

Bainbridge Township, Ohio
Board of Zoning Appeals
February 20, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:06 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, and Mr. Jason Maglietta, Alternate. Mr. Mark Murphy and Mr. Mark Olivier 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. He then explained the hearing process and swore in all persons who intended to testify and noted the procedures of the meeting that were posted.

Application 2014-3 by Sean and Suzanne Regan for property at 17173 Overlook Drive

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

Mr. Joseph Gutoskey recused himself from this hearing.

Mrs. Suzanne Regan was present to represent this application.

Mrs. Regan testified by identifying herself and said her husband is Sean Regan and they live at 17173 Overlook Drive in Bainbridge, in Lake Lucerne. She said they live in an older home and have a detached two car garage and sometime before they purchased their home the garage was burned down and it was never built properly, it has no floor and it is literally falling apart. She said what they would like to do is rebuild the garage in the same location and the property line and setback is very close to the north, their driveway runs immediately along their neighbor's property and she is obviously aware of what they are trying to propose. She said their intent is not to build the garage any further north but to move it about five feet south to increase the width closer to what most people consider a standard size width on a two car garage. She said they have no intent to do anything formal, it is not going to be dry walled, it is not going to have any apartment, they will only have electrical enough for lighting and garage door services and the color and style will be built as the home which was built about 1929.

Mr. Lewis said he thinks he saw some documents but to get on the record asked Mrs. Regan if they have been before the Lake Lucerne Architectural Review Board.

Mrs. Regan said they have.

Mr. Lewis asked what the results were of that.

Mrs. Regan said they gave us approval.

Mr. Lewis said that would have been from Mr. Hanson.

Mrs. Regan said correct.

Mr. Lewis asked if they have seen the site plan and if they are fully aware of what is being proposed.

Mrs. Regan replied yes. She added that the larger drawing is the actual drawing, there are copies there that we started out with.

Mr. Lamanna asked about the dimensions on this.

Mrs. Regan said she understands the 24' trusses are standard size.

Mr. Lamanna asked if there is a maximum height on this.

Mrs. Regan said she doesn't know off the top of her head.

Ms. Karen Endres, Zoning Inspector testified that it is not on the plans but the maximum height is 15'.

The board reviewed the application and site plan.

Mrs. Regan said the drawing is not accurate though, it is just something she printed off the internet and added that the door will be 18'.

Mr. Maglietta said 18' wide and 7' tall.

Mr. Lewis said the board has three elements to consider, the placement of it, the side yard variance, the rear setback and the height.

Mrs. Regan said she submitted a big drawing and showed it to the board.

Mr. Lamanna asked if the existing garage is going in its entirety, foundation, everything.

Mrs. Regan replied yes and added that it doesn't have a foundation.

Mr. Maglietta asked if she is extending the concrete out more.

Mrs. Regan said they have a concrete pad now so when the old stuff comes out it will be a concrete drive.

Mr. Maglietta referred to the site plan and asked if they are to extend the concrete as far as coverage right here, and referred to the existing drive.

Mrs. Regan replied yes.

Mr. Lamanna asked if there is no reason why this garage cannot be 5' from the property line a nice round number, not 3.1'.

Mrs. Regan said they were just trying to keep it in its existing location.

Mr. Lamanna said it is pretty much in its existing location, there is no foundation or anything there.

Mrs. Regan replied no.

Mr. Lamanna said he would rather get it to a nice round number, 5' away because the existing one actually tapers from 3.7' to 3.1' so he would just like to get it a straight even 5' off of the property line on that side.

The board discussed the overhang

Ms. Endres said that normally the distance is measured from the foundation, not the overhang.

Mr. Lamanna asked if the windows will be facing north because it shows two windows.

Mrs. Regan said they changed it from the printout, there will be a doorway on the south side and there will be windows and they can add one on each side.

Mr. Lamanna said the board would like to see a couple of windows on the north side because it is next to the neighbor's property so when they look at it, it would just look a little nicer if it had a couple of windows in it and they weren't looking at 30' of uninterrupted siding.

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

Motion BZA 2014-3 – 17173 Overlook Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a detached garage of 24' x 30' in accordance with the plans that have been submitted by the applicant which will become a part of this record.

1. A variance to the minimum side yard setback on the north side from the required 50' to 5' for a variance of 45'.
2. A variance to the minimum side yard setback on the south side from the required 50' to 44.3' for a variance of 5.7'.
3. A variance to the minimum rear yard setback from the required 90' to 64.5' for a variance of 25.5'
4. A variance to the maximum lot coverage of 10% to 33% for a variance of 23%.

Based on the following findings of fact:

1. This is a pre-existing lot of record.
2. The total acreage of the lot is less than ½ acre.
3. The width of the lot is such that you can't even have an attached garage so the only structure available would be a detached garage.
4. The size of the garage being provided is reasonable and consistent with the neighborhood.
5. A rear yard setback is required because the only place to put the garage is behind the house because of the narrow width of the lot.
6. The setbacks are consistent with other setbacks in the general development in Lake Lucerne and therefore will not adversely affect the character of the neighborhood or adversely affect the adjoining property owners.
7. To minimize this effect the applicant will place two windows on the north side of the proposed garage to improve its view to the neighbors.

Mr. Lewis seconded the motion.

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

Mr. Gutoskey returned to the hearing.

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive)

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Mr. Joel Frezel was present to represent this application.

Mr. Lamanna said you want to put a sign on the golf course property across from Lucerne Drive.

Mr. Frezel testified by saying that is correct and he is from JF Signs and he is representing the Tanglewood Club. He said what they are asking for is to place a 5' x 12' non-illuminated sign on Rt. 306 approximately across from Lucerne Drive, a little south of Lucerne Drive actually if you look at the site plan. He said it is a non-illuminated sign and it is similar in design to all of the signs on the Tanglewood property and it has been approved by the homeowners association of Tanglewood and he will welcome any questions. He said they really need the sign and basically their request is that they need identification out on the road, the clubhouse sits well within the property, and there is no identification whatsoever out on the road. He said the general manager of the club said that he is getting calls from people who live in Tanglewood that don't even know that it is back open again so there is a great need for identification out on the road there. He said it is a very simple sign as you can see by the design and that photograph over there is approximately where we would like to place the sign. He said there is some issue as he understands it with the setback from the right-of-way and his proposal is that the sign would be placed 12' from the right-of-way and he has an official survey of the property that shows from 2007 that ODOT had changed the centerline of the road in 1997, he has that measurement and he can place the sign exactly where it has to be from that so he knows what the correct placement would be based on the right-of-way.

Mr. Gutoskey said just because they changed the centerline of the road doesn't change the right-of-way.

Mr. Frezel said no he is just saying he has a survey that shows the right-of-way. He showed the board a copy from the official survey. He said there are two drawings and he indicated that it would be 12' from the right-of-way and it shows right here the right-of-way that comes down and he has an indication of where the exact centerline of the road is, if the right-of-way is determined from the centerline of the road or how the method is determined so basically he knows where the centerline of the road is, he knows where the right-of-way is based on the survey and he can measure off of that. He said this can be scaled so if you go from the centerline of the road to the right-of-way and then go 12' from the right-of-way to place the sign.

Mr. Lamanna said the sign should be 12' from whatever the right-of-way is unless there is a situation where the road is actually over to the right-of-way.

Mr. Frezel said right but what he is saying is he knows where the centerline of the road is, he knows where the right-of-way is shown on the survey drawing and it could be scaled so he would know the exact dimension from the centerline to the right-of-way and they can measure from centerline to the right-of-way and 12' back and put the exact placement of the sign at 12'.

Mr. Gutoskey said it would probably be safer if a surveyor did that though.

Mr. Lewis said this picture does not seem to line up with this at all.

Mr. Gutoskey said on this drawing it says 1,000'.

Mr. Frezel said that is correct from the northern property line.

Mr. Gutoskey said if you go 1,000' on there it ends up kind of where the cart path lies off there but this picture that is with the submittal is about 540' from the line.

Mr. Frezel said he scaled off of this drawing.

Mr. Gutoskey said he scaled it off of the GIS based on the picture because if you look at the picture where you are trying to put the sign there is a clearing there and there are a couple of power poles which you can see on the GIS because of the shadows but if you come back 1,000' this document shows it is actually behind trees and another problem is when you come 12' or whatever off of the right-of-way, the sign is going to be in the fairway. He asked if it is an aluminum sign or wood.

Mr. Frezel said it is sign-foam, like a redwood sign.

Mr. Gutoskey asked how it takes golf balls.

Mr. Frezel said no problem.

Mr. Gutoskey said realistically if you are putting the sign beyond the right-of-way it is going to be on the left side of the fairway. He asked if the sign will be 1,000' or 540'.

Mr. Frezel said he scaled it off of this drawing over here, and by the scale he went 1,000' from the northern property line and that is how he showed it over here.

Mr. Gutoskey referred to the picture.

Mr. Lewis said you can see the creek and where the guardrail is right there.

The board discussed the proposed location with Mr. Frezel.

Mr. Frezel said 1,000' is by lot #10. He said here is the Y and here is where he has it shown over here.

Mr. Lewis said this picture is way down here at the bend in the road, you can see the creek crossing and added that this picture is not even close to where this placement is.

Mr. Frezel said he has it past the second utility pole and that is approximately where he found it to be and you can see the Y from the golf cart path is even with that second pole.

Mr. Lamanna asked about the right-of-way.

Mr. Frezel said that is a question he had and usually when he goes to a city they tell him where the right-of-way is from the centerline of the road.

Mr. Lamanna said in theory they started off that way but sometimes they build roads and it doesn't come out in the centerline and especially if it is a curve it doesn't end up in the centerline and this part of the road has been relocated when they re-built the road.

Mr. Frezel said he doesn't know when they re-built the road, the survey was done in 2007.

Mr. Lewis said this is a state highway so they have to also pay attention to the Ohio Revised Code regarding what their right-of-ways are.

Mr. Frezel said he understands that.

The board discussed the right-of-way with Mr. Frezel.

Mr. Frezel said he guesses it requires a survey. He said he drove down the road and how he usually does this, he stopped the car and took a picture of it and that was a reference point, he had this that showed him where the right-of-way was and he put on the plan that it would be 12' from the right-of-way.

Mr. Gutoskey asked Mr. Frezel if he put the sign at 1,000', 12' off the right-of-way.

Mr. Frezel said yes, it may go down the slope slightly. He said there are trees down here and then 1,000' comes down here.

Mr. Lamanna asked if it is an open area.

Mr. Frezel said it is an open area over here. He said there is the second pole and it is basically right around here, there used to be a foundation of some sort right over here and referred to a photograph.

Mr. Gutoskey said it is not 1,000' if you look at where the turn lane is. He said he scaled it off of Access Geauga and that 1,000' is right there.

Mr. Frezel said when you look at this over here you see the Y at the golf course path and when you look from over here, when you park your car on the side of the road, the Y is right there. He said the weather was a lot nicer and it was a little while ago when he did that.

The board discussed the proposed placement of the sign with Mr. Frezel.

Mr. Frezel said when he measured it and he paced it off, he didn't use a wheel and it was not pleasant walking on the road there and then when he looked over here he saw the Y of the path and he thought that is where it was but he had no problem at 540'.

Mr. Lewis asked if this sign is one-sided or two-sided.

Mr. Frezel said it is double-sided, it would be perpendicular to the road, it is 12' long and 5' high. He said the actual copy on the sign itself, you can see is 8" high with the same logo as the Tanglewood signs.

Mr. Lewis said so you are proposing a two-sided sign that is 120 sq. ft. overall.

Mr. Frezel said if you take both sides of the sign.

Mr. Lewis said if you take both sides because it is a sign on both sides and it is 12'.

Mr. Frezel said it is 12' in width and 5' in overall height including that cut-out section.

Mr. Lewis said it says on the notes he has that it is 8' in height.

Mr. Frezel said from grade to the top of the sign, the actual sign is only 5' high.

Mr. Lewis said so it is going to stand 8' tall and 12' long and 120 sq. ft.

Mr. Frezel said yes, but based on the size of the property, the road and the placement of the sign, it is not a large sign for that area.

Mr. Lamanna asked what the idea is of the changeable panel.

Mr. Frezel said it would just have the special events that they may have, it would be blank most of the time and if there is a tournament or something of that nature, a special event, they have the ability to put a panel in it.

Mr. Maglietta said so when there is not a panel in it.

Mr. Frezel said it is going to be green, the same as the rest of the sign, it has a track that is aluminum and painted the same color of the sign with one piece that will slide right in.

Mr. Maglietta said so it won't be an eyesore.

Mr. Frezel said no, you won't even know it is there, it will look like it is part of the sign, you won't see it is there.

Mr. Lamanna said he is not a fan of changeable panels.

Mr. Frezel said it is not one of those little plastic changeable letters or anything like that.

Mr. Lewis said regardless of materials.

Mr. Lamanna said it would be very easy to just change the thing and say The Tanglewood Club and just pull the sign in substantially.

Mr. Frezel said if you do it that way put The in the first line, Tanglewood Club in the second line and save 10" or so.

Mr. Lamanna said the sign wouldn't get any taller.

Mr. Frezel said they did it that way and made it The Tanglewood Club it comes down to 8' and still stays at 5' high with the logo at the top.

Mr. Lewis said it is a really big sign in a residential area.

Mr. Frezel said but it is a really big property.

Mr. Lewis said no matter if it is 5,000 acres or ¼ of an acre we have had lots of folks in here and realtors and they wanted billboards so it is substantial.

Mr. Frezel said there are other signs there in that area that are similar in size to this that are further down in the commercial district.

Mr. Lamanna said he didn't think there are that many that are that size.

Mr. Frezel said if you go down to the entrance of the residential area the sign there is about 4' x 6' at the entrance to the property for the condominiums. He said the actual sign there, there is one that is 3' x 5' and the stone monument at the front is about 4' x 6' on a stone base and that is located by a driveway which makes it much easier to see and it will be cut down to the 8' width.

Mr. Lamanna asked if there is anyone else that wishes to speak.

Mr. Jeff Markley of 8535 Lucerne Drive testified that he owns the house right there at the entrance and the question he has for the board is if he heard the applicant correctly they are looking for a sign that is located right off the road and it seems to him that with the sign located in the area that is not anywhere close to the entrance it is probably confusing, and he is confused as to why you wouldn't just put the sign up by the entrance to Tanglewood Trail which would then take you to the golf course. He said the other thing he is concerned with is he doesn't want to see a 5' x 12' sign in a very open and green location so those are the concerns that he has. He said it would be a little odd seeing it sit out in the middle plus it has that billboard feel to it and he is not sure we are really interested in that kind of look there. He thanked the board.

Mr. Lewis said let us explore the comment of a sign marking a business and it is not even near a street giving you access, why would this not be sitting up at the top of the hill at the entrance into Tanglewood with a sign that said The Tanglewood Club and maybe even an arrow sliding right across the bottom.

Mr. Frezel said honestly that was one of the recommendations that he made.

Mr. Lewis said it would identify the business and it would also serve as a directional sign. He said also we wouldn't be asking people to be taking their eye off the road on a curve on a hill so from his point of view there is a much more practical place to put this and it definitely needs to be rescaled.

Mr. Frezel said you mean over here, that is the entrance that is opposite the Tanglewood sign.

Mr. Lewis replied yes.

Mr. Frezel said honestly that was the recommendation that he made, he made one recommendation there and the owners wanted it up at the other end, they felt that was more practical for their purposes. He said he told them this sign over here opposite the Tanglewood sign with the stone monument in a similar shape would also work.

Mr. Lewis said it would be appropriate and elegant and directional and not a distraction on a hill which is tough on a good weather day let alone on a bad day.

Mr. Frezel said there is a stack stone base, he doesn't have the picture with him but it is similar to this design and the other one he talked to them about was opposite the other sign at the entry drive and he doesn't see the need for the arrow but it could be either way. He showed the board a picture and said it is similar to what there is now.

Mr. Lamanna said it is really difficult to visualize. He said the one issue with another sign at the entrance is that technically it is an off premises advertisement.

Mr. Frezel said when the owners were looking at it they were putting a sign on their own property but it does make a practical application to put the sign by the entrance.

Mr. Lamanna said he thinks there is a small directional sign there.

He said there is nothing officially there, he believes there are two or three small round oval signs and they are on some of the street signs that say TCC on them but technically speaking that the country club leases the property now from the association, they at one time purchased it and he believes they sold it back.

Mr. Lewis asked if the association owns the entrance.

Mr. Frezel said he thinks they do.

Mr. Lamanna said yes but it is not contiguous property.

Mr. Lewis said off-site advertising, putting a sign for your business on another individual's property or another business' property.

Mr. Frezel said it is and it isn't because the association owns everything but if you want to get technical the golf course doesn't lease that spot unless they lease them that spot so if they rented them that little spot right here.

Mr. Lewis said it was just ownership and entranceway conversation.

Mr. Frezel said if it is an issue he can absolutely see reducing the sign to an 8' width and keeping it in the 540 range that we had talked about.

Mr. Maglietta said he thinks the other concern is the wording underneath, you are taking a lot of people's eyes off the road, if they have events or something going on that can be dealt with.

Mr. Frezel said so basically they can do Tanglewood Club without the changeable copy area below it, have a static message, there is no illumination to it so it is a daytime sign basically. He said most of the time when people are looking for the place is in the summer when it is daylight savings time so it works well that way and it gives a visible area for everybody over here, we cut down the size of the sign to a reasonable compromise.

Mr. Lewis said since Tanglewood has an identity with this oval, why would you not continue with the same style for continuity and tie it all together.

Mr. Frezel said that was one of the options that we gave them for a design.

Mr. Lewis said as opposed to a sheet of plywood on two posts.

Mr. Frezel said it is not a sheet of plywood on two posts, it is a carved sign.

Mr. Lewis said rectangular versus oval.

Mr. Frezel said that can be dealt with also.

Mr. Lewis said so you are proposing to cut it to 8'.

Mr. Frezel said approximately 8' because what we would do is lose this area here so you go from here to there (he referred to a rendering of the sign).

Mr. Lewis asked if they would still be doing the sculpting and take the 3' out of the middle.

Mr. Frezel said everything would stay the same except it would move and what you are going to lose is this over here so basically you can do the Tanglewood on one line and Club underneath it instead of three lines, keeping their tree logo that the community likes.

Mr. Maglietta said what if you took it and transferred this look to the bottom so this way you almost continue that look.

Mr. Frezel said the only thing that that does is it affects the relationship with this narrowing point here with the tree logo. He said he would rather just cut it down in width and keep it there.

Mr. Lewis said you are just going to proportionalize it.

Mr. Frezel said yes proportionalize it and move it in and it is the exact look you are talking about so it keeps the same basic design image and the proportions are the same, it just moves everything in, it cuts it down substantially in size and the copy size is not reduced really for the client so it is sort of a win-win compromise.

Mr. Lewis asked what the square footage would be.

Mr. Frezel said it would be 80 sq. ft. overall versus 120 sq. ft., it would be 5' x 8'.

Mr. Gutoskey said if you are not going to do the changeable panel.

Mr. Frezel said but they are stacking the copy and taking up the changeable copy area with that.

Mr. Gutoskey asked about 4'.

Mr. Frezel said the problem getting it down to 4' honestly is keeping the same copy size that you really need for the road there, the certain amount of space in between each line and spacing between the logo and the bottom. He said there is still a considerable amount of blank area there that is not all covered with copy. He said actually the community came back with the tree that had a certain outline around it and had to have everything that was there on their signs now. He said they had a new one just a little different from that, it is green and has a slight white outline around it and it is carved and these are the same colors that are used throughout the community so we comply with all of those regulations. He said he can definitely cut it down to be 5' x 8' which is a 33% reduction.

Mr. Lewis asked Mr. Markley if he can visualize what that would look like.

Mr. Markley said he has seen the rendering.

Mr. Frezel said there has been a compromise.

Mr. Markley asked if that is with the location.

Mr. Frezel said the location would be similar but the size of the sign would be reduced substantially. He showed Mr. Markley a rendering and said instead of having a changeable copy they would get rid of it and reduce it, it would still be 5' high but it would be 8' wide.

Mr. Markley said his issue is not with the appearance of the sign it is the location.

Mr. Frezel said the other thing is there will be no lights on it and they are taking off the changeable copy portion. He said it will be like one of those signs you see in the Carolinas, it really blends in.

Mr. Lamanna said we really need to pin down exactly where this is going to go and asked Mr. Frezel to go out and maybe drive a couple of stakes in the ground.

Mr. Frezel said he can do that as long as the weather cooperates.

Mr. Lamanna said you will have until the board's next meeting to do it.

Mr. Frezel said he tried to go out there, he went out there three times and he felt very unsafe parking out there, you can't drive there from the golf course to get where he had to go. He said he has two survey stakes in his car and a sledge hammer.

Mr. Lamanna said that would be helpful.

Mr. Gutoskey asked Mr. Frezel if he can revise the sign.

Mr. Frezel said he can change it to make it this design and hopes that the weather will cooperate.

Mr. Gutoskey said maybe look higher up the hill instead of at the bottom.

Mr. Lewis said he prefers things on straights not curves and you want a good line of sight.

Mr. Frezel said there is still a curve to it obviously but this is a little straighter line over here so he will drive up here and he will measure it off and put a couple of stakes in the side of the road.

Mr. Gutoskey said if you look at it it is a difference in grade because the right-of-way is pushed way to the east because of how many times that road has been moved.

Mr. Frezel asked how wide the right-of-way is at that point.

Ms. Endres said according to the survey it looks like it is 130' wide.

Mr. Frezel asked if that is from the centerline of the road.

Ms. Endres said she is measuring the right-of-way from Access Geauga.

Mr. Frezel said he didn't think it went down that far because the berm of the road is a little wider.

The board discussed the right-of-way in that area.

Mr. Frezel said he will put two stakes in there.

Mr. Lamanna said that would be helpful.

Mr. Frezel said he will put one closer to the road so you can see where the spot is and then he will make a measurement off of the centerline of the road.

Mr. Lamanna said when you get that done let the zoning inspector know and then she can let the board know.

Ms. Endres said that you (Mr. Frezel) should contact ODOT and have them mark the right-of-way, she doesn't know if you can depend on the centerline.

Mr. Gutoskey said he would say because it is on a curve, it is going to have to be surveyed in to make sure it is not in the right-of-way and it is 12' behind.

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

Motion BZA 2014-4 – 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive)

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held March 20, 2014.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2014-5 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of adding an 18 bed memory care facility. The property is located in a R-3A District.

Mr. Dale Markowitz, Mr. Evan Lubline, Mr. Ryan McNutt, Mr. Roger Newberry and Ms. Lauren Rock were present to represent this application.

Mr. Markowitz testified that he is from Thrasher, Dinsore and Dolan and is here on behalf of the Weils of Bainbridge. He said he put everything onto a Power Point so people in the audience can see and he submitted it to the board. He said they asked Ms. Endres to operate the Power Point on slides. He asked Ms. Endres to go to the site plan #22 and said this is the existing facility now and the gray area is the parking area and this area here right now is a closed drive and that is going to be removed and this is the area where they will do 18 memory bed units. He referred to the site plan and said there is a five car, one van car court at the end, these are the skilled nursing facility beds, this area here is where they have RCF beds, residential care facility beds. He said the goal here is they are licensed for 111 beds now and they are only using 100, they are going to move 18 unit beds and they know they will get the license from the state, it is a fairly automatic process. He asked Ms. Endres to go back to the second slide and said this is the parcel from the GIS and he cut it off from Rt. 306 because he thought it was more important to show you what is going on back here. He said this is a tree buffer up here that they installed when they got approval for the first 75 units up here and this is a natural tree buffer that has been here for a long time and you can see the addition is as far away from the E. Craig homes as you can get on the site to the south. He showed where the commercial and residential areas are on the aerial photo.

Mr. Markowitz continued by saying that they added some parking over here in order to meet their parking requirements and it would also be closer access to the memory care beds. He said Mr. Evan Lubline is the administrator of The Weils and will explain what the memory care units are all about and why we are doing it and how it will serve the community and we have Mr. Ryan McNutt, architect will go through the elevations, lot coverage and bed count ratios and Mr. Roger Newberry is here who is the project engineer and he will give the board an explanation of where they are at and what they will be doing with the storm water and all of these are requirements of the conditional use provision for the RCF. He said two of the board members were on the board at the time when they got the original 75 units approved and that was built a number of years ago and then they came back and asked for 25 more beds for the RCF which they got and they got 29 beds for the skilled nursing facility and they were able to acquire some bed licenses from Geauga Hospital at the time and got approval for that. He said they have been in front of the board three times for a conditional use permit and only a few months ago they were back for their renewal of their conditional use permit overall and the board granted them that approval and at that time they told the board they would be back soon with their addition. He said they have a total of 147 beds with the addition and they will go through the bed count if the board wants and they did an extensive study of what the parking requirements were and what the lot coverage was and what the bed count issue was and they meet all of those, they don't need any variances at all for the project. He said they did get staff comments from Mr. Bill Lovell on the fire issues and they also had some comments from Ms. Endres most of which was you need to produce additional documents which they did. He said he wanted to try to respond to the fire department's comments. He said Mr. Lovell said the fire main and associated hydrants may need to be relocated to cover the expansion and they understand that, they will work with Mr. Lovell after going through the project and he thinks that Mr. Lovell is assuming that they might need something down through the year because we have to accommodate whatever the fire department needs. He said the building has sprinklers by state code and they were able to do that and they will be tying in this addition to the sprinkler system and will occur as part of their project. He said Mr. Lovell wants them to have a manual wet class street standpipe which is basically a pipe inside the building where they have the ability to connect to the water which is protection for the building and that is something that as they were designing it their architect said they will have water on the site, a. if they need it and b. where they should put it. He said he is assuming that they will need and he (Mr. Lovell) wants us to make sure we have a fire alarm system and we do and will be tying the expansion into the fire alarm system. He said he (Mr. Lovell) wants an additional remote annunciator panel and will have that for the addition as well. He said he wants the memory care units to have electronic access locks to prevent residents from wandering and we will have access codes for that system so the fire department will be able to operate it. He said they have a repeater in the building when they built the skilled nursing beds because the fire department wanted them to build a bi-directional amplifier, because of the thickness of the walls in the building, if they are on the first floor and they want to hear something on the second floor that they will be able to hear that so we have that system. He said Ms. Endres had asked them to submit the lighting and landscaping plans and do the bed counts, parking counts and lot coverage and those are all in the Power Point slides and part of what Mr. Ryan McNutt will be talking about.

Mr. Markowitz continued by saying that they also did a traffic generation analysis which is on slides 19 – 21 and we called Mr. Mike Schweikart and he looked at it and came back and said they are adding 14 vehicles so it is 100 additional trips and because of the prior study they did, they didn't do any further studies. He said the question comes up about water pressure and that was built into the code when the township changed it a number of years ago for RCFs and they put in a very large pump when they did the skilled nursing beds so they have that pressure here and they tried to test the pressure outside at the street but because of the weather they couldn't do that but they will test it again just to be sure and they will work with Mr. Lovell on that but they are confident that the water pressure will meet the requirements but if it is an issue they will add more pressure to the pumping system. He added that they have a pretty large pump in the skilled nursing facility that will probably handle half of Bainbridge Township so they are confident they will be able to meet that. He said Mr. Roger Newberry will talk about the storm water plans but the additional analysis is that they will be able to do the short version of the storm water pollution prevention and it essentially will be no new detention and it will be just dealing with erosion controls during construction.

Mr. Evan Lubline testified that he is the administrator of the Weils campus and said the Weils is a remarkable facility, they truly provide the highest quality of care and highest quality of life to the residents of the facility. He said they have 111 residential care beds, they have an attached 29 bed rehab facility and their rehab facility has been voted by the US News and World Report best nursing home for the past two years. He said in 2013 they had an efficiency pre-survey for their assisted living that was conducted by the Ohio Health Department. He said the goal of the expansion with the additional staff that they currently have in place in the assisted living and the rehab they will be able to support the memory care unit. He said they will be helping out with dietary situations, they will be providing lunch and dinner and they will also be adding on four additional staff members as well to the memory care unit. He said they have over 400 admissions per year and they have added 13 residents who had been admitted from the Bainbridge/Chagrin Falls area so they want to continue helping out the individuals in this area. He said one of the things they want to do is they want to move 11 beds currently into the memory care unit and add 7 beds to the memory bed facility. He said currently the Weils has 20 residents on a waiting list and the residents who are on the waiting list right now are looking for assisted living and also memory care. He said currently they have 9 residents in that building and they will be moving those 9 residents into the brand new memory care unit as well. He said they want it to be an educational session for the community, they have been putting on for the 6 – 7 months education pieces to the campus and to the families and they actually have a three part educational process, they actually had attendance of over 35 people at each session. He said they had life care planning and they want to be an education facility for families in this area to get information on what they should know. He said back in 2011 they did a feasibility study knowing that they needed to have more memory care unit beds or an assisted living model, not a nursing model, an assisted living model.

Mr. Lubline continued by saying that EMS has had no issues with access and they have had 173 responses and looking at future parking they know that if they ever need to go back to any future parking they know that they would have to come back and get approval and looking back at the TMS (Transportation Management Services) reports, looking at the peak times of when people are coming and going to the Weils they see no issue at all from the north or south out of this facility as well. He said the garage has three residents that park there and one of the goals is they would be using this area for the memory care unit, the garage will come down, and the three residents who have cars, they will have carports for them which you will see on the slides as well. He said the memory care unit will be 18 beds, three households of six, very unique, three distinct areas will have kind of an aquarium area, a bird cage area, a TV area and it will really have an opportunity for residents in a closed in environment to be able to walk around outside on a nice day and be able to walk around more than your traditional assisted living. He said you will see that there are 18 beds, three households and each one has their own dining room, activity room, a closed courtyard area where the residents can walk, they will have breakfast and lunch and the staff that is currently in place will be assisting the team over there and they are adding four additional staff members but a lot of their team currently in place will help by assisting the needs of the new memory care unit.

Mr. Markowitz said when they first got approval they made payments in lieu of real estate taxes to Bainbridge and he checked to see how much they paid this past year and the share that Bainbridge would have gotten and they paid \$91,000 last year and the cost of this addition is projected to be about four million dollars so it is going to go up by some incremental amount and the other thing they checked on is the township having to eat the cost of these EMS runs and they are paying the township by insurance carriers or by Medicare so the township is getting reimbursed for these runs and still getting their tax money so they are helping the community.

Mr. Ryan McNutt testified that he is the architect on the project and referred to the graphics on the Power Point with the floor plans and elevations. He said he is here to talk about the lot coverage and the parking ratios and lighting and they did go through all of the numbers and they meet all of the zoning requirements. He referred to slide #27 and said here is the overall property and there is a 100' setback all around and that was conditioned on the permit use for the residential care facility. He said all of the buildings are within that setback line. He referred to slide #28 where it shows the lot coverage in the different areas and how they began the new proposed area. He referred to slide #22 and said they will have new parking that will be going in this area and they will extend some of the existing sidewalks and showed the secured courtyard area and they will have a few walkways on the outside. He said they will have a new carport in this location and they have future parking they are showing and they included it as part of the calculations and they understand that it is for the future and they will need to come back if they ever needed that parking but right now they don't need it for code but the Weils wanted to be proactive and have a master plan that shows if they ever do need it, what would we do, where can we put it.

Mr. McNutt referred to slide #28 and said he will go through the numbers and the existing buildings, roads, parking, pathways and detention basins, they are at 4.91 acres and it does exclude the garage that they are tearing down and also the roadway from that outer south drive to that garage, those will be replaced with the new building area and also the landscaping that will be replaced. He said the proposed square footages with the buildings and roads and it does include that future parking which is a large area and they are still well within the maximum allowed. He said they are adding just over 2% lot coverage (1.94%) for a total of 12.89% lot coverage and the maximum allowed is 20% so they are well within that range. He referred to the bed count ratio for the skilled care facility of 27 units and 29 beds. He said the first floor of the existing RCF building, they have 22 one-bedrooms and 8 two-bedrooms and the new one will have 18 units and 18 beds, they are all single bedrooms. He referred to slide #24 which shows the second floor of the residential care facility, there are 28 one-bedroom and 17 two bedrooms so their total units are 120 and they have 147 beds which is a ratio of 1.225 beds per room and the zoning code allows for 1.5% so they are still within that range.

Ms. Endres asked if the height is indicated because the township has a 35' maximum building height.

Mr. McNutt said they have elevations but they are only adding a single story building and the existing building is in the background, two story, this is a single story and what they are trying to do is make it look like smaller homes, small cottages that is why you see the appropriate roof plane and instead of having one large roof, this allows them to have multiple gable roofs to give it that more residential feel. He said they wanted to keep clean lines and minimize the disruption to the views. He referred to slide #29 regarding the bed count ratio and put the larger renderings on the table for the board.

Mr. Gutoskey asked if the parking in the northwest corner is land banked.

Mr. McNutt said it is future, yes and it is above and beyond now.

Mr. Gutoskey said his question regarding the lot coverage is from what you have the lot coverage now, what you have for the building now doesn't include the building you are removing.

Mr. McNutt said correct, it is not and since they are removing those and replacing them with new buildings which would have been included in the proposed area or else it is being replaced with landscaping.

Mr. Gutoskey said the question he has is realistically you used the areas of the buildings that are there now compared to what you are putting there, you really don't have that much of an increase.

Mr. McNutt said no they do not.

Mr. Gutoskey asked how much of an increase in impervious area do you have from what is there now.

Mr. McNutt said it is a minimal area.

Mr. Gutoskey said the board has to be concerned with East Craig Drive with flooding issues so he is just curious as to what the actual increase in impervious area is.

Mr. McNutt said Mr. Newberry has done the calculations and he will speak more on that later.

Mr. Gutoskey said you (Mr. McNutt) were going over the lot coverage so he just wondered. He said there will be less of an increase in impervious than what your chart shows because the future required parking lots and what you are showing for building area is actually less only because you are tearing down buildings.

Mr. McNutt said right and you will see that the garage is not small and added that most of that drive will become landscaping.

Mr. Lamanna asked if they are seeking approval of the additional parking spots.

Mr. Markowitz replied no.

Mr. McNutt said they understand that they will have to come back if they ever need them.

Mr. Lamanna said now you see where you are getting down to the point where the additional coverage may not increase the requirement for the retention pond because really that is minimal to the actual increase.

Mr. Markowitz said it is less than 1%, it is two-thirds of a percent.

Mr. Lamanna said if you just glance at the numbers you think it is going up by 20% but it is not really because the top number doesn't have all of what is there already.

Mr. Gutoskey said the run-off is going to go through the pond anyway.

Mr. Markowitz said and getting rid of that driveway.

Mr. McNutt said on site #2 of the map here we are staying within the footprint of the roadway, we are not extending beyond what is already there so the tree-line will stay intact.

Mr. John Miller of 8621 E. Craig Drive testified that he has been here approximately three times, every time they come in and ask for something and the last time he was here it was for signage, they want to work with the community and do what they like to make things great. He said he purchased his home in 2002 from Roberta Gast and she gave him a letter, which he should have brought with him, about the lighting. He said going down the street it was light pollution, we talked about that the last time he was here and they use an example of their own lighting out here that it is not properly covered which causes that extra light pollution and he was hoping they have something in their proposal coming up.

Mr. McNutt said we do.

Mr. Miller said it is going on 13 years since he got the letter from Roberta Gast about fixing the lighting and we haven't been able to get that done and he just wanted to make sure we have something like that taken care of. He referred to the GIS aerial and said the lighting they have in their parking lot comes right up through there. He said like the trees there that they claim are 12' now instead of 14' but the lights are still coming through there, especially in the winter, from the parking lot and down through the drive so his concern is just following through with taking care of the lighting, which you call light pollution, he is not sure what the zoning requirement was.

Mr. Lamanna said there is a requirement for full cut-off fixtures.

Mr. Markowitz said those are full cut-off fixtures there now so he is not sure what Mr. Miller is talking about and he doesn't remember there being a matter on the lighting.

Mr. Miller said that was 13 years ago.

Mr. Markowitz said he has been here for every meeting and he doesn't remember that. He said the new fixtures in the parking lot have zero lighting going above the fixture and it is 100% down lighting.

Mr. Gutoskey asked how tall the light fixtures are.

Mr. McNutt said he believes 20' and they are only adding three lights, actually relocating two lights and adding one on the south end of the property here. The lighting is up here at the house and it will all be downward and that is where you are getting light patterns here, he referred to a site plan and they are zero up-light and 100% down-lights and their concerns are about light pollution. He said they already had engineers look at this as to how far those lights would pass out and they all zero out in this area.

Mr. Miller said so those aren't the same lights that are there now.

The board discussed the lighting.

Mr. Miller said when he is in the second story of his house the light comes into the back window and he has a concern about that and referred to site #22. He said where all of the dark green is is the pure flow of all of the water and the parking lot is sitting right on top of that and he has photographs of that all flooded already. He said he raised the concern because if that is going to be the future, his home has been there since 1954 and these are new things but this is passed and done.

Mr. Markowitz said he thinks he might know which light pole Mr. Miller is referring to and it might be a maintenance issue.

Mr. Miller said it may be different when you put the carports in and added that the two neighbors who live next to him, they are elderly women that don't drive and they can't come to meetings like this so they can't speak for themselves so they have even a more of a direct light because there are no trees there so one of his concerns is he went over the lighting. He said both of his concerns is they went over the lighting last time and they had a permit for a 36 sq. ft. sign and when they built it it was 42 sq. ft. and they found it out eight years after it was put in place and they wanted to change it again so he is just hoping that we can and as we have a new zoning inspector, it just concerned him that they had a permit and they went above and beyond it and when they wanted to put a new sign in, then it was found.

Mr. Markowitz said he thinks what Mr. Miller is saying, people assume that when you say full cut-off down lighting that they won't see any light at all, but that is not what the code intends, it intends that the light not be dispersed beyond the property line so that the foot candle measurement and ours is actually zero at the end of the parking lot so we are significantly far away from the property line before we get to zero and yes you can see a light when you look at our property but that light is not coming onto any of the neighbor's property and that is the purpose of your code however if there is a light that is annoying Mr. Miller and if there is anything we can do to resolve that fixture, moving it or changing it we will be happy to do that.

Mr. Miller said that sounds great and that is why he is here like you said you like to work with the community.

Mr. Lamanna said you are always going to have some reflective light, light reflects off everything it illuminates and usually the problem is a fixture.

Mr. Maglietta asked why there are two different types of light here, you show us this light fixture but then you are showing me this one.

Mr. McNutt said they are not using that light, those are the two options, they are both zero cut-off lights but the light that you are referencing here, we want to match what is existing and that doesn't match.

Mr. Maglietta said okay, that is what he wanted to make sure.

Mr. Gutoskey referred to the lighting and said the one drawing shows a 22' pole on a 3' concrete foundation and asked if it is going to be a 25' height.

Mr. McNutt said yes and that will match the existing lights that are out there so they are consistent throughout. He referred to the existing landscaping and slide #26 and said where the new addition is they have existing trees that are shown here and all of these are to remain or to be replaced in time after construction in case they are unable to save all of them. He said they have two secured courtyards and as was mentioned earlier it is for the residents to be able to wander and enjoy the outdoors. He referred to the existing sidewalks and extending them and back to the existing entry and exit here and likewise from the parking area.

Mr. Markowitz said when you say wander, please explain.

Mr. McNutt said they will be in a secured courtyard.

Mr. Lewis said so they can enjoy the secured courtyard area and not the entire property.

Mr. McNutt said correct.

Mr. Lewis said it is for their own benefit.

Mr. McNutt said they are required to have 101 parking spaces, they have existing 75 so they needed 26 so they added 26 parking spaces.

Mr. Gutoskey said and three lights.

Mr. Maglietta asked where the carport is.

Mr. McNutt referred to the site plan and said it will be right here, it is for five spaces, one being handicapped and then the other one is for the van or bus that the Weils has for the property.

Mr. Markowitz said the elevation for the carport is on there.

Mr. McNutt replied yes they are matching the existing materials and it is three-sided and open in the front.

Mr. Lewis asked what is on the back wall, is that open.

Mr. McNutt said no it is open up front and they will have siding to match the existing building façade.

Mr. Lewis said there are no headlights, taillights.

Mr. McNutt said no and there are no windows in there either because they don't want anything shining outward.

Mr. Miller asked about the future parking and said there were four stakes pounded in the ground behind his property and a huge earth mound and asked what is the future beyond these buildings and how much bigger you guys want to get.

Ms. Lauren Rock, Montefiore and The Weils President and CEO testified that they have wetlands that we are dealing with so that is going to help drive some of that decision but right now it is kind of like first things first and we know this is really needed but we don't have any decisions right now.

Mr. Markowitz said that area is for future parking here, they are trying to avoid an impact so that is why they are not sure where they are headed now.

Mr. Miller said there is a huge earthen mound behind his property and he appreciates it and wondered if they are moving it.

Ms. Rock said that is going to stay.

Mr. Roger Newberry testified that he is with Michael Benza and Associates and he is a resident of Solon, Ohio and the reason he joined the planning commission there in 2000 was because of his experiences here working on the Weils of Bainbridge and figured this was a good way to do this process. He said he has been involved with this project since its initiation and was responsible for the design of the original building and the pavilion over the years and they developed a system. He said the detention basin here as you can see as you come into the driveway is full of weeds and one of the things they need to do is get that cleaned out and there is a detention basin here inside the loop, there is a small detention and water quality facility on the east side that they put in originally with the building but then enhanced it when they did the pavilion. He said when they started the project Geauga Soil and Water said what we need to do is demonstrate that we are not going to increase the rate of run-off from this project and that is because where we are situated here is the headwaters of McFarland Creek and we all know the Pine Lake Trout Farm is just the other side of E. Washington Street so they had to be very careful about maintaining the clean water habitat so they over-designed the rainwater storage and discharge facilities here to reduce the run-off as low as they possibly could. He said they were cognizant when they put the pavilion on the east side of the building by increasing the size and decreasing the slope of the basin and they intend to do the same thing on the west side and overall the original plan for this was to have an addition to the building for another 75 beds in some kind of a configuration. He said the detention facilities on this project were designed to accommodate those additional beds and that additional coverage so if 20% is their maximum impervious coverage, that is what the detention system is designed for.

Mr. Newberry continued by saying what has been added to the regulations since the original was the requirement for storm water quality as well as quantity release so that is the reason why they will probably smooth out this basin here in the corner between the entrance drive and the south drive and build an enhanced swale to get in there so that we can get the water quality component taken care of. He said that is the whole story on the storm water.

Mr. Markowitz said for the record we did this in less time than the previous time.

Mr. Newberry said the only other comment is they did do a traffic impact analysis with the pavilion because there were some concerns about adding cars and that analysis actually called for a turn lane on Chillicothe Road but it also did not assume that the intersection at Chillicothe and E. Washington was going to be improved so the additional turn lanes at the major intersection have had a significant impact on the traffic coming out of the Weils. He said there is no longer an issue with making left turns in the morning rush, he can tell the board that from personal experience.

Mr. Markowitz said it did help a lot.

Ms. Endres said she had a question for Mr. Lubline. She said she worked with Mr. Lubline on the issue of the speed bumps going down the driveway and they were put in because they were having problems with speeders and she was just wondering if that was ever resolved and she just wanted to verify that the fire department didn't want to see the speed bumps because with emergency calls and response calls, it is really difficult and she wanted to address it and she wants to make sure they won't come back.

Mr. Lewis said on the sides of the highways they cut those rumble strips in. He said he can just imagine being a patient and in a rescue vehicle.

Mr. Miller said he had to have the Weils come in and dig out a ditch because of the flow and asked if they are going to keep that clear.

Mr. Newberry said he worked with them a couple of times to make sure that drainage way is cleared out.

Mr. Miller said thank you.

Mr. Lamanna asked if there were any other comments on this application and since there were none he closed the public hearing portion.

Mr. Lewis said it is organized, there is zero impact, they are removing a building and adding a building in a virtually same footprint, the lot coverage is moving by less than 1%, the storm water, the fire department, the security, the traffic, the alarm systems, he can't think of anything they didn't cover and it is nice to see that you worked with the neighboring resident and kind of explore to see if there is any adjustment on a light pole or two. He said all of his questions have been satisfied, he came in with two and that was if the rescue squads were being reimbursed monetarily and also the property tax in lieu of, that has been addressed, those were his two note points and they covered them without being prompted so that was wonderful.

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

Motion BZA 2014-5 – 16695 Chillicothe Road (The Montefiore Housing Corporation)

Mr. Lamanna made a motion to grant the applicant a modification to the existing conditional use to allow for the following:

1. The removal of an existing garage, the building of a new building to house an 18 bed memory care facility, 24 additional parking places and a carport area and this will all be done in accordance with the plans as submitted by the applicant.

With the following conditions:

1. The applicant will comply with the requirements of the fire department which they discussed with them with respect to fire protection matters associated with the existing and new construction.
2. The applicant will also review the existing lighting fixtures that neighboring properties may have an issue with to be sure that they are properly installed and performing in accordance with their cut-off specifications.
3. The expiration date will stay the same as it was with only a couple months beyond when they just renewed it and will continue with the prior renewal date.
4. With respect to the conditional use all of the existing conditions including those set forth in 117.13 of the Bainbridge Township Zoning Resolution will apply to this expansion as well including the payment in lieu of real estate tax provision.

Based on the following findings of fact:

1. The reason for granting this modification is that it is a small extension to the existing conditional use based on the prior performance.
2. This change will not create any adverse impacts.
3. The existing storm water control systems appear adequate to handle the small change that this modification represents.
4. The impact on traffic is negligible.
5. The conditions set forth for considering conditional uses will not be adversely impacted by the changes proposed in the application.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Application 2014-6 by Zarzycki/Malik Architects, Inc. for Holy Angels Church for property at 8570 Taylor May Road

The applicant is requesting a conditional use permit with variance(s) for the purpose of building a permanent four (4) bedroom rectory with attached garage. The property is located in a R-3A District.

Mr. Bob Zarzycki and Mr. Jim Malik were present to represent this application.

Mr. Jim Malik testified that they were here in 1998 with this property to develop the church and since that time the size of the church, parishioners, has more than doubled. He said the Pastor would like to move relatively closer to the parish, he is off site now and they are looking at developing a rectory on an existing 3.82 acre site. He referenced the site on the GIS aerial photo and said there are setback requirements for building and there are currently three structures on the site, a storage facility, a small garage and an existing house that they would like to convert to an accessory building use. He said on this site there is an existing right-of-way that runs through on the property and there is an existing gas well and you can see that there is actually a cut through on the property and two guard posts where they used to run access vehicles up to that gas well. He said they are proposing for better connectivity to use that, the church owns this property up here, he referred to the GIS aerial photo, and they are proposing to use that to connect to their existing secondary right-of-way which is higher on top of the hill. He said some of the reasons are because of the fact that it eases back to the church and in certain types of conditions it may be more safe to exit out of here instead of that current residential drive. He said there is a steep grade that runs down here and the cars come down there kind of fast. He said there are some elevations and showed the board the sediment control plan and explained the grading. He said they are proposing to demolish the existing storage area and leave the existing drive on the site with the rectory. He said it is residential in character, it is one of the reasons that Father would like to move and right now he is $\frac{3}{4}$ of a mile from the church so it is a longer respite and retreat after working up at the administration of the church. He said this area is residential in nature so that is one of the reasons they located it there on the property and the church bought this property, he believes, thinking that they could build a residential rectory that would have four bedrooms for the priest and some retired priests and also this residence is already occupied by Sister Susan who is with us tonight and it provides more of a safer atmosphere when you have the two people in the same area. He showed the board the floor plan and it is 2,500 sq. ft. and it is located on a higher side because the grade slopes and there will be like a walk-out type of structure. He said the second portion will be the living area and then the portion on the west side will be the residential area and on the next slide you see the walk-out level has a duplication of the suites down below. He said these are the elevations and you can see there is a stone base and it is residential in character and typical throughout the Bainbridge area. He referred to the site plan and said this is a boundary and prior to purchasing this portion, it is right over here.

Mr. Malik continued by saying that this is the deed and there is a special assessment it talks about regarding the oil and gas lease and the easement so basically the variance is asking for within 2' of a boundary line that may have already been established in that easement and we are asking for that to be recognized. He said this is just for the board's information, we did a master plan for them studying the whole site and planning out the areas that would be open for recreation, the best use of that area, and since they are growing, they decided to look into the next phase. He said they did an educational wing on this side of the existing church and they also entertained a place for a mausoleum so they are basically just studying this whole campus of 64 acres for the best use in that area and for future parking.

Mr. Lamanna asked if they are doing any storm water control from this element.

Mr. Malik said there is an existing pond on the property.

Mr. Lamanna asked if they have any idea where it flows to.

Mr. Malik said he doesn't know if that can be erected and kept on site and into that system, that would be something they would have to study, but it is residential in character.

Ms. Karen Endres, Zoning Inspector testified that if it is more than an acre of soil disturbance you will need a storm water plan, a sediment control plan.

Mr. Malik said the disturbance that they calculated for this whole area, it was still under one acre when they calculated it around the whole project and he thinks that is presented in the first slide. He said the area of disturbance is .93 acres.

Mr. Lamanna asked if that includes the other part of the road that is on the other property.

Mr. Malik replied yes.

Ms. Endres said Soil and Water doesn't care about the size of the lot, they care about the project coverage.

Mr. Lamanna asked what the situation is with the 2003 conditional use permit with respect to the church.

Ms. Endres said it has been expired for a while.

Mr. Lamanna said as he sees it that runs through that lot there and one of the interesting things they have had is that the contiguous lots of record provision that used to exist has been repealed so it used to be the board could consider all of the lots that abutted one another as a single lot but that is no longer the case so technically the lot with the driveway on it should be part of it. He said there are three parcels that belong to the church.

Mr. Malik said this is the site they are currently looking at and the access road came up through here and actually goes up to the gas well that is on this side here.

The board discussed the contiguous lots and viewed the parcels and driveways on the GIS aerial photo.

Mr. Malik said the Victorian house was torn down but the storage facility is still there.

Ms. Endres said if you are merging two lots you wouldn't have two houses on one lot.

Mr. Lamanna said it doesn't really matter because they are all to be used for church purposes, obviously you couldn't build a whole bunch of houses and rent them out but as long as you are doing it for church purposes it is okay. He said it is really going to come down to that anyway the next time anything is done and the minute you end up with a situation when one of these lots runs over its permitted lot coverage you are going to have to merge the lots together anyway and he thinks it is a benefit of the total area. He said originally if you go back to the time when the church was built at that time you could consider these lots as a single lot even though they weren't merged together but that led to so many problems that the township abolished that provision because it was being abused and was causing confusion and people would sell off their lot later and you would end up with other issues. He said if you merge the existing lot where they were planning to build it obviates the issue of the other buildings on the property and the lot coverage, that goes away so that is no longer an issue plus the big parking area doesn't become an issue either, that goes away as well because it is part of the overall church function. He said if you look at it from a residential standpoint, who needs 20 parking spaces on a residential lot, how can we justify allowing extra lot coverage to put in a 20 space parking lot on a residential property, that really doesn't fit with why you would grant a variance for that sort of thing but if it is all part of the church property at that point in time all of these issues disappear. He said almost every issue goes away really so it all boils down to it now just becomes an approval of the conditional use modification or a modification to an existing conditional use where you are satisfying all of the requirements.

Ms. Endres asked if they would be merging the five lots.

Mr. Lamanna said right but if for some reason you could also carve off the corner of Taylor May and Rt. 306 and a lot split could be done as long as there are three acres, it has to be a minimum of three acres so if you didn't want to include that at the present time it would be possible to split that off as part of the process or not, they could always split it off later too.

Ms. Endres said that would fix the problem of having an accessory use to a primary use.

Mr. Lamanna said right and that would be the easiest thing because then you wouldn't need a conditional use permit anymore for the driveway.

Mr. Zarzycki said what we are talking about is a lot consolidation.

Mr. Lamanna said yes and it would make sense to consolidate them all and they all really need to be consolidated because it falls under the church use. He said it solves all of the loose ends. He said a survey would need to be done with a new legal description.

Mr. Gutoskey said they would need approval by the county and then they would file a new legal.

Mr. Malik asked how long that process would take.

Mr. Gutoskey said the approval process is two to three weeks.

Ms. Endres said one of the things you probably want to address is the county will look at the zoning regarding two houses on one lot so the board might want to address that officially to say that it is okay.

Mr. Lamanna said that is a good point.

Mr. Gutoskey said that is because the zoning inspector has to sign off on the approval because we have to show the drive and buildings because what happens is the county engineer reviews the survey to see that it is correct and then the planning commission reviews it for setbacks etc.

Ms. Endres said if the board addressed the two houses on one lot at the hearing and grant that variance it would be fine.

Mr. Lamanna said technically the existing building probably violates the 100' rule.

Ms. Endres said the existing building is very close to Taylor May, Sister's house, not the rectory.

Mr. Zarzycki said it is not a structure that is in the future plan, we are really talking about losing that as they continue to develop the next phase of their project. He said they could get approval contingent on the consolidation.

Mr. Lamanna said it will make it easier as a single parcel because it is all church property.

Father Dan Schlegel testified that he wonders why they didn't do that to begin with.

Mr. Lamanna said because they didn't have to, there was no need but he thinks for the long haul it is the better thing to do.

Ms. Endres said she had this in another township where a rectory was built in a residential neighborhood and because of all of the things that happened regarding the rectory it became somewhat problematic because it wasn't zoned for that.

Mr. Lamanna said technically a "rectory" is not really a permitted use because it is not really a church as such but if you build it on the church property it is part of the functions of the church and that is what Federated went through when they wanted to build their family life center they also had to make it a worship space because that is what drags through the permitted use, if it was just going to be purely a recreational center it wasn't allowable under the zoning so this way if it is all one property then this church drags through any uses associated or reasonably associated with the church use comes along for the ride with it, they are all ancillary to the church and it would have had to stand on its own. He said the existing wing building is no longer going to be used for residential it is just going to be an accessory structure of some kind. He said once the lots are merged it is just going to be the fact that that building is within the 100' setback for conditional use and maybe Sister Susan's house not being back 100'. He added that it is a 100' buffer on the conditional use. He said the 2003 conditional use for the driveway becomes a moot issue and goes away.

Ms. Endres said she thinks there is only one conditional use governing the entire thing.

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

Motion BZA 2014-6 – 8570 Taylor May Road (Holy Angels Church)

Mr. Lamanna made a motion to approve the proposal for the following:

1. The adding of the rectory and driveway and parking to the existing lot as a modification to the existing conditional use that applies to the adjacent properties under common ownership.
2. In addition there is an existing driveway that had a conditional use which will be subsumed into the overall conditional use for a church that applies to these existing properties.
3. The secondary driveway to Taylor May which is also on a previously existing lot and the accessory building with the driveway out to Rt. 306, the to be constructed rectory and two existing buildings on Taylor May which will become accessory buildings and with respect to those two existing buildings the board will grant a variance based on the fact that they are pre-existing.
4. A variance to the 100' setback requirement for all structures on a conditional use property.
5. With respect to the other house on the next adjacent property a variance will be granted to the setback requirements to the east, specifically setback from Taylor May but not from the east boundary line.
6. The board notes that the existing building on Taylor May will no longer be used as a residence and the rectory and the existing house for religious are part of church activities and therefore are not considered to be multiple residences on a single property and a variance is granted to the extent necessary to carry out that effect.
7. This new combined conditional use will start its five year period from the date of the board's approval of the minutes of this meeting.

With the following conditions:

1. As a condition to granting this the applicant is going to merge together their six lots into a single lot which single lot will then have the conditional use which will comprise of the previously approved church, parking lots, and ancillary activities previously approved and will include a residence for a religious order person on the existing lot.
2. All of the other provisions and conditions of the existing conditional uses with respect to the property will continue to apply, to the extent not modified in those previous approvals and the general conditions in Chapter 117 of the Bainbridge Township Zoning Resolution will also apply.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Since there was no further testimony, the public hearing was closed at 9:52 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta, Alternate

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

Date: March 20, 2014

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
February 20, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:52 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Jason Maglietta. Mr. Mark Murphy and Mr. Mark Olivier were absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the January 16, 2014 as written.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Maglietta, aye.

Applications for March 20, 2014

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) - Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Application 2014-7 by George Dragon of Cicogna Electric Sign Co. for Tanglewood Partners Ltd. and Great Lakes Outdoor Supply for property at 8560 Bainbridge Road

The applicant is requesting area variance(s) for the purpose of installing two wall signs. The property is located in a CB District.

Application 2014-8 by Waterway Gas & Wash Company for property at 7010 N. Aurora Road

The applicant is requesting a modification and renewal of an existing conditional use permit for the purpose of modifying the existing Waterway site (gas station and carwash). The property is located in a CR District.

Application 2014-9 by Kurtz Bros. Inc. for property at 7045 Aurora Road

The applicant is requesting area variance(s) for the purpose of increasing the number of bins on site for outdoor storage. The property is located in a CR District.

Application 2014-10 by New Creation Builders for Ed Lennon for property at 19025
Brewster Road

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. 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 20, 2014 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 10:15 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta, Alternate Member

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

Date: March 20, 2014