

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 16, 2017

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:02 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Todd Lewis and Mr. Jason Maglietta, Alternate. Mr. Joseph Gutoskey and Mr. Mark Murphy were absent. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2016-26 by Federated Church by Sarah Northcraft Spann, Senior Director of Operations for property at 16349 Chillicothe Road (Family Life Center) - Continuance

The applicant is requesting a renewal and modification of a previously granted conditional use permit for the purpose of a church community center with short term lease for temporary use as a public school for the Chagrin Falls Exempted Village School District. The property is located in a R-5A District.

Mr. Lamanna said the applicant has stated that they are withdrawing their application and just to clarify, the board partially acted on this application with respect to the renewal of their existing conditional use and the remaining pending part of the application was with respect to the modification/expansion of the conditional use and so therefore with respect to that part:

Mr. Lamanna moved to dismiss the application without prejudice.

Mr. Lewis seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Ms. Karen Endres, Zoning Inspector referred to a letter from the Federated Church, dated February 13, 2017 and asked, for the record, if she should ask the Federated Church for another letter even though they said they were withdrawing the conditional use.

Mr. Lamanna said no, it is not necessary because the board already acted on it.

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic. The property is located in a R-3A District.

Ms. Karen Endres, Zoning Inspector testified that she thinks that Dr. Nassif wants to continue this application but she never heard from him officially. She said she doesn't have a site plan yet and she knows they were still working on getting a survey done.

Mr. Lamanna asked if they contracted with anyone to do the survey.

Ms. Endres said she doesn't know if they have, no.

Mr. Lamanna asked Ms. Endres to contact the applicant and ask him to let the board know what his plans are including whether or not he is going to be prepared to appear at the next meeting or whether we should continue it on farther than that while they complete their information.

Ms. Endres said she talked to him a couple of weeks ago and he said he did not have the survey done yet so he didn't see any point in coming to the meeting.

Mr. Lamanna said he is probably correct and it is winter so under the circumstances it is appropriate to continue the application until the survey is completed.

Motion BZA 2016-40 – 7170 Chagrin Road

Mr. Lamanna moved to continue this application to the March 16, 2017 meeting.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2016-41 by Terry Markoff for property at 9514 Taylor May Road

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

Ms. Karen Endres, Zoning Inspector testified that the applicant brought in a new site plan and asked the board if they want to see it. She added that she has not had time to review the modified site plan.

Motion BZA 2016-41 – 9514 Taylor May Road

Mr. Lamanna moved to continue this application to the March 16, 2017 meeting at the request of the applicant.

Mr. Maglietta seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2017-2 by Stephen Ciciretto for David and Jaime Stratton for property at 8462 Rockspring Drive

The applicant is requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Mr. Stephen Ciciretto, Architect and Mr. David Stratton, property owner were present to represent this application.

Mr. Ciciretto testified that this is an addition to a pre-existing, non-conforming use in Lake Lucerne and the house was purchased out of foreclosure. He referred to the aerial and said this is the way the house sits currently and you can see there is a driveway and some point in history, they attached the garage, they took over the garage and made it into a living space, it is not really allowed in Lake Lucerne so this project is actually bringing the house into conformity and the reason it is a hard resale is because there is no garage on the house. He said as you see this piece will be cut off and the drive that now wraps around the house, there is 15' between the house and the property line so there is two feet between the drive and the property line so there will be room for a little landscaping along the house. He said when you come around the back of the house there will be a mudroom and then the renovation for the house to bring it into a little bit more updated circumstance. He said they are seeking area variances and received approval from the Lake Lucerne Architectural Review Board and he has the documents for the board if they want to review them. He said as you know Lake Lucerne has traditionally used a 40% lot coverage and although when this building was built the township zoning was set at 20% but 40% was acceptable so this actually brings us to 35% lot coverage, it is a fairly good amount of lot coverage but there will be no change in the setback in the front, a little bit more greenspace added there and they are only going with a 2-1/2 car garage and in the conceptual plan we anticipated a little bit larger garage so we are here to seek your approval on proceeding with this project. He said the township's setback is at 50' and it is different than the Lake Lucerne setback so we are outside of that setback so there is no side setback issue from the Lake Lucerne review board. He said 90' is the township's requirement for the rear setback but 30' is typical for zoning in 1977 but we are outside of that with 78'.

Mr. Lamanna asked if the addition is going up as well.

Mr. Ciciretto said this is a Cape style house right now.

Mr. Lamanna said you are renovating the inside but there is already an existing second floor.

Mr. Ciciretto said yes.

Mr. Lamanna said the only thing you are really adding is a mudroom and a bathroom, that is all that is being added to the house.

Mr. Ciciretto said yes and the garage. He said they will be altering the second floor and dormering the roof to make some more space up there and there is a screen porch on the back of the house that will be torn off. He said there is a question that this drive comes by so there are three trees along the side there so we will add some plants to buffer that. He said it is really on their property because it is relatively close.

Mr. Lamanna asked what the reason is for the little jog out in the back of the garage.

Mr. Ciciretto said the problem is the turning radius.

Mr. Lamanna said you are still more than 10' and he understands there is a reason for it but it is still going to be tight.

Mr. Ciciretto said it is and also they have added more windows on the back of the house.

Mr. DeWater asked how is moving the driveway 2' off of the line going to affect drainage for that neighbor.

Mr. Ciciretto said it doesn't really, most all of the drainage is coming down and there is a general slope that falls to the road and most of it will be picked up with a basin, everything comes to the ditch, that is where the storm drainage is in Lake Lucerne.

Mr. Lamanna asked if they are going to put some kind of basin in the apron and carry that to the ditch.

Mr. Ciciretto replied yes and explained the location of the retaining wall and where the drainage will be picked up.

Mr. Lamanna asked if it will have the same roof height.

Mr. Ciciretto said it is still well within the 35' limitation and just for the record they will provide trees as a buffer and showed the board on the site plan.

Ms. Endres asked if the HOA board has seen the plans.

Mr. Ciciretto said yes they have.

Mr. Lamanna referred to the overhead view showing the front view and said there is a lot of space between the houses there.

Mr. Ciciretto said they are fortunate here.

Mr. Lamanna said the extension is on the other side, they are slanting back slightly, their house looks like it is not perpendicular to the street.

Mr. Ciciretto said there is already a buffer there.

Mr. Lamanna said it will be extending somewhat behind their existing house and it is still not going to be any higher. He said when you look at it you are not going to be walling off the people next to you.

Mr. Ciciretto said that is a good point actually and added that the grade rises as it gets to the back and the people who just bought the property behind asked if there are any issues if they could add a little buffer behind so shrubbery is kind of anticipated as part of it but it is still quite a distance. He said he thinks it is preferable to have the garage attached.

Mr. Maglietta asked if there is anyone here disputing it.

Ms. Kristine Alaei of 8454 Rockspring Drive testified that she is not disputing it but said she is the long house next door. She said her first question is the garage in the back and asked if it comes all the way over to our side of their deck.

Mr. Ciciretto said the addition is in this area right here (he referred to the site plan).

Ms. Alaei said it will come to where their deck is now on the back side of the house.

Mr. Ciciretto said yes.

Ms. Alaei said okay. She said their deck looks out onto that whole view of the garage.

Mr. Lamanna asked if they have seen the elevations.

Ms. Alaei said they have not.

Mr. Lamanna asked if they would like to look at them.

Mr. Ciciretto explained the addition to Ms. Alaei. He said it would not be a problem to add a buffer.

Ms. Alaei said they have two concerns and one is the drainage, a river runs through between their two houses, if it rains even average, a river runs down to the ditch just so they are aware and it is pretty bad.

Mr. Ciciretto said maybe we can work together with your property on a swale and make sure that it drains properly.

Ms. Alaei said there is a swale and they have two big sump pumps.

Mr. Ciciretto said maybe excavating that swale between the two houses will relieve some of that.

Ms. Alaei said they have two sump pumps and they don't get any water, but they have only owned the house for a couple of years.

Mr. Ciciretto said when we are done it won't impact you (Ms. Alaei).

Mr. Lamanna said when you are excavating all of it, knowing that that condition exists now is the time to be dealing with it when you are digging everything up.

Ms. Endres asked if the area above the garage is going to be simply storage and not a living space.

Mr. Ciciretto said it is not planned right now but down the road there is ample room to add a room up there.

Ms. Endres said it wouldn't be turned into an apartment.

Mr. Ciciretto said no, and it is attached to the house, it would not be an independent space.

Mr. Lamanna asked if downspouts are going to be collecting and piped.

Mr. Ciciretto said yes.

Mr. Lamanna said that will actually help because that area will be collected and piped directly and not adding to whatever flow is coming down further and you are really not widening the structure of the house, it is no wider so this isn't really going to change where the water is coming through anyway.

Mr. Ciciretto said they think they are going to have to collect it at that point of the garage because of the retaining wall.

Ms. Alaei said she just had one other concern and that is there is a tree on our side of their house, almost back to the deck, and we had to have 13 dead trees removed last year because they were all dead and dangerous and they really wanted to remove that tree but it was on their property and we could not get the bank to agree with us, it is a dead Cherry tree, the whole base at the bottom is dead and it is just right up against almost their house.

Mr. Ciciretto said it will be gone so it won't fall on your house.

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

#### Motion BZA 2017-2 – 8462 Rockspring Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of adding an addition onto the existing structure and the renovation of the existing structure.

1. A variance to the lot coverage to 35%.
2. With respect to the lot width, it will be maintained at 75'.
3. A variance to the west side yard setback to 13'5".
4. A variance to the east side yard setback to 39'.
5. A variance to the rear yard setback to 78'4".
6. The front yard setback will not be changed but will be maintained at 60'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record.
2. The house has no garage so a two-car garage space is being added and a small mud room which is consistent with the neighborhood with respect to the amenities the garage provides.
3. The overall square footage of the house is consistent with other houses in the neighborhood.
4. The lot coverage also being under 40% is consistent with the neighborhood which is generally around the maximum of 40%.
5. The setbacks are also consistent with those that existed in the neighborhood and were the subject of prior zoning with respect to the setbacks on the side being 10' and 10'.
6. The board also notes that the addition will only be slightly closer to the west property line than the existing house and will still leave plenty of space between that addition and the existing house on the adjacent lot.

Motion BZA 2017-2 – 8462 Rockspring Drive - Continued

7. The board finds that these additions are consistent with the character of the neighborhood and will not adversely affect the neighboring properties based upon the representations of the applicant in this meeting with respect to the management of storm water flow from the structure and up against the proposed retaining wall.

Mr. Lewis seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2017-3 by Stephen Ciciretto for Erik and Erin Lange for property at 8414 Summit Drive

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

Mr. Stephen Ciciretto, Architect and Mr. and Mrs. Erik Lange, property owners were present to represent this application.

Mr. Ciciretto testified that this one is a little different than the last one because Mr. and Mrs. Lange bought this cottage and historically it was just a cottage in Lake Lucerne, it kind of kept up over the years marginally and the neighbors would go over and paint the front of it because people lived on the other side and when the owner died and left it to her son they decided it was time to sell it, they kept it and had fond memories of it but it was not well kept over the years so he thinks everybody in Lake Lucerne was pretty excited to hear that something is finally going to happen with that property. He referred to the aerial photo and said it is actually a lot and one-half so it is a bigger property so actually they are 25% lot coverage so again this project has also been to Lake Lucerne Homeowners Association Architectural Review Board and has been approved and they need to finish some engineering and construction documents. He said the house sits here and there is a drive on this side of the property and they are actually going to demolish the house and put a house of similar character, about a 2,800 sq. ft. home and more centered in the lot. He said there is a little bit of a wooded area and showed Tulip Lane. He said there is water and drainage coming down and running down so he thinks the landscaping will help the neighbors across the way. He said there will be some sort of retaining wall off the driveway and it will have a front porch and a back porch so there will be some dimension to it. He said there is 30' on the east side of the lot, almost 60' to the front and 23' on the other side and again Lake Lucerne is 10' on the side yards, 50' in the front and 10' in the backyard so this is bigger than other setbacks so it is about 25% total lot coverage including an anticipated patio that could happen in the back and he added that to the calculations to add a future landscaped patio.



Mr. Ciciretto continued by saying it is the same story, they are building a house with very typical standards of Lake Lucerne. He said again for the record he wanted to show the Architectural Review Board approval pending some construction documents. He said this one is a little less of an issue because this house is 39' off of their property line so there is 69' between houses which is pretty big for Lake Lucerne. He said it is a little different situation than most Lake Lucerne houses because there is a much greater extent between the houses and they are interested in retaining most of the tree buffer in the back and there are a few in the front that they are trying to work to save as many as they can.

Mr. Lamanna referred to the retaining wall and asked if it is going to be a drop-off.

Mr. Ciciretto said yes it is a couple feet of drop here, they could have graded it off but the water has to come this way, he referred to the site plan, and it doesn't really affect anything, it is so water won't have to be collected.

Mr. Lamanna asked if they are planning on trying to divert water that is now coming down that way.

Mr. Ciciretto said they will pick up water in a yard basin or swale and take it back down the drive this way.

Mr. Lamanna said we don't want to see it mounded up there and now the water coming this way suddenly is coming down on the other people's property there.

Mr. Ciciretto said they have to maintain that and they have enough room to do a little bit of a swale or pipe so we will improve that drainage ultimately to make sure it doesn't backwash.

Mr. Lamanna asked what the maximum drop-off will be.

Mr. Ciciretto said just 2' and explained that all of the grade drops this way.

Mr. Lamanna asked if they are planning any landscaping along that wall because he is concerned about kids running through there.

Mr. Ciciretto said anything under 30" doesn't need a guardrail.

Mr. Lamanna said we would like to see some landscaping up there to discourage people from accidently falling into the drop-off.

Mr. Ciciretto said they don't have a problem with that but they could roll the grade.

Mr. Lamanna said you might want to look at that closely especially from the water standpoint, it is going to maybe be less interference with the water run-off to just kind of flare that down there as close as you can, it may be down to a step etc. He said if there is a drop-off there to put some kind of landscaping there so somebody doesn't go over the edge because it is pretty close to the neighbor's property line.

Mrs. Lange testified that they have a two-year old.

Mr. Lamanna said it is something to think about before something happens.

Mr. Ciciretto said we could go with a grade and protect it with landscaping.

Mr. Lewis said it looks like the maximum overall height is 34'6".

Mr. Ciciretto said yes, he has to stay under 35' and normally he tried to keep down a little lower than that but because of the proximity of the houses it won't feel like a tower.

Mr. DeWater said it was said that there is a water/drainage issue on the other side of the property.

Mr. Ciciretto said yes and explained that there will be landscaping, seeding and groundcover.

Mr. Lewis asked if he is doing the same thing with roof rainwater, trapping it.

Mr. Ciciretto said all of the roof water and hard surfaces will be picked up and piped to the ditch that runs east and west along Summit Drive. He said there are sewer and water connections from the old house so they will be taking advantage of the tie-ins.

Mr. Lewis said he doesn't have any questions.

Ms. Karen Endres, Zoning Inspector testified that she wanted to point out that these two lots were at some point vacated from the subdivision, there were two lots that were combined into one and rather than re-platting they used the process of vacating so these lots are actually not a part of the Lake Lucerne subdivision anymore, for whatever that is worth.

Mr. Lamanna said so they were vacated from the plat so technically their legal description is some metes and bounds description.

Ms. Endres said this is the same process that relates to the house with the chickens and explained that those lots were vacated from the Lake Lucerne subdivision and combined and because they were combined the opinion of the Prosecutor's Office and the Planning Director that they are no longer part of Lake Lucerne subdivision, that doesn't mean they are not part of the homeowner's association still, they are no longer part of the subdivision so when it comes to agriculture they are not subject to agricultural regulations.

The board held a discussion on vacated lots.

Ms. Endres said she wanted to bring it to the board's attention that when she put the variance requirements in here instead of it being the old standards, it was the current 50' standards for the side yards etc.

Mr. Lamanna said we are looking at the Revised Code provision that says "in a subdivision", it is not in our zoning.

Ms. Endres said as far as agriculture goes.

Mr. Lamanna asked if that is in the ORC or our zoning.

Ms. Endres said they are not part of the subdivision anymore.

Mr. Lamanna asked if the restriction that there be no agriculture within a subdivision, is that our zoning or is it a Revised Code regulation.

Ms. Endres said the Ohio Revised Code permits townships to prohibit agriculture in platted subdivisions and in our zoning ordinance we do regulate and prohibit in platted subdivisions, agriculture, we prohibit animal husbandry and regulate the buildings. She said she just wanted to bring it to the board's attention that is why it is written up a little different.

The board held a discussion on vacated lots.

Mr. Lamanna told the property owners that they are only vacated from the official filed plat, it doesn't change anything as far as homeowner's associations or deed restrictions or anything like that.

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

Motion BZA 2017-3 – 8414 Summit Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a new house on this property.

1. A variance from the maximum lot coverage to 25%.
2. A variance from the minimum front yard setback to 64’.
3. A variance from the minimum side yard setback on the east side to 30’.
4. A variance from the minimum side yard setback on the west side to 23’8”.
5. A variance from the minimum rear yard setback to 80’.

Based on the following findings of fact:

1. A practical difficulty exists because it is a combination of two lots which results in approximately a ½ acre non-conforming lot formerly in the Lake Lucerne subdivision but now vacated from that subdivision.
2. These variances being requested are generally consistent with the prior zoning for this area and other properties within the Lake Lucerne subdivision.
3. The size of the house and given the size of the lot is also consistent with the character of the neighborhood.
4. It also appears that the placement of the house should not adversely affect either of the neighboring properties.
5. The applicant is taking appropriate precautions to manage any storm water flow so that it does not become deflected to the adjacent properties.
6. The board also notes that a sediment control plan is also required here.

With the following condition:

1. Given that the board is granting this variance based upon community standings in Lake Lucerne allowing higher density development, in order for this not to have potential adverse effects on neighboring properties the board places a condition that this property will follow all requirements with respect to agricultural uses on properties in a subdivision notwithstanding that it is technically vacated from the subdivision plat.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2017-4 by Parkside Church for property at 7100 Pettibone Road

The applicant is requesting a modification of a current conditional use permit for the purpose of holding a preschool and school in the existing facility. The property is located in a R-5A District.

Mr. Michael Bowerman of Parkside Church and Ms. Kelly Coy, Director of the Children's Programs were present to represent this application.

Mr. Bowerman testified that they were here in October and received the board's permission to hold a preschool on their property and following that approval they commenced their formal planning with the state and as we broadened the communication within our own community there became evidence of increased demand among our own members and the leadership of the church to expand the educational offerings to include lower elementary options as well. He said their request today is that you amend the approval that you gave us in October to include a preschool, daycare and a school to be held in the same facilities given that the stipulations for operating a school identical to that of a preschool and we satisfied that last October.

Mr. Lamanna asked if they are keeping the same number of classrooms.

Mr. Bowerman said right now they are going to keep the same amount, they are actually reducing the size of the preschool.

Mr. Lamanna said so you will expand from preschool up to grade five.

Ms. Coy said from preschool up to grade two.

Mr. Bowerman said they are trying to start carefully, this is new for us.

Mr. Lewis said so your rooms and your student head count wouldn't max out any more than what we already approved, you would just redistribute them.

Mr. Bowerman said right. He said as the years go on we may want to add grades if it is successful and we certainly have enough rooms on the campus to handle that but it will be several years before we do that, at the most we would add a grade a year, in their strategic plan but we haven't locked that down and we really want to try to see how this works in our facility.

Mr. Lamanna said he imagines the school can be a challenge.

Mr. Bowerman said but there is still a desire to be a community resource and to allow the facilities that we have built now to be utilized full time and so we really maximize the use of what we have so we are excited about getting more use out of it.

Mr. Lamanna said so basically everything is the same it is just that now we are going to have in addition to preschool it will go up to grade two which means you will have to get a different state certification.

Mr. Bowerman said he would say add the word “and school” to it with all of the same stipulations which include the state regulations or state approval which we will certainly do.

Mr. Lamanna asked if the state does it by grade or do they just do elementary, middle, high as far as their certifications.

Ms. Coy said she doesn't know if they do it by grade, they may do it by block, primary, secondary.

Mr. Lamanna said he is not sure.

Mr. Bowerman said this is new to them.

Mr. Lamanna said we just like to try to conform what we do to what, there is another regulatory agency involved and somebody is going to get a license for something so to the greatest extent possible we like our decision to match up with what your license will look like assuming there will be no other additional requirements and you already have the outdoor space requirement covered.

Ms. Coy said there will be no new construction.

Mr. Bowerman said no, the state still requires them to have the approval of the local fire department and so they will still have to get the fire department through there.

Mr. Lamanna said and building code requirements and safety code requirements.

Mr. Bowerman said they are pretty state of the art as that goes but it wasn't set up for a school so there will be some modifications, some lockdown, some security things that we have to implement but we have to fix that plan and then run it by the fire department so that they are on board with it.

Ms. Karen Endres, Zoning Inspector testified that if there is anything that requires zoning approval such as any kind of building plan changes are approved here too.

Mr. Lamanna said do you mean incidental, not substantive.

Ms. Endres said no.

Mr. Maglietta said like playgrounds etc.

Mr. Bowerman said they demonstrated last time where they were going to put in the playground.

Mr. Lamanna said we are not going to worry about what goes in the playground because you already have an area designated for that so if they want to expand the area significantly but as long as it is not a substantive modification you will not have to come back here, it will be at the zoning inspector's discretion.

Ms. Endres said she doesn't know what they will run into with state licensing but she doesn't want to have to send them back here again for some incidental thing the state requires.

Mr. Lewis said absolutely, you may have to make some small structural alterations and if those revisions are submitted you can approve and address those, he doesn't think the board needs to see that here.

Mr. Lamanna said he thinks the board has addressed all of the issues of significance here. He said with the preschool situation everybody would be coming by private vehicle and asked if you actually go to having elementary students, would any of those be bused in.

Mr. Bowerman said they don't intend to do any busing, the facilities they have are adequate for buses but they don't intend to have them, this would be a private school.

Mr. Lamanna said somebody in Bainbridge, if they were going to that school would have the right to be bused there. He said he doesn't think that is an issue but other issues with another application that was withdrawn was a big deal over busing.

Mr. Lewis asked how the Montessori Schools manage it, is that parental drop off or do they have their own buses.

Mr. Lamanna said he is not sure they go that high up as far as grade level.

Mr. Lewis said fourth grade.

Mr. Lamanna said generally the Montessori Schools are so small, you are not talking about a stream of buses. He said this is on a side road and you already have entrances with turning lanes and traffic lights, you are actually set up far better than almost anywhere in the world.

Mr. Bowerman said it would be nice to say we knew what we were doing.

Mr. Lamanna said just the nature of your facility is such and the reason he wants that in the record is he doesn't want somebody else coming in and saying you gave these guys a school and you didn't ask them any tough questions or do any traffic studies etc. but it is not really necessary here because of the number of students we are talking about.

Mr. DeWater said if their number ever increases to the point where they need busing we can ask them to come back at that point.

Mr. Lamanna said yes obviously if they want to expand, we expanded the use in a certain area so that is self-regulating so if they want to expand and add more kids and now we are busing it might suddenly become something the board would want to look at because maybe we would have four, five or six buses a day going in and out but where it is located and how it is set up and the access it currently has, the traffic control devices already exist, there are turning lanes on the road already for vehicles.

Ms. Endres asked wasn't there a traffic study when Parkside went in.

Mr. Bowerman said yes, we have had a number of them. He said they have to come back in three years now for the renewal of the conditional use.

Mr. Lamanna said the board will modify the prior approval to cover the appropriately licensed preschool through primary/second grade.

Mr. Bowerman asked if that would have to be limited at second grade, could we just say primary.

Mr. Lamanna said primary, okay and if the state is going to license you as a primary school and added that it is regulated by the number of classrooms and if you need more classrooms then you can come back and address it.

Ms. Endres asked how many classrooms are there right now.

Mr. Bowerman said in the children's wing there are over 20 classrooms.

Ms. Coy said the preschool was just the first floor.

Mr. Lamanna said you are not going to use all of the classrooms for this right now.

Mr. Bowerman said no, they will put the primary kids on the second floor.

Ms. Coy said because it has furniture suitable for primary classrooms and the first floor has furniture suitable for preschools and toddlers.

Mr. Bowerman said but we are not using all of the classrooms, even on those two floors.



Mr. Lamanna asked what would be the reasonable number of classrooms to start with.

Ms. Coy said probably six, they think because they are a little late getting started on the preschool, a lot of the places are already rolling.

Mr. Lamanna said how about we do this on a basis of 10 classrooms and if you expand beyond that you would have to come back.

Ms. Endres asked if that is for preschool and primary.

Mr. Lamanna said total.

Mr. Maglietta said that is basically four grade levels, preschool, K, 1, 2, 3.

Mr. Lamanna said if you are thinking now you are going to have six classrooms of kids.

Ms. Coy said they don't know how many kids will be in their preschool, if they have a lot of interest from their own members and attendees and from the community, what if we have a lot of families and we have two four year classrooms and two five year classrooms, right there they would have four just in the preschool, they don't know yet.

Mr. Lamanna said how about a dozen, and asked if they are planning on using all of their classrooms.

Ms. Coy said not initially, no.

Mr. Lamanna suggested a dozen classrooms and that would give you room to grow and manipulate and if it looks like it is going to expand beyond that you can come back and revisit it to see when you get bigger that may warrant a relook on this because it could mean 300 – 400 students if you go beyond that.

Mr. Lewis said that is pretty good, it is a lot to look after and a lot of mouths to feed, it is a lot of enrollment.

Mr. Lamanna said then they can look at what is going on.

Mr. Lewis said if you put 100 into preschool you hope that those 100 will go into the elementary school.

Mr. Lamanna said the other thing is then the board has something to look at, you have got 200 students and if you want to expand and go to 400, what does that mean and we can see if that is an issue or there are no issues, maybe make sure you do A, B and C that way you have plenty of room to run for a while but if you want to go beyond that threshold it gives you a chance to come back and have the board look at it again to see if there is anything that needs to be tweaked.

Mr. Bowerman said that is reasonable.

Mr. Maglietta said getting too big too fast is always a disaster.

Mr. Bowerman said they are cautious.

Mr. Lamanna said it is a challenge and a lot of work.

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

#### Motion BZA 2017-4 – 7100 Pettibone (Parkside Church)

Mr. Lamanna moved to modify the current conditional use permit that the board recently modified with respect to the use of the facility for holding a preschool and expanding that to include preschool and primary school up to a total of 12 classrooms. In addition if there are minor changes required to the facility, in order to satisfy state requirements with respect to school use, the zoning inspector may approve them if they are not substantial in her discretion.

Based on the following findings of fact:

1. Extending this to include primary school does not introduce any new issues that weren't previously considered in the application with respect to the preschool.
2. The facility based upon that ruling is capable of properly handling an extension to a primary school in addition to the preschool.

Mr. Lewis seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Since there was no further testimony, the public hearing was closed at 8:20 P.M.

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Jason Maglietta, Alternate

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

Date: March 16, 2017

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 16, 2017

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:20 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Todd Lewis and Mr. Jason Maglietta, Alternate. Mr. Joseph Gutoskey and Mr. Mark Murphy were absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna moved to adopt the minutes of the January 19, 2017 meeting as written.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Applications for Next Month

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic. The property is located in a R-3A District.

Application 2016-41 by Terry Markoff for property at 9514 Taylor May Road - Continuance

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

Application 2017-5 by South Franklin Circle for property at 16575 (Corner of Rocker Road and Chagrin Road)

The applicant is requesting modifications to the conditions under which the setback variances for the sign were approved for the purpose of installing photo cell lights on the existing ground sign. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for March 16, 2017 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Jason Maglietta, Alternate

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

Date: March 16, 2017