

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 15, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:37 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2000-60 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

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

Application 2000-61 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Kohl's). The property is located in a CR District.

Application 2000-62 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Wal-Mart). The property is located in a CR District.

Application 2000-63 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Home Depot). The property is located in a CR District.

Application 2000-64 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 1). The property is located in a CR District.

Application 2000-65 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 2). The property is located in a CR District.

Application 2000-66 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 3). The property is located in a CR District.

Application 2000-67 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 4). The property is located in a CR District.

Application 2000-68 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 5). The property is located in a CR District.

Application 2000-69 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 6). The property is located in a CR District.

Mr. Lamanna announced that the Heritage applications 2000-60 - 2000-69 will be postponed to another date at the request of the applicant because the deed restrictions were not completed.

Application 2001-1 by North American Signs for CVS Pharmacy for property located at 16801 Chillicothe Road

The applicant is requesting area variances for the purpose of installing wall and ground signs. The property is located in a CB District.

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Applicant is requesting area variances for signage as follows:

173.11 (B,1 & 2) Total square footage permitted =  $75 \times 20\% \times 1.15 + 135 \times 1.15 = 172.5$

Requesting a total of: 350.55 square feet  
Variance = 178.05 square feet

173.11 (A,1) Total number of wall/marquee signs permitted per business/service/industry on its premises = 2 total (wall)

Requesting a total of : 8  
\* Variance = 6 additional wall/marquee signs

173.11 (B,6) No more than one ground sign shall be erected on a lot per building.

Requesting = 2  
\* Variance = 1

173.11 (B,2) No one wall sign shall exceed 50 sq. ft.

Requesting 2 at 75.25 sq. ft. each for a total of 150.5 sq. ft.  
\* Variance = 1 at 25.25 sq. ft. each for a total of 50.5 sq. ft.

173.11 (C.1) No wall sign shall be 15 feet above finished grade.

Requesting both CVS logos at 17 ft. above finished grade.  
Variance = 2 ft.

173.11 (B,3) No one ground sign shall exceed 25 sq. ft./face.

Requesting one at 60 sq. ft./face.  
Variance of 35 sq. ft./face.

Note \* All ground directional signs with no advertising matter as per 173.09 (B,4) are not included in this calculation.

Two wall/informational sign(s) only visible on premises are not included in this calculation.

Ms. Gayle Eck of North American Signs was present to represent this application.

Ms. Eck testified that the size of the signage for the wall and freestanding signs were reduced. She explained that she would like to remove the "Food Mart" sign and request two smaller ones now, deleting two panels and reducing it to 8'. She said she is looking for two of the 8' signs which reduces the square footage and she said she also would like to remove the "Drive-Thru/pharmacy" sign on the drive-thru canopy and there will just be an enter and exit sign on the canopy and they will not count toward the signage. She said she is now requesting 335.4 sq. ft. for a variance of 102.9 sq. ft.

Mr. Lewis questioned the square footage on the CVS sign.

Ms. Eck said there will be 23 sq. ft. on each side for a total of 46 sq. ft. and said it will be under the 50 sq. ft. allowed and added that monument signs are allowed.

Mr. Lewis asked if the two wall signs will be 92 sq. ft.

Ms. Eck replied yes.

Mr. Lamanna asked how this signage compares to the previous signage requested.

Ms. Eck said the signage is smaller, originally it was 48 sq. ft., now they are requesting 36 sq. ft.

Mr. Lamanna asked about the Drug Mart signage.

Ms. Eck said that the board needs to keep in mind the proportion of the building it will be mounted on and said the signage on the building is oriented to the intersection.

Mr. Takacs said the signs will be seen from a long way away and asked about the facade signage.

Ms. Eck explained the location of the non-illuminated signs and said they are there to identify the business for the customer.

Mr. Lamanna said there is really no good reason to exceed the signage on this property because the building is closer to the street than any other one in the community and can be seen from 1/2 mile away.

Ms. Eck said she was not aware of the building variances.

Mr. Lamanna said the building was squeezed onto this property, and to take a marginal setback and make it worse he does not see any basis for granting a variance here and said that other people have lived within these requirements. He said he has been driving by this property for the past month and most of the signs in the area are considerably smaller than this and referred to Drug Mart as having a much smaller sign. He added that it is unfair for competing businesses.

Mr. Takacs said since the traffic is slower through this area, there is plenty of time to see this business.

Ms. Eck asked the board members if they would entertain her dropping the size of the wall signs and said she is allowed one monument sign per code. She said she is only asking for a variance for one additional monument sign.

The board discussed the size of the proposed monument signs.

Ms. Eck said that she could reduce it to 6'.

Mr. Lewis referred to the Aurora CVS and presented photos to the board of the Aurora CVS. He explained the location of the signs and said by conceding to one monument sign, it would take 46 sq. ft. off the variance. He said the 8' tall sign could interfere with the sight lines.

Ms. Eck said the wall signs could be reduced to 30" and have only one monument sign and said the wall signs would be at 50 sq. ft. each which is allowed by code and a variance would be needed for five wall signs only.

The board reviewed the variances requested.

Ms. Eck said she could drop one "Food Mart" and one "Drive-Thru/pharmacy" sign for a variance of 27.6 sq. ft. and one monument sign.

Mr. Takacs asked if they needed to be that big.

Ms. Eck said she has never reduced the size of them.

Mr. Takacs referred to the Aurora CVS photos and said there is no mention of "Food Mart" on the signs.

Ms. Eck said she was not part of that project.

Mr. Lewis said that apparently CVS was satisfied and asked if both "Food Mart" signs could be eliminated.

Ms. Eck said she could not eliminate both "Food Mart" signs.

Mr. Takacs asked if the size could be reduced.

Mr. Kolesar asked from a marketing and advertising aspect what the advantage is of advertising the interior of the store.

Ms. Eck stated that Pier I did a study that showed by adding signage for the interior services, it adds sales to the store.

Mr. Takacs referred to the signage guide and said he cannot see large signs being placed at that intersection and that these proposed signs are bigger than they should be.

Ms. Eck said that if they drop down to one monument sign, it would not be an issue and explained her calculations.

Mr. McIntyre explained that both sides are calculated for the square footage.

The board reviewed the calculations to reduce the overall signage.

Ms. Eck said she cannot reduce the letters of "Food Mart" and two wall signs and one monument sign is permitted. She continued by saying that she has done everything she can to get close to the code and cannot do anything else to reduce the proposed signage.

Mrs. Stanton said that there is no "Food Mart" sign on the Aurora CVS.

Mr. Lewis said that is right and it tells him that CVS is satisfied.

Mr. Lamanna said that the board could grant a variance for the number of signs.

Mr. Julius Ferencie of Geauga Lake Road asked what this does to the rest of the shopping center behind them.

Mr. Lamanna explained the sign regulations for a building with two faces (fronts).

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

#### Motion BZA 2001-1 - 16801 Chillicothe Road

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

The applicant has requested additional wall signs beyond the two permitted. The board grants a variance of three additional wall signs for a total of five. The board does note that the total of all signs on the property must still be within the maximum total square footage permitted and no variance has been granted to the total square footage permitted.

The applicant has requested a variance to 173.11 (C,1) of 2 feet for height above finished grade and Mr. Lamanna moved to grant a variance to that requirement.

With respect to the variances requested on total square footage, in excess of 172.5 sq. ft. permitted Mr. Lamanna made a motion to deny the applicant's request for a variance for multiple ground signs and wall signs in excess of 50 sq. ft. and a ground sign in excess of 25 sq. ft.

Based on the following findings of fact:

1. With respect to granting a variance for additional wall signs, the applicant has a two frontage building and normally would be allowed two signs.
2. The normal allowance is two signs on single frontage buildings so it is reasonable to grant additional signage requirements provided that the applicant is within the total of square footage required.
3. The request for a variance of 17 sq. ft. rather than 15 sq. ft. is a small variance and does not adversely affect the surrounding area or is not contrary to the intent of the zoning.
4. As provided in the application, the additional signs will not be illuminated.

With respect to the denial of the additional variances:

1. This property is already intensively developed because of the small size of the lot to begin with.
2. The building is also located quite close to both roadways. For that reason, it has extremely good site lines and is easily visible from all directions. There is no reason to have additional

signage or larger signage.

3. The building can be adequately identified from more than adequate distance by the signage that is permitted within the code.

Mr. Takacs seconded the motion.

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

Application 2001-5 by Chagrin Falls Park Community Center for property at 16765 Bedford Street

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

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Ms. Deanna Fairchild of Chagrin Falls Park Development Corp., Mr. Bruce Constant of Chagrin Falls Park Community Center and Mr. Mike Miller of Cook Paving were present to represent this application.

Ms. Fairchild testified that the corporation would like to construct a new single family dwelling on property owned by the Chagrin Falls Park Development Corp. and said that the land to the east is up for Sheriff's sale.

Mr. Miller testified that he will do all the site prep work and the house will be a little bit under 2,400 sq. ft. with a minimum of 10' on each side. He said the reason for the garage is to get rid of urban blight and the junk can be put under roof and they can still keep the semi-rural Bainbridge Township. He continued by saying that this house has a little bit bigger footprint but he feels that the Chagrin Falls Park is a very unique situation. He said the minimum distance between the houses will be 22'.

Ms. Fairchild said this will be a pre-sold unit with a side entrance garage.

Mr. Miller said the drive goes out to Bedford Street.

The board discussed the placement of the proposed house.

Mr. Miller said the house is only 57' long.

Mr. Lewis and Mr. Takacs said the house looks more like 69'-3" long.



Mr. Miller said he is coming up with the house being in the middle 50s.

Mr. Lamanna said there are overhangs to consider and asked about the size of the footprint.

Mr. Miller said the proposed house is 2,400 sq. ft.

Mr. Lamanna said the board has granted a lot of variances but the overall footprint was one-half the size. He said that with the small side yard and if there are two houses the size of this one, they will be on top of each other.

The board discussed the size of the proposed garage.

Mr. Lamanna said that his house needs to be on six or seven lots.

Ms. Fairchild said that two houses side by side with the same footprint will not be permitted.

Mr. Lamanna said that the board wants to maintain a consistent setback with at least 30' of backyard. He said that it needs to be redrawn to the property standard and that right now there is an insufficient side yard clearance and that this house is quite a bit larger than what is typically put on this size lot and added that these houses are a little taller too. He continued by saying that the board needs to make sure it has enough setback around the house and for these larger houses, there should be a little bit more room perception wise. He said the space between two larger homes will look smaller than between two smaller houses and said he did not like to see a 12' backyard.

Mr. Miller said there is 25' to the right-of-way and said he cannot see a tree lawn and sidewalks in Chagrin Falls Park.

Mr. Lewis said these houses are to beautify the neighborhood and satisfy the buyer but you have to look at which model will fit on each lot.

Mr. Bruce Constant testified that he is concerned about what the board feels about the intrusion in the side yard but said this is much different construction in the Chagrin Falls Park so we need some consideration.

Mr. Lamanna said that five or six lots are really needed to accommodate these larger houses.

Mr. Takacs said that the board needs a good print to view with the proper orientation.

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

Motion BZA 2001-5 - 16765 Bedford Street

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting so that the applicant can modify the application.

Mr. Takacs seconded the motion.

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

Application 2001-6 by Chagrin Falls Park Community Center for property at 7049 Woodland Avenue

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

The zoning inspector's letter dated January 12, 2001 was read and photos of the site were submitted.

Ms. Deanna Fairchild of Chagrin Falls Park Development Corp., Mr. Bruce Constant of the Chagrin Falls Park Community Center and Mr. Mike Miller of Cook Paving were present to represent this application.

Mr. Miller testified that this house will be the model and at the entrance to Chagrin Falls Park. He said the footprint shows a 4' bow window and the house will actually sit 12' off the property line and the next house sits 40' away.

Ms. Fairchild said there will be a sliding door to encourage activity to the backyard.

Mr. Miller said the drive will be in the front of the house with decorative garage doors.

Mr. Lamanna asked about the next house on Bedford Street.

Mr. Miller said there is 40' from the lot line to the wall of the house and there will be a minimum of 52' between houses and the back of this house faces the side wall of the neighbor's house. He said he understands the house is big for the lot but this will be the show piece and said they really want to impress people.

Ms. Fairchild explained that the drive will be off of Woodland so that the garage can be used as a sales office. She said one other thing to consider is if there is a sidewalk to the front door.

The board discussed the cars that will be parked very close to the road if the entrance is off of Woodland.

Mr. Lewis asked if it is set up for a sales office or future owner, if it is safe to back up onto Woodland?

Mr. Lamanna said the issue is whether it will look better to have the cars around the corner on Bedford instead of Woodland.

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

Motion BZA 2001-6 - 7049 Woodland Avenue

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

1. A variance from the required front yard setback of 100' to 25' for a variance of 75' on Bedford Street.
2. A variance from the required front yard setback of 100' to 15' for a variance of 85' on Woodland Avenue.
3. A variance from the required side yard setback of 50' to 28' for a variance of 22'.
4. A variance from the designated rear yard setback of 90' to 8' for a variance of 82'.
5. A variance from the maximum lot coverage of 10% to 31.6% for a variance of 21.6%.
6. A variance from the distance of a driveway from the intersection to 15' for a variance of 85' from the 100' required.

Based on the following findings of fact:

1. This is a parcel that consists of four existing lots of record.
2. The structure being placed on the parcel is reasonably commensurate with the size and the setbacks that are being maintained are consistent with those in the neighborhood.
3. With respect to the 8' setback, the reason the board is granting the 8' setback in this particular case is due to the particular shape of the building. Only a small portion of it actually is 8', the main part of the wall of the house is 12' and the existing adjacent dwelling is approximately 40' from the lot line so there is already a substantial setback between the existing structures.

Mr. Lewis seconded the motion.

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

Since there was no further testimony the public hearing was closed at 9:05 P.M.

Respectfully submitted,

John Kolesar  
Michael Lamanna, Chairman  
Todd Lewis  
Ellen Stanton  
Donald Takacs, Vice Chairman

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

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 15, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

#### Heritage Applications

The board discussed BZA Applications 2000-60 - 2000-69 and meeting dates for a special meeting to hear these applications.

#### Motion BZA 2000-60 - 2000-69

Mr. Lamanna made a motion to table these applications until a special meeting of the board to be held on Wednesday, February 28, 2001.

Mr. Takacs seconded the motion.

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

#### Special Meeting

Mr. Lamanna made a motion to schedule a special meeting of the board of zoning appeals to be

held at 7:30 P.M. on Wednesday, February 28, 2001 at the Bainbridge Township Community Hall, 17826 Chillicothe Road for the purposes of hearing such applications as are before the township and including the Heritage applications and application 2001-5 continued from tonight and such other applications as the zoning inspector deems that have been properly submitted in time to be placed on the agenda for that meeting for the purpose of being able to handle the expected heavy load of applicants at our next regularly scheduled meeting.

Mr. Takacs seconded the motion.

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

### Minutes

Mr. Lamanna made a motion to approve the minutes of the January 18, 2001 meeting as amended by the zoning secretary to conform with the CVS application.

Mr. Takacs seconded the motion which passed unanimously.

### Applications for the next meeting

Application 2000-60 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

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

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The applicant is requesting an area variance for the purpose of creating a lot split (Kohl's). The property is located in a CR District.

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The applicant is requesting an area variance for the purpose of creating a lot split (Wal-Mart). The property is located in a CR District.

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The applicant is requesting an area variance for the purpose of creating a lot split (Home Depot). The property is located in a CR District.

Application 2000-64 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 1). The property is located in a CR District.

Application 2000-65 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 2). The property is located in a CR District.

Application 2000-66 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 3). The property is located in a CR District.

Application 2000-67 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 4). The property is located in a CR District.

Application 2000-68 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 5). The property is located in a CR District.

Application 2000-69 by Heritage Development Company aka Bainbridge Land Development, LLC for property located on S. R. 43, south of Pettibone Road and bounded by Lake Avenue to the south (Portage County) and Solon to the west (Cuyahoga County)

The applicant is requesting an area variance for the purpose of creating a lot split (Out Parcel 6). The property is located in a CR District.

Application 2001-5 by Chagrin Falls Park Community Center for property at 16765 Bedford Street

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

Application 2001-7 by Richard Backos for property at 19045 Riverview Drive

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

Application 2001-8 by Stephen Fugedy for property at 7060 Country Lane

The applicant is requesting area variances for the purpose of constructing a new residential single family dwelling. The property is located in a R-5A District.

Application 2001-9 by Kevin Heisey for property at 18777 Brewster Road

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for February 28, 2001 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 9:25 P.M.

Respectfully submitted,

John Kolesar  
Michael Lamanna, Chairman  
Todd Lewis

Ellen Stanton  
Donald Takacs, Vice Chairman

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