

Bainbridge Township, Ohio
Board of Zoning Appeals
February 21, 2002

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:30 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2002-6 by Christopher J. Stacey for property at 8842 Carnes Drive

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

The zoning inspector's letter dated February 8, 2002 was read and photos of the site were submitted.

Mr. Christopher Stacey, applicant, testified that there is an existing concrete pad on the property where a shed once was and he would like to move an existing shed to that site. He said the house was built in 1973 and he purchased it in 2000.

Mr. Lamanna asked about the size of the proposed shed.

Mr. Stacey said it is 10' x 12' and one story high.

The board viewed photos of the site and a photo of the actual shed to be moved onto the pad.

Mr. Lamanna asked Mr. Stacey if the reason he wants to put the shed in this location is because of the existing pad.

Mr. Stacey replied yes and said the previous owner had a metal building that disintegrated through the weather, but the concrete is 6" thick and there is an existing ramp on the pad.

Mr. Lamanna asked Mr. Stacey if he would have a problem planting evergreens next to the shed.

Mr. Stacey said his neighbors are fine with this and they are happy with what he has done with the house, but he could plant some trees.

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

Motion BZA 2002-6 - 8842 Carnes Drive

Mr. Lamanna made a motion to grant a side yard setback variance from the required 50' to 9' for a variance of 41' for the purpose of constructing a 10' x 12' shed, approximately 10' high, in the form as shown by the applicant on an existing cement slab on the applicant's property.

Based on the following findings of fact:

1. A practical difficulty arises from the positioning of this existing slab which previously had a shed on it which has deteriorated and is being replaced.
2. The applicant has agreed to provide some evergreen screening between the shed and the neighbor's property line to shield it from the neighbors and by doing that it should not have any adverse impact on the neighboring property, especially considering the small size of the shed and the fact that the property slopes downward from the adjoining neighbor's property which will also shield and make the shed less visible and intrusive despite its close proximity to the property line.
3. The adjacent property owner has not appeared to make any complaint about this shed.

Mr. Takacs seconded the motion.

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

Application 2002-7 by Bainbridge Village Limited for property at 8401 Chagrin Road

The applicant is requesting an area variance for the purpose of installing a ground sign. The property is located in a PO (Professional Office District).

The zoning inspector's letter dated February 8, 2002 was read and photos of the site were submitted.

Mr. Mark Snider, President of the Winbury Group and Mr. John Duzs of Novelty Studios were present to represent this application.

Mr. Snider testified that they are requesting a V-shaped sign for better visibility.

Mr. Duzs submitted a picture of what the proposed sign will look like. A site plan was also submitted regarding the location of the proposed sign.

Mr. Snider said the road was relocated and they want the sign to be visible.

Mr. Takacs asked about the existing sign.

Mr. Snider said they got a permit to install one-half of the sign.

Mrs. Stanton asked if the sign will be the same kind that is there, but just another one will be added.

Mr. Snider said yes it will be the same, just in a V-shape. He added that foundation stone will be used and flowers will be planted.

Mr. Kolesar said this is not relative, but asked about the visibility of the existing dumpster.

Mr. Snider said he will order that it be taken care of tomorrow.

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

Motion BZA 2002-7 - 8401 Chagrin Road

Mr. Lamanna made a motion to grant the applicant a variance to erect a rather unique combination ground sign that could be viewed as two ground signs rather than one but actually represents functionally more of a single ground sign which has been cut and spread apart at an angle. The two interior faces will not be used as signage, only the exterior faces and the total square footage of the exterior faces satisfies the requirements.

Based on the following findings of fact:

1. The reason for granting this variance is because of the unusual location of this property at the bend in Chagrin Road.
2. Because of the curve and bend in the road, the vehicles approaching from the east would not have a clear view of a sign that was easily viewed by vehicles approaching from the other direction so by making the sign in the shape of a V, the traffic approaching from the east will be able to view it in a similar direct orientation that the traffic coming from the west will be able to view it.

Mr. Takacs seconded the motion.

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

Application 2001-13 by Judson Retirement Community for property located at the Northwest corner of Washington Street and Haskins Road (Continuance)

The applicant is requesting a conditional use permit with variances for the purpose of establishing a residential care facility. The property is located in a R-5A District.

The zoning inspector's letter dated February 8, 2002 was read and photos of the site were submitted.

Mr. Lamanna stated that this is a continuation of a hearing on this application. He said at the last meeting, questions were raised by the board and the board wanted to give the applicant the ability to address those concerns. He said the applicant submitted written answers to those concerns and the board will let the applicant summarize from the letter submitted, any final matters raised or give a brief summary,

the board will accept public comments and then it will move forward.

Mr. Anthony Coyne, Attorney for the applicant, Ms. Cynthia Dunn, President of Judson and Mr. Bill Fehrenbach from the Pattie Group were present to represent this application.

Mr. Coyne testified that he will be referencing the letter to Michael Lamanna, Chairman of the Zoning Board of Appeals, dated February 13, 2002. He said the first question is whether Judson complies with "residential care facility" per the Bainbridge Township Zoning Resolution, does Judson satisfy the township's criteria for a conditional use permit and if contiguity is an area variance consideration. He said he reviewed meeting minutes and staff reports and referred to Manor Care when the code was written. He continued by saying that Judson would comply with the Americans With Disabilities Act and the Federal Fair Housing Act and a conditional use is a permitted use within the township's zoning code. He said that in looking at the minutes dated February 27, 1997, June 26, 1997 and April 29, 1999 and the letter from the Geauga County Planning Commission dated June 11, 1997 regarding the residential care amendment he did not find any evidence on how important it was to have contiguity and he believes that the conditional use permit should be approved and an area variance should be approved for the contiguity and said we would hope you find it in your wisdom to approve the conditional use permit to develop this property for Judson and the community and to take care of your senior citizens in the community. He listed the following witnesses who provided testimony at the previous meetings. They consisted of Ms. Dunn, President of Judson; Donald A. Lannoch, city and planning expert; Mike Schweickart, traffic engineer and Vice President of Traff-Pro Consultants, Inc.; Bill Fehrenbach of the Pattie Group; James Herman of Herman, Gibans, Fodor Architects; Roger Sours, MAI, CCIM (property/economic impact appraisal); Ron Friedman of Art & Science Lighting Design; Joe Pacchioni, P.E. of Hickory Engineering (storm, sanitary and water utilities) and Anthony Coyne, Esq. He added that Judson did not receive any contrary staff reports from Bainbridge Township.

Mr. Lamanna explained that Montefiore borders a substantial amount of CB District property, more than 200'.

Mr. Coyne said in reviewing the minutes, he could not find that as a fact.

Mr. Lamanna said to clarify for the record, the tiny residential strip that was acquired by the adjacent property owner was ignored. He continued by saying that the board will hear any new material or new insights regarding this application.

Mr. Craig Noble of Lake in the Woods testified that the board's job is to look at the zoning and the people in his neighborhood do not want the zoning changed and added that he does not want this thing in his backyard.

Mr. Sven Wiberg of Lake in the Woods testified that he is a professional civil engineer and referred to the variance that is being requested. He said that with the number of units being requested, it does not sound like a residential care facility and the number of individual living suites is extreme. He said he does not see what this is buffering Lake in the Woods Subdivision from because Montefiore cannot be seen by

us. He referred to water and sewer and this is not a simple variance request and not a place for a variance.

Ms. Patricia Hinze of Lake in the Woods testified that she is a physician assistant by trade and said she has checked on the other residential care facilities in the area and the number of ambulances per day is five and a private ambulance service is not an option and the bulk of the burden will be placed on the Bainbridge Fire Department. She said the closest lake will be Lake in the Woods if there is a fire and this complex will be close to the size of Jennings Manor which is a huge complex. She added that there are a lot of environmental issues because we have well water and this could affect all of our properties.

Mr. Mark Vanek of Lake in the Woods testified that his house is adjacent to the proposed project and said he has attended all of the zoning meetings regarding this application and he has paid close attention to all of the issues. He said he has a concern about the proposed water tower and waste issues and asked if Judson can assure us as to their cost and if his family can afford this. He referred to the demographic studies Judson has done and asked where most of those people reside now. He asked how this will affect zoning issues in the immediate area and said that Judson stated at other meetings they have considered other locations for this and asked what are the other locations.

Mr. Joe Richey of Lake in the Woods testified that Judson has only offered one thing to our community. He said "proud of" is all they are offering and they will draw on all our services and change they way we live. He said he has something to be proud of and he asked the board to not sell the residents out. He said he moved here from Chesterland and he and his wife love it here and he would like to stay here the rest of his life.

Mr. Takacs said he looked at what Judson presented and did not see anything new. He said it is not a question whether this is a good project but he does not believe free standing units fit within the residential care standards. He said according to the zoning resolution this is a transitional use and it also speaks of not extending beyond its original lot lines and they have not shown him they need a variance for that and he does not feel that independent apartments fit the residential care definition.

Mr. Kolesar said there is a contradiction between the application and the code. He said the definition for residential care means "for those dependent on the services of others".

Mr. Lamanna stated that he has looked at these definitions and is not persuaded that the concept of residential care as defined in the Ohio Revised Code necessarily contemplates independent living units and it is at odds with the concept of providing services (group of people living together). He said this is grafting onto another residential care facility and it is a different type of structure and concept and the appropriate way to deal with it is a change in the zoning ordinance and the zoning commission can deal with what is applicable and the concept of what is permitted. He said whether or not this is a use variance or area variance, a use variance relates to uses and area variances relate to structures. He said this permitted use was designed specifically as a transitional use and this use is permitted in a corridor that abuts CB or CR districts and once you go beyond those districts you are talking about a use variance. When referring to an area variance, he said there has to be something unique or peculiar to this piece of property and the applicant fails the test and if the board grants the variance it would open up every piece of property in the

township to the same thing and added that this was to provide a transitional use from CB or CR districts to residential. He continued by saying that if this is a use variance the applicant does not meet the standards of an unnecessary hardship and for an area variance the applicant does not meet the requirements for demonstrating that either. He said this is a fairly substantial variance and he believes the property could still yield a reasonable return without this type of use. He said it will adversely affect governmental services and the spirit and intent of the zoning resolution will not be observed and this zoning was clearly put in place as a transitional use and by leap-frogging, it undermines the spirit and intent of the zoning resolution. He said he does not see an inequity and the granting of this variance will be contrary and derogate from the general purposes of the zoning resolution. He said by granting this variance it could create a ready made opportunity for the owners of adjacent land to seek variances and it could cause an impact on further areas of the township undermining the overall plan contained in the zoning resolution. He continued by saying with respect to conditional uses, some of these things cited in Chapter 117.13 would not be satisfied, especially the harmony with the zoning ordinance and it would subsequently change the essential character of the area and may disturb future neighboring uses. He also said the public services will create additional requirements for facilities as well.

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

Motion BZA 2001-13 - Judson Retirement Community for property located at the Northwest corner of Washington Street and Haskins Road

Mr. Lamanna made a motion to deny the application for a conditional use permit for residential care facility and deny the requested variances associated with said application.

1. Starting first, as previously noted, after reviewing the definition of residential care facility and comparing it with the application that was submitted, it appears that based on the definitions contained in the Ohio Revised Code and the zoning ordinance, that the independent living units proposed by the applicant are not included in the definition of a residential care facility. Although perhaps the rest of the facility, as it has been proposed, would fall within that definition, a large and substantial part of what has been proposed is above and beyond what is within the core definition of a residential care facility. While this zoning ordinance contemplates and may permit a facility within that definition, it does not contemplate or permit additional activities, additional structures, or additional ways of enhancing the operation or adding to the desirability of the operation of the residential care facility not otherwise permitted in the district. Therefore, we find as proposed, the facility does not meet the definition of a residential care facility.
2. The board must make a threshold decision as to whether or not the applicant's request for variances fall within the standards for a so-called use variance or those for an area variance. It is the findings of the board that the intent of this conditional use was to provide transitional zoning from CB and PO Districts to residential districts. By creating this as a transitional zoning, the intent was that the permitted use area would be in a border part of the residential district that was contiguous to a PO or CB District. This creates a limited zone in the residential district where this use is permitted. Once you move beyond that zone, the residential care facility is no longer a permitted use.

Secondly, when determining whether a variance is use or area, area variances are generally those related to lot restrictions, lot structure, lot size, lot shape, physical characteristics of the property.

They address exceptional or extraordinary circumstances or conditions that apply to the subject property and that do not apply generally to all the other properties in the same zoning district. In this case, the non-contiguity is a characteristic of every other property in that district that does not satisfy that requirement, it is not unique to this property. To allow a variance would essentially open up the entire residential district to this type facility which was clearly not the intent when this conditional use was enacted. This clearly makes this a request for a use variance and we so find.

3. With respect to whether or not the applicant has met the standard for a use variance the board will make the finding of fact that the applicant has not demonstrated, nor really attempted to demonstrate, that there is an unnecessary hardship with respect to this property, with respect to the use requested here or with respect to the overall use of the property that this property can clearly be used in an economically viable manner and does not demonstrate any other hardship which would require it not to be subjected to the normally applicable residential use.
4. However, as an alternative, we will also consider what would happen if this variance and conditional use were considered under the area variance standard and under the normal conditional use standards and make the following findings of fact with respect to those criteria.
 - a. The property in question can yield a reasonable return as a residential property and there can be a beneficial use of the property without the variance. The property appears to be perfectly amenable to residential use and there was testimony that indicated that the property could not be economically used for such residential purposes.
 - b. The variance is substantial. The fact that we are breaking a contiguity requirement in a conditional use area that is designed as transitional certainly makes a substantial change. If the variance were granted, it would create a group of residentially zoned lots that will then be cut off from other residential lots and surrounded as an island with the highway on one side and this property on one side and the CB District on the other side. This variance of non-contiguity, would not be transitional but would cause a substantial break-up of the existing residential area.
 - c. The essential character of the neighborhood would be substantially altered. It is an area that is now primarily large acre residential and/or agricultural and moving in high density independent housing and a residential care facility would certainly alter that nature.
 - d. The adjoining properties would certainly suffer a detriment as a result of the variance. We have certainly conflicting testimony between the applicant who is indicating that it wouldn't be a detriment and that it would be a benefit and the residents who are asserting the opposite point of view. We find that introducing this type of facility would create at least some material detriment to these other property owners.

- e. By allowing this variance, we would adversely affect the delivery of government services by creating a larger and broader area in which the services would have to be provided since we expect that the demand on these services by this residential care facility would be greater than that of a normal residential development and would require those services to be delivered over a broader area and away from the main highway locations where the existing CB and PO District areas are located.
- f. Certainly the property owner was aware of this restriction at the time it entered into its option to buy the land.
- g. The property owner's predicament can be obviated by some other method other than a variance. One way that could be addressed here would be, and perhaps more appropriately is to seek a change in the zoning if they can convince the legislative body to do that.
- h. The board does not believe the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting this variance for the reasons stated above. Also, the intent of this conditional use is to provide transitional zoning, and if we granted this variance it would subvert that underlying intent. Furthermore, it would undermine the existing residential district by carving off and isolating a piece of that district and would create the potential for further expansion of commercial uses through either requested re-zoning or requested use variances by artificially creating a situation which could support such requests and diminish the ability of those people to feasibly use their property in a residential nature.
- i. For these same reasons this request would be contrary to and derogate the general purposes of the overall zoning resolution and the township guide plan for land development.

Considering all of the preceding criteria that are applicable to area variances and weighing those criteria and our findings of fact, it is our conclusion of law that the applicant has not demonstrated that an variance should be granted.

5. Considering Chapter 117.13, the board also notes that with respect to the general criteria for granting conditional uses, that the proposed use must be: (a) harmonious with in accordance with the purposes of the zoning resolution and the guide plan, (and as we have already found it does not do that); (b) designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character, (and we find that the high density development and high density independent living units would change that character to a material degree) and (c) there be no burden on essential public facilities (with respect to whether we find that the access to the facility will require substantial use of other than the major roads of the township which would create additional burden for maintenance and repair, as well as safety services). Therefore for the above stated reasons, the board does not believe the requirements in general for a conditional use have

been be satisfied.

Mr. Takacs seconded the motion.

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

Application 2002-5 by Jozef Kofol for property at 16381 Chillicothe Road (Hixsons)

The applicant is requesting a substitution of a pre-existing non-conforming use for the purpose of establishing a tanning bed, nail and hair styling salon. The property is located in a R-5A District.

The zoning inspector's letter dated February 8, 2002 was read and photos of the site were submitted.

Mr. Douglas Paul, Attorney for Mr. Kofol was present to represent this application.

Mr. Paul testified that Mr. Kofol wants to substitute a pre-existing non-conforming use with a tanning bed, nail and hair styling salon which will be called Colonial House Spa. He said there will be ten tanning beds, two manicure stations, two hair stations and a masseuse. He continued by saying that the proposed location is across from the Woods of Wembley Subdivision and the rest of the facility contains a restaurant, antique store and gift shop and this is a substitution of a pre-existing, non-conforming use with the same kind of character as the previous use.

Mr. Lamanna asked what part of the building this will be in.

Mr. Takacs said they are taking over the furniture part of the store.

Mr. Lamanna asked if both floors will be used.

Mr. Paul said yes, the tanning beds will be upstairs and the hair salon will be downstairs.

Mr. Takacs asked if the restaurant will still be there.

Mr. Paul replied yes, this proposal does not plan to change anything.

Mr. Takacs asked how many square feet will be used.

Mr. Paul said he did not know the exact square footage but it will not increase.

Mr. Lamanna said he has a hard time being convinced that a hair, nail and tanning salon is similar to a furniture store because the clientele, traffic and materials to be used are different.

Mr. Paul said the kind of clientele that may change the amount of customers is speculative, truck traffic will be reduced, there will be no inventory of any kind and he does not know of an identical use other than another furniture store.

Mr. Lamanna said it could be another retail sales use.

Mr. Paul said this use will decrease noise, pollution and traffic.

Mr. Lamanna said a furniture store has a pretty low traffic pattern unlike a drug store and with the frequency of people coming in and out of a salon, there could be a substantial amount of traffic along with factory pollution that comes along with that.

Mr. Lewis said with ten tanning rooms with 20 minutes per person, there could be 30 people per hour which is a lot of parking, and people coming in and out.

The board reviewed the floor plan of the proposed salon as submitted by the applicant.

Mr. Lewis said his concern is if this building is wired with 220 to handle the tanning beds.

Mr. Lamanna said with ten tanning rooms, two or three rooms for facials, this is a whole different setup and he is not persuaded that this is like a furniture store and it may diminish truck traffic, but it will create substantially more traffic and will bring in chemicals, pose hazardous chemical issues and is not in the spirit of a substantially similar use.

Mr. Paul said the area has a substantial amount of traffic to begin with and that is not in itself a reason to deny this variance.

Mr. Lamanna said yes it is a reason to deny it. He said the real issues are the noise, pollution, traffic and the number of people using the facility and this is not appropriate for a residential district.

Mr. Paul said this would create an unnecessary hardship because it limits the facility to be used for anything.

Mr. Lamanna said it can be used as is and it has a right to be used as it has been used. He continued by saying the board did not say you can only do a furniture store. The only thing before us is this application and if someone has another use proposed for it the board will look at it. He said this is leaping from a retail use to a personal care use and with what is proposed here, he is not persuaded this satisfies criteria of a substitution of a non-conforming use.

Mr. Lewis said he would like the use to be more consistent with the former use.

Mr. Takacs said that this proposed use is different from retail use and prior to the furniture store, it may have been a restaurant.

Mr. Lamanna said part of it may have been morphed over to the existing restaurant.

Mr. Paul said he did not think he could add anything that would change the board's mind and said he understands there is a lot of discretion with Chapter 165 of the zoning resolution.

Mr. Lamanna said that eventually non-conformities are supposed to become non-existent and go

away, but the board is not here to put people out of business.

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

Motion 2002-5 - 16381 Chillicothe Road

Mr. Lamanna made a motion to deny the applicant's request for the substitution of a non-conforming use under Section 165.09. The applicant has requested a change from a furniture retail application to an approximately ten tanning bed and nails and hair personal care facility with the attendant supporting equipment, laundry areas, changing areas and the like.

Based on the following findings of fact:

1. The board finds that this use is not of the same kind of character. It would have gone from a specialty retail use to a personal care use with a much higher density of usage and an increase in customer service. If all of the potential stations were filled with people waiting it would have a substantially greater number of people in this and it is also a fundamentally different type of service when providing personal grooming and tanning services other than retail.
2. The board believes this will increase noise from increased equipment, increased pollution from the types of materials, some of which are potentially hazardous used in hair and nails salons. There will be an increase in traffic and the number of people coming in and out all of which, if they cause an increase, would notate against granting this.
3. This proposed use is not equally consistent with or more appropriate to the district than the existing non-conforming use as it will have a greater impact on that district and is even less consistent with residential than the existing specialty retail use.

Mr. Takacs seconded the motion.

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

Application 2002-8 by Tanglewood Partners for property at 8505 Tanglewood Square

The applicant is requesting a conditional use permit for the purpose of establishing a retail shoe store at the Tanglewood Professional Building. The property is located in a CB (Convenience Business District).

The zoning inspector's letter dated February 8, 2002 was read and photos of the site were submitted.

Mr. Sheldon Berns, Attorney was present to represent the applicant.

Mr. Berns testified that this application was filed because Mr. McIntyre was concerned about allowing a retail use in what has almost always been an office use. He continued by saying because of the economy and 150,000 sq. ft. of office buildings being constructed in the area, as a consequence they are

finding a difficulty in replacing office use with office use and cannot afford to pass up this use. He said the applicant really does not belong here and some people might be disappointed to find a retail use as opposed to an office use.

Mr. Lamanna said this gives the board an opportunity to clarify this once and for all and part is a change in the character of what has happened over the years. He said this building has always been looked at as an office building and a lot of changes that have happened complicates the history, but the board does not want you to be back here every time there is a different use for this building, but the board has to consider its proximity to the residential area.

Mr. Berns said he looked back at all the rulings by this board and the change of this property has been established for the good and we have entered into various agreements and are bound by them.

Mr. Lamanna said there is a question here as to how all this fits together, but no one has come forward to state their opposition to this in terms of use here. He said the board would not want any food preparation going on in this building and if we grant this as retail use we would not want any perishable food such as produce etc. He said a jelly or jam store would be OK and there is an issue of noise and garbage disposal and asked where the dumpsters will be kept.

Mr. Berns said there will no change in anything.

Mr. Takacs said the use will be no more intense than medical.

Mr. Lewis said he had a concern about the hours of operation and if they existed for that building.

Mr. Berns said there are no limitations anywhere.

Mr. Lewis said there is no sense to staff the building on zero traffic hours.

Mr. Lamanna said if the board rules out food preparation or a drive-thru operation it takes care of itself because all of the customers will probably come through the front door and not the back. He said it will not increase the burden on the adjacent property owners with no food preparation nor additional equipment.

Mr. Berns said it would be unusual for retail to be in the back and suspects it would be low volume.

Mrs. Stanton asked if food sales like a convenience store would be eliminated as opposed to a shoe store and said she has a problem with certain kinds of retail stores and is concerned how it backs up to the condos.

The board discussed setting time limitations for the store.

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

Motion 2002-8 - 8505 Tanglewood Square

Mr. Lamanna made a motion to grant a conditional use permit with respect to an athletic retail store. The board is actually going to look at this application as a conditional use permit to use the so-called "office building" for general retail purposes and will grant a conditional use for those purposes subject to the following conditions:

1. There will not be any increase or change in the trash/dumpster location to that currently used by the building.
2. There will be no general access provided for the public through the rear side of the building which faces the residential area. Stores will not open earlier than 8:00 A.M. or remain open after 11:00 P.M. or 7:00 P.M. on Sundays. There will be no on-premises food preparation or consumption or sale of perishable food items. There will be no change in the lighting in the rear of the building unless it is otherwise consistent with the lighting restrictions generally applicable to the whole area.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 9:30 P.M.

Respectfully submitted,

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

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

Bainbridge Township, Ohio
Board of Zoning Appeals
February 21, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:30 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to approve the minutes of the January 17, 2002 meeting as written with the appropriate corrections.

Mr. Takacs seconded the motion that passed unanimously.

Mr. Takacs made a motion to approve the minutes of the February 2, 2002 meeting as written.

Mr. Lewis seconded the motion that passed unanimously.

BZA Application 2002 - 2 - 16790 Bedford Street

Mr. Lamanna made a motion to table consideration of this application until the regularly scheduled meeting to be held in April.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2002-9 by Novelty Studios for The Weils of Bainbridge for property at 16695 Chillicothe Road

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

Application 2002-10 by John Dombek for property at 17774 Kenston Lake Drive

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

Application 2002-11 by Howard R. Selee, Land Surveyor for Kevin B. and Suzanne M. Yohman for property at 18310 Hearthstone Lane

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

Application 2002-12 by Kevin Byrnes for property at 7459 Bainbridge Road

The applicant is requesting an area for the purpose of constructing a residential addition. The property is located in a R-5A District.

Application 2002-13 by Edward R. Beal and Connie F. Beal for property at 18038 Harvest Drive

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

Application 2002-14 by Chagrin Falls Park Community Center Corp. at 16747 Akron Street

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

Application 2002-15 by Chagrin Falls Park Community Center Corp. at 16755 Bedford Street

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for March 21, 2002 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

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

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