if anything can be done to do more, the house would blend more and if it is going to make the house blend in with the neighborhood, why not ask them to add four feet to the grade.

Mr. Mountford said his own basement windows are welled.

The board viewed photos of the house.

Ms. Haluska said the walkout is on the side of the house.

Mr. Lamanna said one way to ameliorate the problem is to bring up the grade with a retaining wall and it will take almost two feet off of the measured elevation. He explained to Mr. Hengle to take the grade and drop it down just below the window and bring it up to the corner of the house and slope it down. He said how it is achieved is up to the applicant but it should not be tapered straight away and it will look better when it is landscaped. He said with the appropriate grade and landscaping it will not stick out because the landscaping will soften it.

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

Motion BZA 2002-59 – 8105 Darby’s Run

Mr. Lamanna made a motion to grant a variance to the height requirement. This variance will be granted in the amount not to exceed 4’ to be determined after re-grading of the front elevation of the house in the following manner:

The elevation that is currently shown on the drawings at the front door will be continued across the front of the house to the left of the front door as you face the house until you reach the corner where the house jogs in. At that point the elevation will be dropped down so that it can be approximately one foot below the lower window line of the section of the house that has the chimney on it until it reaches the corner of that side where it will be tapered down to meet the existing elevation on the side of the house to the left as you face the front. This grade will be carried out from the house a reasonable distance before it begins to taper down to the front street elevation.

Based on the following findings of fact:

1. It appears that this property exceeded the 35’ limit due to some small alterations in the surrounding grade of the house which inadvertently caused it to exceed the height limitation.
2. On examination of the structure in its location and the fact that the significant part of the additional height is created by a roof, it does not have any living area above it and the availability of access to the highest part of the house from the driveway will not create any adverse impact upon the delivery of township services or otherwise adversely affect the neighbors.
3. Because of the steep topography in the area the house will not appear to be unusually tall compared to the surrounding area.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector’s letter dated December 12, 2002 was read and photos of the site were submitted.

Mr. Edward Vaughan was present to represent this application.

Mr. Vaughan testified that he would like to split the lot which consists of ten acres and said one lot would be five acres and the other lot would be 4.9 acres based on how it is computed from the right-of-way.

Mr. McIntyre said both lots will be 4.98 acres so there will be two non-conforming lots.

Mr. Vaughan said the sole purpose of splitting the lot is for another residential dwelling next door for someone to take care of his dad so he does not have to move. He said they will use the existing driveway for the new structure and put in a new driveway for the existing house so there will be two separate driveways and the only other alternative is to present it as two flag lots but it is not a very attractive alternative and added that most of the lots on the street are nonconforming.

The board discussed the proposed lot split and frontage.

Mr. Lamanna said each lot will still have 150' of frontage.

Mr. Lewis said with a 150' wide lot with 50' side yard setbacks, the house with a garage can only be 50'.

Mr. Vaughan said they already thought that through.

Mr. Lamanna said you will be limited to what kind of structure you can build.

Mr. Vaughan said it could be a detriment for them down the road.

Mr. Lewis said the house could be parallel to the depth of the lot because the house has to front the street.

Mr. Carl Lipocky testified that he lives directly across the street and said they tore the one house down and moved this over and with another house on the other side, it would level the property out and would look better.

Mr. Lewis said they would have two identical lots instead of two flag lots.

Mr. Lamanna said that is a better alternative.

Mr. Lipocky said what they have done looks great and it will be fine.

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

Motion BZA 2002-61 – 7444 Pettibone Road

Mr. Lamanna made a motion to grant the following variances for the purposes of splitting an existing ten acre lot.

1. A variance to the acreage requirement of .11 acres on each lot.
2. A variance from lot width from 250' to 151.69' on each lot.
3. In addition the applicant has requested that a variance be granted for the purposes of having a shared drive and given the nature of these lots and the distance back to the house, a shared drive, if desired, would be permitted and would not create any problems with either delivery of township services or adversely affect any of the neighbors.

Based on the following findings of fact:

1. This variance is granted because this was originally platted as a ten acre lot and measured to the centerline of the road but under current standards, the actual acreage of the lot is measured from the edge of the road right-of-way and the variance represents the amount of acreage that is lost by that measurement.
2. A practical difficulty exists because the overall width of the lot is 300 slightly plus feet wide and this is a more desirable and practical alternative than to create flag shaped lots which will have the required width.
3. The applicant, if there is a shared drive arrangement, will assure that the appropriate easement is granted to the properties using the shared drive to allow access and to determine appropriate maintenance obligations with respect to such drive.

NOTE: Since the board is allowing a lot of only 150' wide, the applicant must remember that it will limit the width of the house that will be permitted because of the 50' side yard setback requirements.

Mr. Takacs seconded the motion.

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

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

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

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

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

The zoning inspector's letters dated December 12, 2002 were read and photos of the site were submitted.

The board was in agreement to hear applications 2002-63 and 2002-64 together.

Mr. Dale Kramer was present to represent this application.

Mr. Kramer introduced his wife Nancy and Mr. Jim Aurigemma to the board. He testified by stating the following:

"It is with great pride, as a resident of Bainbridge Township, that I present the following Zoning Applications for the property located at 8388 East Washington Street, Bainbridge Township, Ohio.

1. In accordance with Chapter 143.02 CB Convenience Business District, of the Bainbridge Township Zoning Resolution, I am applying for a Zoning Permit as a Specialty Retailer for the retail sale of new and used motorcycles.
2. As an ancillary use, I am also applying for a Conditional Use Zoning Certificate as specified in Chapter 143.02 Part B, for the repair of new and used motorcycles. Per the Zoning Resolution, "no rental trailers may be stored outside, and; no repair work on motor vehicles shall be done except within a building", and as such we will comply.
3. A Bainbridge Township Variance Application for a wall mounted sign as described in Section 173.11 Part B Paragraph 2 (pertaining to allowable square footage) and a ground sign as described in Section 173.11 Part C Paragraph 3 (pertaining to allowable height).

It is the intention of BMW Motorcycles of Cleveland to add to the value, reputation and prestige of Bainbridge Township and the Bainbridge business community.

It is hoped that these applications meet with your satisfaction and we request your approval."

Mr. Kramer presented a BMW Overview as follows:

"During the past decade there has been resurgence in the motorcycle industry. Fueling part of this growth has been the technological changes to the motorcycle itself.

Better brakes, suspension, handling, and riding comfort have made motorcycling more appealing to a new generation of riders. As the image of motorcycling has changed, more and more bankers, lawyers, and professional people have become recreational riders. As these “baby boomers” entered the nineties and could afford an upscale motorcycle in the \$15,000-\$25,000 price category, the industry saw an upturn in the “cruiser” market and the luxury touring segment. An offshoot of this growth has been that these same “boomers” are passing down their enjoyment of motorcycling to their entire family.

BMW Motorcycles are recognized around the world for their engineering, styling, performance and handling. Innovations such as Integral ABS Anti-Lock Brakes, and Telelever/Paralever Suspensions Systems have revolutionized the motorcycle world. Now BMW is innovating the motorcycle dealership. This new approach is centered on a “boutique” style dealership. Gone are the days of multi-brand motorcycles stacked wall to wall on concrete floors with a clutter of unrelated banners, posters, and improperly displayed merchandise hanging from the walls and ceilings.

At new dealerships, BMW is the exclusive brand sold. The dealerships reflect BMW’s corporate “brand” and image. Motorcycles are displayed so that the customer can properly view and sit on them. The floors are carpeted and the merchandise is displayed in a coordinated appealing manner. The service technicians are trained by BMW to offer the customer the very best care for their motorcycle. Even the “apparel specialist” is required to attend training courses at BMW’s corporate offices. This program has proven to be very successful.

At BMW Motorcycles of Cleveland, our goal is to be one of the best BMW dealerships in the country and to bring the passion of BMW quality and perfection to Bainbridge Township.”

Mr. Kramer stated the following Mission Statement:

“BMW Motorcycles of Cleveland is dedicated to provide a superior level of sales, service knowledge, and assistance.

BMW Motorcycles of Cleveland will treat every customer as if they were our only customer.

BMW Motorcycles of Cleveland will provide our employees with an outstanding workplace environment.

BMW Motorcycles of Cleveland recognizes its duty and obligation to be a good corporate citizen.”

Mr. Kramer added that BMW motorcycles are quiet and the owners are referred to as riders not bikers. He referred to the site plan and stated the following:

“Working with the existing building and site, we have made the following changes:

Landscaping

- Added additional landscaping and “green spaces” in the front of the building (South side).
- Added additional landscaping around relocated ground sign.
- Remove and clean-up brush along Southwest side of property and re-landscape where possible.

The above enhancements to the site will improve the appearance of the property and increase “curb appeal”.

Parking

- Moved ground sign forward and out of the middle of the front parking area.
- Removed parking spaces in the front lot that surrounded the sign.
- Re-striped parking lot to improve traffic flow.

The above improvements impact the property as follows:

1. “Cleaned-up” traffic flow in and out of property.
 2. Allows better access for customers.
 3. Greatly improves accessibility for various Township safety departments.
- Parking Requirements:

Per Chapter 169.06 of The Bainbridge Township Zoning Resolution one space is required for every 250 square feet of useable floor area. If the storage area is included in this calculation, 56 parking spaces would be required.

We have provided 62 spaces as follows:

1. 37 spaces indicated on site plan.
2. Additional 25 spaces available on fenced asphalt lot to the West of the building.
3. Parking spaces provided exceed the number of spaces required by code.”

Mr. Kramer testified that there are two propane gas tanks on the northeastern portion of the property and he intends to keep them

Mr. Lamanna asked how many employees there will be.

Mr. Kramer said he will start out with six to eight employees and will have ten to twelve maximum.

Mr. Takacs asked what the asphalt lot will be used for.

Mr. Kramer said there will be no outside storage.

Mrs. Stanton asked if the chain link fence will be removed.

Mr. Kramer said he is going to keep the fence because it acts as a buffer between this property and the neighboring property. He added that the parking space calculations do include the storage area. He submitted photos of the current property as it exists today and noted that it is red with a mansard roof.

Mr. Kramer referred to the proposed elevations that were submitted and stated the following:

“The current facility is painted red with a blue mansard roof. The interior of the building is worn and requires updating. We plan to improve the appearance of the property as follows:

Exterior

- Per our architect:
 1. Extend façade by approximately four (4) feet on both sides.
 2. Remove front mansard and replace façade with new architectural panels.
 3. Re-design entrance to give a cleaner more modern appearance.
 4. Repaint entire building, including East and West mansard roof, per BMW’s specifications, using white as the primary color with grey trim.

The above changes will:

1. Radically improve the current appearance of the building.
2. Give the property greater “curb appeal”.
3. Be more harmonious with surrounding structures.
4. Enhance the character and value of the adjoining properties.”

Mr. Kramer said he will do a total modification of the interior. He referred to the proposed interior layout and design and stated the following:

“BMW has strict guidelines for the improvement and renovation of dealership facilities. These requirements include, but are not exclusive to:

- Floor Covering.
- Ceiling Treatment

- Lighting
- Retail Floor Space
- Service Department”

Mr. Kramer referred to the proposed signage and stated the following:

“Currently the property does not conform to the signage requirements as outlined in the Bainbridge Township Zoning Resolution. There are four (4) signs attached to the front facade, a non-conforming pole sign and various other signage that give the property a cluttered, unattractive appearance.

New signage with a coordinated look, as per BMW graphics and design, are intended to greatly enhance the current look of the facility.

Sign Requirements:

Per Section 173.11, Part B, Paragraph 1, Total Signage Area. The building has a frontage of 108 linear feet with a total allowable signage area of 124.20 square feet.

Sign 1: Marquee Sign

This sign is comprised of two components.

- A.) BMW Roundel (logo). This faced measures 10.78 square feet.
- B.) “Motorcycles”. This face has a total of 53.43 square feet.

Section 173.11, Part B, Paragraph 2 states: “No one sign (excluding ground signs) shall exceed 50 square feet”.

I am requesting a variance of 3.43 square feet for the “Motorcycle” sign.

We are a single use tenant and will have only one sign on the front of the building, as opposed to a multi-use building with numerous signs on the facade.

Considering the dimensions of the frontage, a sign of any smaller proportions would look aesthetically disproportionate.

Sign 2: Ground Sign

The current sign on the property is double poled, well over 16 feet in height, has no protection from being hit by vehicles in the parking lot, and a car or person can easily pass underneath it. The sign is placed in a non-descript area of the parking lot.

The new ground sign will conform to current code requirements.

The ground sign consists of two sign panels. Each panel face of this sign measures 8.12 square feet, per side, with a total of 32.48 square feet of signage.

The sign will be located within a landscaped area of the current parking lot, as per the attached site plan.

Per Section 173.11, Part C, Paragraph 3, states: "Ground signs...shall not exceed ten (10) feet in height as measured from the average finished grade".

I am asking for a variance of seven (7) inches.

Sign 3: Wall Sign

This sign is positioned on the East side of the building over the doors that lead to the service department.

This sign measures 4.75 square feet.

Summary:

- Total allowable signage: 124.20 square feet.
- Total Proposed Signage: 101.44 square feet
- Single tenant.
- The placement of these new signs will improve the appearance of the building.
- Give the entire location far greater "curb appeal".
- Enhance the character and value of the adjoining properties.

Mr. Lamanna referred to the site plan and said there are four parking spaces facing the street.

Mr. Kramer said those are existing parking spaces.

Mr. Lamanna said the township has been wanting to push the parking back from the street and the board would be more inclined to give relief on the total number of parking spaces in the front. He asked if the portion where the U-Haul trucks are sitting is part of the parking lot.

Mr. Kramer replied yes.

Mr. Lamanna suggested pulling the pavement back 10'-12' from the property line.

Mr. Kramer said his only concern is for deliveries to make sure a truck would have enough room to swing in there.

Mr. Lamanna said by removing that asphalt it would improve the property and probably will not need as many spaces as requested. He asked if there will be outside storage.

Mr. Kramer said there will be no outside storage and the U-Haul trucks will be removed and all of the repairs will be done inside. He said there will be 5,000 sq. ft. of showroom and 5,000 sq. ft. of service area, five lifts inside and there will not be many motorcycles in the facility at one time.

Mr. Lewis said there is a significant employee parking lot in the back.

Mr. Takacs asked if the parking lot could be straightened out on the one side to remove the parallel angle.

Mr. Lamanna said it would give a nicer look because we prefer that the front of buildings be enhanced with green space because it gives a more rural look to the area.

Mr. Takacs referred to the proposed sign and asked if the area will be green or an island.

Mr. Kramer said there will be green in the front but he does not know if he will bring the landscaping area to the back but we will landscape to protect the sign.

Mr. Takacs suggested making the sign area an island to make it more attractive.

Mr. Kramer was in agreement with that.

Mr. Olivier asked what the primary color scheme will be.

Mr. Kramer said the building will be white with grey trim with a grey stripe along the bottom of the building.

Mrs. Stanton asked about the floor to ceiling panels and if they will be all glass panels.

Mr. Kramer said there will be a double door with glass panels on the side and the front of the building will be solid.

Mr. Frank Evan of 17840 Northwood Lakes Drive testified that he has seen a lot of great retail in the township and not so great retail and this will fall into the great side.

Mr. Carl Bruhn of W. Craig Drive testified that he lives behind the proposed site and his concerns are the noise and the clientele and asked what the hours of operation will be and if Mr. Kramer will accepting any kind of bike to work on.

Mr. Kramer said there is approximately 2.5 wooded acres between the back of the property and the property line and at this point we have no plans to develop that. He said the business hours will be typically 9:00 A.M. – 6:00 P.M. or 8:00 P.M. He said he will be working on all types of motorcycles, hopefully, and he will be working on all BMW motorcycles but the BMW's are quiet and not modified like the Harley people like to do.

Mr. Bruhn said he is fully aware of the acreage and Mr. Frank Lanza's deed restriction and berm but Scorchers generates a lot of noise even though Mr. Lanza's earthen berm has greatly reduced that. He said he is concerned about the revving of motorcycles.

Mr. Kramer said BMW does not specify that we cannot work on other motorcycles.

Mr. Jim Aurigemma testified that BMW does not get that clientele coming to the store.

Mr. Kramer said that typically the Honda guys will go to Honda, the Harley guys will go to Harley, etc. He said they may get oil changes but the major repair jobs will done at the dealerships where they purchased them.

Mr. Lamanna asked if people will be coming in at 7:00 A.M. or leaving at 10:00 P.M.

Mr. Kramer replied no.

Mr. Bruhn said he is concerned about them using the shop after hours to repair bikes and he hopes it won't happen.

Mr. Lewis asked Mr. Kramer if he will inventory parts for other bikes.

Mr. Kramer replied no.

Mr. Lewis said that BMW will probably want to see him invest his money into BMW as opposed to him supplying parts for Harley etc.

Mr. Kramer said he will be able to sell any brand of used vehicle from trade-ins but all new motorcycle sales will be strictly BMW.

Mr. Bruhn asked if people can take bikes on the road for test rides.

Mr. Aurigemma said BMW requires demo rides but there are criteria that the people have to wear a helmet and carry insurance.

Mr. Kramer said he has owned three Harleys and he never test drove any of them and said usually you don't test drive bikes.

Mr. Bruhn said that anything is an improvement and is in favor of this, his main concern is the noise.

Mr. Kramer told Mr. Bruhn if there is ever a problem, to call him because he lives in Bainbridge and he does not want a problem with any of his neighbors.

Mrs. Stanton asked if the motorcycles in the window will be illuminated.

Mr. Kramer and Mr. Aurigemma replied no.

The board discussed where the wall sign will be placed on the building.

Mr. Lewis asked if the outdoor signs will be illuminated.

Mr. Kramer explained the signs and said the landscaped area will be non-illuminated.

Mr. Eric Simon testified that he has owned a BMW motorcycle for 12 years and is the president of the BMW Rider club and older is the normal age curve. He said BMW repels the undesirables and we are getting good neighbors here and it is a great thing to have them in our community.

Mrs. Stanton asked about the variance for the 3,000'.

Mr. McIntyre said the variance is needed because it abuts Mr. Frank Lanza's facility.

Mr. Lewis said the only previous condition is the long term use of the chain link fence and that it not be used for outside storage.

Mr. Kramer said if the fence were not there, Scorchers would use that area for their parking and added that he does not intend to use it for outside storage, just the defense of his property.

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

Motion BZA 2002-63 – 8388 East Washington Street

Mr. Lamanna made a motion to grant a conditional use permit for the purposes of operating a motorcycle sales and service center and a variance with respect to the location within 3,000' of a similar use.

Motion BZA 2002-63 – 8388 East Washington Street - Continued

Based on the following findings of fact:

1. Because of the limited nature of the service being provided here and the difference in the fact that it is exclusively limited to motorcycles, this is a substantially different use and therefore does not offend the spirit of the 3,000' limitation.
2. With respect to the area variances, there is a 14' variance in the front and a 69' and 44' variance on the side. These represent the existing encroachments on the site and will be permitted to remain at those distances.

With the following conditions:

1. All of the repair and testing of motorcycles will take place within the building.
2. The pick up and delivery of motorcycles for service will not be before 7:00 A.M. or after 9:00 P.M. Monday through Saturday and not before 12:00 Noon or after 6:00 P.M. on Sunday so as not to adversely affect the neighbors.
3. The fenced-in asphalt paved area will only be used for parking and other permitted purposes.
4. No outside storage is permitted. That is also a requirement generally with respect to conditional uses.
5. The board notes at this point all of the standard requirements and limitations for conditional uses contained in the zoning ordinance will be applicable to this use.
6. All lighting will conform to the lighting standards of the township.
7. In addition, to enhance the appearance, the applicant will modify the green areas to the front of the building by extending them back approximately an additional 15 feet, eliminate the four parking spaces shown on the southwest corner and approximately two parking spaces on the southeast corner and will also attempt if feasible to increase the width of the green space along the eastern side of the property by removing some of the asphalt.
8. In addition, with respect to parking, with the loss of six spaces, the applicant will have 31 striped spaces and will also have the additional paved area to the west of the building as additional parking spaces and between those two areas, the board finds it will meet the parking requirements for the proposed use of the building.
9. As part of the conditional use, the applicant will also be able to continue to maintain and sell propane from the existing tanks on the premises.

Mr. Takacs seconded the motion.

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

Motion BZA 2002-64 – 8388 East Washington Street

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

1. A variance for a wall sign from the maximum size of 50 sq. ft. to 72 sq. ft. for a variance of 22 sq. ft.
2. A variance for a ground sign from the maximum height of 10' to 10'-7" for a variance of 7".

Based on the following findings of fact:

1. Given the overall length of this building, a slightly larger sign is necessary to be consistent with the size of the building and also to be able to describe the business and the board notes that the overall signage that is being requested is actually less than the maximum that is permitted.
2. The 7" variance is a minimal variance and is not inconsistent with the zoning code and will not cause any impact or problem with visibility or with any of the neighbors.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 11:02 P.M.

Respectfully submitted,

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

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

Date: January 16, 2003

Bainbridge Township, Ohio
Board of Zoning Appeals
December 19, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 11:02 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the November 21, 2002 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for next meeting

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

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

Application 2003-1 by Carol T. Johnson for property at 16781 Elyria Street

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

Application 2003-2 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road

The applicant is requesting a conditional use permit with variances for the purpose of remodeling an existing gas station. The property is located in a LIR District.

Application 2003-3 by Jim Deselms and Catherine Radwanski for Speedway SuperAmerica, LLC for property at 7353 N. Aurora Road

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

Application 2003-4 by August M. Knemeyer for property at 7024 Pine Street

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

Application 2003-5 by Sign Concepts, Inc. for Amrik Galleries for property at 8480 E. Washington Street

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

Application 2003-6 by Don Schneider for Schneider's Saddlery for property at 8255 E. Washington Street

The applicant is requesting an area variance for the purpose of constructing an addition. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for January 16, 2003 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:12 P.M.

Respectfully submitted,

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

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

Date: January 16, 2003

