

Bainbridge Township, Ohio
Board of Zoning Appeals
December 21, 2006

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 Murphy and Mr. Donald Takacs. Mr. Mark Olivier was absent. The following matters were then heard:

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 2006-36 by David J. Koenig for property at 18862 Rivers Edge Drive East

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

The zoning inspector's letter dated December 4, 2006 was read and photos of the site were submitted.

Mr. David Koenig was present to represent this application.

Mr. Koenig testified that he would like to postpone his application until the January 2007 meeting.

Motion BZA 2006-36 – 18862 Rivers Edge Drive East

Mr. Lamanna made a motion to table application BZA 2006-36 to the next regularly scheduled meeting to be held January 18, 2007 at the request of the applicant.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Application 2006-26 by Janet Switzer for property at 7147 Rocker Avenue

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

The zoning inspector's letter dated August 24, 2006 was read and photos of the site were submitted.

Ms. Janet Switzer and Mr. Vincent Watson were present to represent this application.

Ms. Switzer testified that the addition will be over the garage.

Mr. Watson said it will be 16' from the neighbor's property.

Mr. Lamanna asked if the garage addition will be a two-story structure with living space over the garage.

Ms. Switzer replied yes.

The board reviewed the variance request.

Mr. Takacs asked if it will be a single-car garage.

Ms. Switzer said yes, a single-car garage.

Mr. Lamanna said the garage is two stories now from when the applicant was here before so a second story has been added.

Ms. Switzer said yes.

Mr. Lamanna asked if it was moved forward a little bit.

Mr. Takacs said it is 16' now and it was moved forward 5'.

The board discussed the proposed setbacks.

Mr. Lamanna said a variance was granted for 1'.

The board continued discussing the proposed setbacks.

Mr. Takacs asked if there was a house next door or if the lot was vacant.

Ms. Switzer said it is vacant.

Mr. Lamanna said there is not a lot a room there.

Mr. Lewis said the house was not parallel to the property line and asked if the survey was done.

Ms. Switzer said yes and everything was fine.

Mr. McIntyre testified that the survey indicates that there will be approximately 16'-2" from the existing house to the property line and there is a shed there at the moment that is pretty much on that property line and he believes on the discussion on the setback of 1', the 1' was inclusive of the overhang so that brings the garage down to 14' wide or shift it in to make it work.

Mr. Lewis referred to the previous motion, dated 9/21/2006, that read "A variance from the minimum side yard setback of 50' to 1', inclusive of the overhang still being at 1' from the eave of the structure, for a variance of 49'."

Mr. McIntyre said there is a photograph that shows the pins and indicates that the neighbor had the survey done.

The board reviewed the photos.

Mr. McIntyre said an allowance has to be made for the overhang and it will have to be adjusted to keep the 1' clearance from the property line and added that it is 16'-2" from the corner of the house to the property line.

Mr. Takacs said if the garage is 15' there will be a 2" overhang.

Mr. McIntyre said an adjustment should be made on the actual width down to either 14' or 13' 8" etc.

The board discussed the overhang and the distance to the property line.

Mr. Lamanna said a 6" overhang is fine as long as 1' away from the property line is kept so it will give 15' 2".

Mr. Lewis said an allowance has to be made for the gutter.

Mr. Lamanna said the edge of the overhang has got to be 1' away from the property line and told Mr. Watson that he can calculate the size of the building and overhang how he wants as long as it is 1' away from the property line.

Mr. Takacs said from the corner of the house to the pin is 16'-2" so the overhang and building must fit within the difference.

Mr. Lamanna said 14.5' would give an 8" overhang.

Mr. Lewis suggested that Mr. McIntyre could check the calculations before the building is started.

Mr. Murphy said that the framing of the house could be part of that garage as well.

The board discussed the proposed construction of the addition, gutter and overhang.

Ms. Rose Motley testified that her only concern is that it goes within the boundary of the property.

Mr. Lamanna explained that the addition must be at least 1' away from the property line and a survey was done, so the applicant knows where the property line is. He asked Ms. Motley if she is the adjacent property owner and how many lots she has.

Ms. Motley said yes and she has five lots.

Mr. Lamanna said that is good so there will be room on each side, at least 20', with five lots and 100' of frontage.

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

Motion BZA 2006-26 – 7147 Rocker Avenue

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of adding an addition as shown on the application.

1. A variance from the minimum required side yard setback of 50' to 1', inclusive of the overhang, for a variance of 49' and the overhang is to be at least 1' from the property line.
2. A variance from the maximum lot coverage of 10% which has previously been increased to 25% for a new variance to 32% for an additional variance of 7% for a total lot coverage variance of 22%.
3. A variance from the minimum required front yard setback of 100' from the previously granted setback of 59' to 51' for an additional variance of 8' for a total variance of 49'.

Based on the following findings of fact:

1. A practical difficulty exists due to the peculiar shape and size of the lot that the structure is on and its angle to the existing lot.
2. The addition is consistent with other properties in the area.
3. The setbacks are consistent with the setbacks in this area of the township.
4. There is no adverse effect on the adjacent properties.
5. There are five adjacent lots so another home can be placed on the adjacent property with sufficient separation between the dwellings so it will be consistent with the neighborhood.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Application 2006-35 by Chagrin Cinemas for property at 8200 E. 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 letter dated December 11, 2006 was read and photos of the site were submitted.

Mr. Jonathan Forman was present to represent this application.

Mr. Lamanna stated that there are no wall signs now and this proposed sign is within the size limit for this size building but there is a 15' height issue and it will be placed on the building within the existing trim area.

Mr. Forman testified by saying yes and added that they are going to wait until it warms up to put the sign up.

Mr. Murphy said the grade drops from the right of the building to the left as you are viewing it and if you have the sign in the same band, is that actually in the 15' range and it seems like the logical place to put the sign.

Mr. Lamanna said the sign is permitted, the only issue is where it is placed and this fits with the size and scale of the building and not obviously placed to gain an unreasonable height.

Mr. Takacs questioned the size of the proposed sign.

Mr. Lamanna asked what the total area of the sign can be.

Mr. McIntyre explained the distance calculations and stated that the sign can be the length of the building times 1.15.

Mr. Murphy asked if the sign will be illuminated.

Mr. Forman replied yes.

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

Motion BZA 2006-35 - 8200 E. Washington Street

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of installing signage as proposed on the application.

1. A variance from the maximum height limitation of 15' to 21' for a variance of 6'.

Based on the following findings of fact:

1. Based on the location of the building on the property where the ground slopes down the sign is being placed on the building within an architectural feature that is most appropriate for the sign.
2. The sign will not be unduly high given the scale of the building and the size of the sign or be out of place and is consistent with the overall structure of the building.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Application 2006-37 by Sarah Sanders for property at 16653 Franklin Street

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

The zoning inspector's letter dated December 4, 2006 was read and photos of the site were submitted.

Ms. Sarah Sanders was present to represent this application.

Ms. Sanders testified that she recently was granted a variance.

Mr. McIntyre testified that a variance was initially granted to construct a garage on the rear side of the property, on Akron Street, the board granted some side yard setbacks and there was a lot coverage issue. He said Ms. Sanders tried to make every effort to obtain an additional piece of property and she has successfully done that so now it has changed the location of the garage to a more preferred area which would be at the front on Franklin Street. He said all of the setbacks previously granted have been maintained and the lot coverage has significantly decreased due to picking up the additional lots. He said one of the conditions imposed was that with the garage going on the Akron side, there was no need for the drive on Franklin Street and now that it is switched, there is going to be no drive on Akron, so Ms. Sanders would like to shift the drive down to the new garage entrance on Franklin Street.

Mr. Takacs asked about the location of the existing driveway.

Mr. McIntyre explained the location of the existing driveway and said a variance was granted for a driveway off of Akron Street because of the location of the proposed garage at that time but because Ms. Sanders picked up more land the preferred spot for the garage addition and the driveway is off of Franklin.

Mr. Lamanna asked if all of the existing variances are fine.

Mr. McIntyre said the variances granted are being maintained, the front yard variance was granted for Akron Street because that is where the addition was going to go and 13.4% was granted on the lot coverage.

Mr. Takacs asked that along with the garage, if there will also be an addition to the house.

Mr. McIntyre explained the previously granted variances.

The board discussed the variances requested and the previously granted variances.

Secretary's Note: This application was previously heard at the August 17, 2006 meeting.

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

Motion BZA 2006-37 - 16653 Franklin Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an addition (12' x 40') and a new garage to an existing structure fronting on S. Franklin Street according to the plans submitted by the applicant.

1. A variance from the minimum required side yard setback of 10' to 8' - 11" for a variance of 1' - 1".
2. A variance from the minimum required rear yard setback of 50' to 34' - 1" for a variance of 15' - 11".
3. A variance from the minimum required front yard setback of 50' to 14' - 3" for a variance of 35' - 9".
4. A variance from the maximum lot coverage of 20% to 33.4% for a variance of 13.4%.

Based on the following findings of fact:

1. A practical difficulty exists because an 8' - 11" side yard is existing on the current structure and the additions will not change that.
2. The front yard setback is also the same and that will not be changed by these additions or the garage.
3. The rear yard setback is required because of the unusual triangular shape of this lot where the depth narrows rapidly from one side to the other and this is necessary to allow the garage to be put in.

Motion BZA 2006-37 - 16653 Franklin Street - Continued

4. The new lot coverage is not significantly different than elsewhere in this district.
5. The variances here are consistent with development in the area.
6. Due to the shape of this lot and being bordered by streets on two sides, it will not adversely affect any of the neighboring properties.
7. The existing drive will be removed and relocated to the new garage.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Application 2006-38 by Giant Eagle, Inc. for property at 17675 Chillicothe Road

The applicant is requesting a conditional use permit for a change of ownership for a service station garage with convenience sales. The property is located in a CB District.

The zoning inspector's letter dated December 4, 2006 was read and photos of the site were submitted.

Mr. Sherman Scott, Project Manager for Echo Real Estate Services/Development and Mr. David Spicer were present to represent this application.

Mr. Scott testified that he works for Echo Real Estate Development and they are the construction company for Giant Eagle and he is the project manager for the Get Go gas stations and his job is to make this a nice looking Get Go gas station if everything works. He referred to the aerial map and added that Mr. Spicer from the Marathon gas station is also present.

Mr. Lamanna said the board is looking at the change of ownership and under the board's rules has to be approved and asked if this gas station will continue to be used as a service station and sales but the service aspect of it will be discontinued.

Mr. Scott replied yes.

Mr. Lamanna said the only other changes are, the existing signage will be basically swapped out with the same location, same sizes and the pumps are going to be replaced to Get Go.

Mr. Scott said this is done in a couple of phases. He said the first phase is to come in and do all the gasoline dispenser work, the tanks have been tested and we have a safe site. He said initially in Phase I, once they acquire it from Mr. Spicer, they will come in and take the existing gasoline dispensers off, put the new renovations on with the barcodes, scanner etc. and they will have the red doors and the blue sides etc., they will do some inside work such as making counter modifications, the new drop safe, the coin safe, they will put a new tank monitor in and hood and phone line to it and that is pretty much it for Phase I. He said when everything settles down, they will hire an architect and they will come in and do a complete gut out, so when they close the service bays, they will gut the whole place out.

Mr. Takacs asked when the ownership and signs are changed, what is going to be done with the old service bays.

Mr. Scott said they will close them up and leave them empty. He said they may keep some windshield wiper fluid back there but there will be no "work" done in that area.

Mr. Lamanna asked if that will be strictly a storage area and nobody will be doing any work in there.

Mr. Scott said there will be no employees doing any chores back there.

Mr. Lamanna said at some point in time, they will redesign the interior of the building.

Mr. Scott said absolutely and right now all they want it for is the fuel perks redemption and added that 90% of the fuel perks from this Giant Eagle are redeemed and that is really a good store. He said they have one in Warrensville and one in Twinsburg and this will relieve a lot of congestion in those two areas and will allow the customers to redeem their fuel perks here. He added that they have more gas stations slated for Avon, Parma Heights, Lyndhurst so they don't want to get to the point where they congest anything, they just want it to be convenient for everybody.

Mr. Takacs asked if they intend to make this a convenient store when it is remodeled.

Mr. Scott said absolutely, they will contact the health department and added that there is not a lot of square footage at this site, so they will probably have the pre-baked cookies and the grab and go warm sandwiches, but because of the square footage, they will probably not prepare any food, but they will have the fountain drinks, coffee, muffins, cookies and will upgrade the building during Phase II.

Mr. Lamanna asked if the plan is to use the whole building and not to tear down and build a new building.

Mr. Scott said they are not intending to tear down the building and build a new one.

Mr. Lamanna said he does not want somebody to get the idea they are going to come back and build a building three times that size.

Mr. Takacs asked if within a month of ownership if they will be pumping Get Go gas.

Mr. Scott said yes.

Mr. Takacs asked if Phase II will take six months to a year.

Mr. Scott said that depends on how busy they are and once they open this place and everything works out, usually within six to eight months they will complete Phase II and open it.

Mr. Takacs asked if anything will be done with the canopy over the pumps at this time.

Mr. Scott said no, if they do anything, they will just go over the top of the existing Marathon fascia.

Mr. Spicer testified that it is a plastic shield that is painted.

Mr. Scott said they probably won't touch the canopy in Phase I if it is not shown here, they will try to work it into the Phase II scope.

Mr. Lamanna asked Mr. McIntyre if the gas station had any outstanding issues regarding the conditional use.

Mr. McIntyre said not as far as the conditional use but in terms of putting the islands in for a no left turn onto Chillicothe Road, the islands were not acceptable, but they do have their signage up and we have no outstanding conditions with them at the moment.

Mr. Lamanna asked if there are signs up that say no left turn.

Mr. McIntyre replied yes.

Mr. Takacs asked if the board requested the drive off of Bainbridge Road.

Mr. Lamanna said yes.

Mr. McIntyre said yes and there was talk of putting in an island but the state frowned on it.

Mr. Lamanna said at least there is a sign there.

Mr. Spicer said with regards to the island, there would be a problem with the gas trucks getting in there too.

Mr. Lewis said he would like to note that the board has been pretty consistent on how it has handled the trim at other gas stations and he has seen what Get Go has done at the other locations and that is not necessarily consistent with what we have been doing in Bainbridge Township and there is kind of a gray area of what is Phase I and Phase II and he is not looking for that surprise. He asked if the existing canopy has Marathon on it anywhere.

Mr. Spicer said it is all painted gray.

The board viewed a photo of the existing canopy.

Mr. Murphy said he is familiar with the Get Go on Miles and it seems like acres and acres of pumps with a car wash and written things all over the building and inside and he feels that it would not be appropriate here in Bainbridge and it looks like they paved every square inch of that corner.

Mr. Scott said this board has the say of what we can do and we have done a lot of locations and a lot of them won't let us put the icons on etc.

Mr. Lamanna told Mr. Scott that before someone goes ahead with elaborate planning, given the size of the this lot, they will not be able to make the structure any bigger than it is and if they are looking at what to do with the canopy, he should go and look at the three other stations in Bainbridge, the Shell station, the BP and the Speedway on Rt. 43 and look at what was granted there to get some idea of what the board is likely to be receptive to because what the board does, will be somewhat consistent with what has been done at those places so if he takes a look at that first he won't have to figure out what can be done.

Mr. McIntyre said the photographs that the board are looking at is a gray/blue color and asked what if they decide to change the color to red that seems to be their color scheme without any Get Go logo on it.

Mr. Scott said during Phase I they will dress it up and paint it.

Mr. Lamanna said if they want to paint the fascia, they don't need anything to paint it and if it is replaced with a flat facing with nothing on it, that is okay too.

The board discussed the Shell station regarding the colors.

Mr. Scott said they hire a third party company to do all of the signs etc. and when they do the Phase II, they will submit what they would like to have and if it does not work, then they will address what the township wants, but there will be no surprises, everything will go through the right channels and nothing will happen there unless we have the okay to do it. He added that they will completely shut down the two-car bay and just do the Phase I, they might do a little counter work and there will probably be some electrical work done and he will have an electrician pull the permits etc.

Mr. Takacs asked if the restrooms will be kept.

Mr. Scott said absolutely and added that they will completely gut it for Phase II.

Mr. Lewis said this gas station and its owners over the years have been very wonderful in their participation with fundraising with carwashes and added that he was asked by the cheerleading squad at the high school and would like to see the tradition of the community involvement.

Mr. Scott said he cannot answer right now for Giant Eagle.

Mr. Spicer said he has allowed a lot of groups to do carwashes there, he just provided the water.

Mr. McIntyre said there has been a long running tradition on this property before it was taken over where, keeping within the community tradition, we would see a plethora of signs on the gasoline station's property because the owners would allow it and the township decided that that would no longer be permitted so that is a tradition that has been honored.

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

Motion BZA 2006-38 – 17675 Chillicothe Road

Mr. Lamanna made a motion to grant a transfer of the conditional use permit to the new applicant, Giant Eagle Incorporated.

With the following conditions:

1. All of the conditions which may have been previously applied for that conditional use and which are applicable generally for conditional uses, including any generally applicable ones that have come into existence since the board's original granting, will remain and become in effect with respect to this property.
2. In the past numerous signs have been permitted on this property but the new owners will make efforts not to permit any signs of third parties that are not otherwise in conformance with the township zoning ordinance.

Motion BZA 2006-38 – 17675 Chillicothe Road - Continued

3. In addition, the applicant will be changing all of the existing branding signs to the new brand, Get Go which is taking over, as shown on their application and these signs will all be one for one replacement with the square footage.
4. This does not include the installation of any new signs on the canopy, however, the applicant may paint the canopy or replace the existing fascia on the canopy with a single color on the new fascia, consistent with its color scheme.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Since there was no further testimony, the public hearing was closed at 8:30 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: January 18, 2007

AUDIO RECORDING ON FILE

BZA PH 12/21/2006

Bainbridge Township, Ohio
Board of Zoning Appeals
December 21, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:30 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy and Mr. Donald Takacs. Mr. Mark Olivier was absent.

Minutes

Mr. Takacs made a motion to adopt the minutes of the October 19, 2006 and November 9, 2006 meetings as written.

Mr. Lamanna seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Takacs, aye.

Applications for January 18, 2007

Application 2006-36 by David J. Koenig for property at 18862 Rivers Edge Drive East -
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 2007-1 by E. S. Sign Company for North Woods Grille for property at 16381
Chillicothe Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for January 18, 2007 at 7:30 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 8:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: January 18, 2007