

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 21, 2008

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass. The following matters were then heard:

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

Application 2008-1 by Cory Corrigan for property at 9380 E. Washington Street

The applicant is requesting a variance for the purpose expanding a legal non-conforming use to establish a retail tack shop. The property is located in a R-5A District.

The zoning inspector's letter dated February 21, 2008 was read and photos of the site were submitted.

Mr. Cory Corrigan was present to represent this application.

Mr. Corrigan testified that it will be more along the lines of a consignment tack shop and said that this area has Schneider's Saddlery as well as the Paddock Saddlery and what he wants to do is more of the consignment stuff. He said there are numerous horse businesses in the area and this business would go into the building on the corner of Washington Street and Snyder Road and which he currently occupies the front half of that building which is Corrigan Trailer Sales. He said he is hoping it will compliment his business and generate a little bit more local traffic, he has struggled to sell much in the way of any local business, he has done most of his business off of the internet and out of state so anything that he can do to draw in and on the property to understand that is what they do there but most people think it is a repair shop. He said he also feels that because of all of the other horse businesses in the area, Chagrin Valley Farms, Therapeutic Riding Center, and a bunch of other local lesson programs, tack is typically very expensive, saddles, jackets, clothing etc. and there is a lot of that stuff out there and about what people have sitting in closets and can provide a service to the community that way.

Mr. Olivier asked if this business will be under a different name than the current business.

Mr. Corrigan said Corrigan Tack Sales would work very nicely but in order to sell the trailers that he sells, he needs to have a dealer's license and that will not allow him to incorporate another business into that, it is strictly Corrigan Trailer Sales so it would have to be a different name, it would have to be a different LLC and a different business.

Mr. Olivier asked if it will kept in the rear third of the building.

Mr. Corrigan said yes, where the mower shop had previously been.

Mr. Lamanna asked if it will be kept separate and have its own separate space.

Mr. Corrigan said the only thing they will share is the phone line from Corrigan Trailer Sales so on days when the trailer sales is closed, it would be cheaper for him to man the consignment tack shop than the trailer shop so there would be two phone lines so when anybody calls and is interested in a trailer, the people that are there at the tack shop can at least direct them to the trailer sales, but other than that, other phone lines, even the credit card machines will be kept separate.

Mr. Lewis asked about the proposed hours of operation.

Mr. Corrigan said he is thinking Monday thru Friday from 9:00 to 7:00, Saturdays from 10:00 – 5:00, and he is a little tentative on Sundays, he thinks a lot of that will go along with the horse show season that they have at Chagrin Valley Farms, their busier times are the Fall and Winter and during Spring and Summer they kind of die off a little bit, so Sundays will probably die off as well but would be open from 10:00 – 3:00 on Sundays.

Mr. Olivier asked if there will be any outside storage associated with this business.

Mr. Corrigan said no, he has been down that road and no, there will be no outside storage.

Mr. Lewis asked about proposed signage.

Mr. Corrigan said there is an existing sign and he assumed he did not need an application just to take over the half that the mower shop previously had and added that they share a sign that has Corrigan Trailer Sales on the bottom and the mower shop on the top. He said all he is going to do is take the top part off and put the consignment tack shop sign there so there won't be a new sign.

Mr. Murphy asked if there is still another business in the back of that building.

Mr. Corrigan said what you are seeing there is a garage space that the mower shop used and it might be a good area for us to clean the tack and we will use it as a back room.

Mr. Lamanna asked Mr. Corrigan if he will be occupying the whole building.

Mr. Corrigan said yes and going back to the outside storage it is really part of the reason it got him thinking about this because obviously he can't have outside storage where he is at now and this is a way that he can generate some foot traffic, his struggle has been selling locally and as you all know, if you go shopping for a car you are not going to a place that has no cars so that is a thing he has struggled with and he thinks by doing this it will generate some foot traffic and the local market is where he really missed out in the horse trailer business.

Mr. Michael Joyce, Zoning Inspector testified that this is a new business and separate from the other, so they will need a sign permit.

Mr. Lamanna said it does not look like it will increase noise, pollution and traffic or the use of the property and it is no worse than a mower repair shop.

Mr. Lewis said he likes the absence of fuel and oil or petrol based products in that building.

Mr. Joyce said it is a less intense use.

The board reviewed the application.

Mr. Murphy asked if there will be increased landscaping with more trees in the front.

Mr. Corrigan said he would do whatever he could to dress that building up but at this point he would have to generate more income with his trailer sales business in order to do that. He said he would re-do the siding and put a nice entrance on the front, he would do a lot to it, he just needs to get the business generated.

Ms. Sass asked what kind of tack inventory he has ready to start up.

Mr. Corrigan said probably more than he could fit into that place because his wife has shown horses for years and years and has a lot of stuff, the employee that works at the trailer shop used to be a trainer so he has a lot and there are a lot of local trainers that operate in this local area that have tons of stuff that they don't use anymore because of fashion changes, etc. and there a lot of people out here that support local lesson programs like Chagrin Valley Farms, Therapeutic Riding Center, etc. that don't care about fashion, they just care about the equipment. He added that since he has been there, the mower shop would use a lot of the lawn for test runs for the mower, and he has paid guys to come in there and mow and made sure the ditch was weed-whipped so he does want it to look nice and presentable and be a part of the community that looks good, he just can't afford to re-side the building and dress it up they way he wants to and added that he took over the mowing from them.

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

Motion – BZA 2008-1 – 9380 E. Washington Street

Mr. Lamanna made a motion to grant the applicant a substitution of non-conforming uses under Section 165.09 for the applicant's sale of used tack.

Based on the following findings of fact:

1. The substitution of the applicant's sale of used tack from the prior use of a mower repair shop is that it is generally of the same kind and character as being a retail type business.
2. It is a less intensive retail business and does not result in an increase in noise, pollution, traffic, sign area or the number of persons using the property.
3. This actual use being purely sales, will not involve repair of equipment and the use of essentially harmful oil and gas products and in doing that it is more appropriate than the existing use.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye. Ms. Sass, aye.

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road  
– Continuance

The applicant is requesting a conditional use permit with variances for the purpose of constructing single family cluster homes. The property is located in a R-3A District.

Ms. Mary Bolas-Dietz of K.K Foxx Court Reporters was present for this application.

Mr. Lamanna noted that this application is a continuance.

Mr. Lamanna swore in Mr. Mark Iacona.

Mr. Gary Werner of Berns, Ockner & Greenberger, LLC, Mr. Mark Iacona, developer and Mr. Thomas Vokas, applicant, were present to represent this application.

Mr. Charles T. Riehl of Walter & Haverfield was present to represent the Bainbridge Township Board of Trustees.

Mr. Lamanna asked what the plan will be for this evening.

Mr. Werner testified that they will have two individuals and Mr. Iacona plans to pick up where he left off after his last presentation with respect to the additional materials that the board requested and submitted to the board as Exhibit A and Mr. Vokas is here this evening to give his comments as the property owner.

Mr. Werner asked Mr. Iacona if he reviewed a copy of the information that he assembled in response to the board's request for data on the Economic Viability Analysis.

Mr. Mark Iacona testified that he did.

Mr. Werner said that the board has Exhibit A and asked Mr. Iacona to briefly explain what is in Exhibit A.

Mr. Iacona said at the meeting before last whenever he was talking about how he came to some of his numbers in his projections, he was talking about the values of the lots that he was planning on selling and the board had asked what information he relied on to come to those numbers and that is what he has here tonight. He said basically he got them off the auditor's website for Geauga County and submitted previously to this his market analysis and that was a compilation of parcels in subdivisions that he put together and it reflects the actual sales prices of the lots in the township and if you look at the top, it shows parcel numbers so it identifies the individual lot sizes and if they weren't sold, he shows the asking prices and the sales prices and when they were sold and the transfer dates.

Mr. Iacona continued by saying these are the numbers he used to come up with what he thought the lots would sell for and when he was at that meeting the board asked for what he used to come to these numbers and again he went to the website and he has submitted the actual record for transfers on these but whenever he started going into that to find out the details on the individual lots the picture that shows the location map, he labeled it the location map, this is the picture that came on the screen and as he looked at it, it kind of hit him that how many of the lots in the area are of a smaller variety really and in the general area and in an area that is about a mile or less for the most part around the subject property, the Voproco property. He said most of the subdivisions were of the smaller variety so it is tough for him to start labeling that and documenting that and that is what led to the next document which is called Lot Size and Density Analysis for the proposed Savage Road subdivision. He said this is kind of a snapshot of what is in that general area based on average lot size, medium lot size, acres per unit, whether or not they have open space, the year the project was done and the zoning it was done under.

Mr. Werner said lets take just a moment and connect a few of the dots on the information that you (Mr. Iacona) provided. He said Exhibit A, the location map which identifies 16 different properties that are roughly within a mile or less of the property that we are talking about this evening.

Mr. Iacona said that is correct.

Mr. Werner said this page from Exhibit A that he is holding up is a list of those 16 properties identified on the location map.

Mr. Iacona said yes and you can see on the right side of the map, those numbers correlate with the density analysis.

Mr. Werner said okay so you (Mr. Iacona) looked at these 16 different developments within this distance from the property and analyzed what the densities and zoning were in those developments.

Mr. Iacona said that is correct.

Mr. Werner said and that is what these two documents summarized from Exhibit A.

Mr. Iacona replied yes.

Mr. Werner said also you have in Exhibit A a four or five page document called Market Analysis.

Mr. Iacona said that is correct.

Mr. Werner said this document represents the value research that you (Mr. Iacona) did to evaluate the prices you could charge for lots developed on this property that we are talking about this evening.

Mr. Iacona said it is not only how much he can charge for lots but it also shows him what size lots were marketable in this market.

Mr. Werner said the detail information underlying the numbers on your market analysis comprise the rest of Exhibit A.

Mr. Iacona said that is correct.

Mr. Werner said so those individual parcel pictures that are compiling Exhibit A are the details supporting the analysis that you have in your market analysis.

Mr. Iacona said that is correct and he has packets listed one to sixteen with all the supporting documentation.

Mr. Werner said and you (Mr. Iacona) began to testify that in the course of compiling this information, you started to make some determinations regarding what was actually going on around your property in terms of residential development.

Mr. Iacona said that is correct.

Mr. Werner said to Mr. Iacona, why don't you pick up from there.

Mr. Iacona said if you look on the market analysis in Bainbridge Township, on page one, it looks at the Woods of Wembley and the lot sizes that they reflect there, they all seem to be around an acre, maybe just a little bit over an acre. He said that was a good indicator for him because what we are proposing, the average lot size is one acre so that was a good comp for us short of the fact that most of the transfers were a little bit older but the bottom line for the lots that were listed there show just shy of \$150,000 on an average sale price, but again, a better indicator for him was if you look at some of the lots that transferred in 2007, there may be three or four of them that were all higher priced transfers of one, two, about four or five down and there is one that sold for \$235,000 which was encouraging. He said there was another one down at the bottom for \$169,900 that transferred in 2007 and a couple in 2006 also sold for a little bit more so he looked at those numbers more than some of the older ones that were back in 2004. He continued by saying that Canyon Lakes was another subdivision that was current and he really focused on it and there was a phase of it, Morning View and Lookout Trail that seemed to be the phase of that project that was active and that was actually being built on this summer so he kind of focused on that area and used those numbers. He said the permanent parcel numbers on the left are the lots in that subdivision and again, the lot sizes were criss-crossed.

Mr. Iacona said the same lot sizes that we are proposing for this project averaged .93 acres and we are at about one acre. He said their average lot sale price was \$181,000 or just a little bit over that which again he used and all those lots were sold and you see the various transfer prices, but a lot of them were in 2006 and 2007 which showed it is a little more current so he relied on that also. He said one of the other things he looked at and the easier way to go on this would be three acre lots as opposed to being here every few Thursday nights but he just did not see it. He said if you look at page one of that market analysis, Chagrin Oak subdivision, it is a four lot subdivision on Chagrin Road and they are all three acres plus as a matter of fact and they average 3.44 acres. He said they established the prices at \$185,000 - \$200,000 but at the time he had done that study, none of them had sold and they have been on the market for about two years now. He said he started looking at that and seeing what's wrong and couldn't find a whole lot more that were actively being marketed in that three-acre price range so that is why on his analysis when you look on the map for Amber Trails, he went a lot further beyond that one mile radius that he was working on just because this was actively being sold.

Mr. Werner asked Mr. Iacona if that is number 15 on the list of the properties he looked at.

Mr. Iacona said that is correct.

Mr. Werner told Mr. Iacona to go ahead.

Mr. Iacona said on the market analysis of the lots they had there, not many were sold but the ones that were sold, sold for \$110,000 but he worked those into his calculation and it turned out the ones that he saw that were active in the three acre variety in Bainbridge averaged a \$107,000 sale price so whenever he did his three acre layout and did his \$107,000 per lot sale price, he was a loser so that is whenever he started looking at Canyon Lakes and some of the other subdivisions to see what was going on there and that started telling him the market had spoken and where he needed to be as far as the market goes and the viability from that standpoint.

Mr. Werner asked Mr. Iacona that after conducting this research, did he draw any conclusions regarding how what he was proposing for this property would blend in with what is going on around him.

Mr. Iacona said as he mentioned when he looked at that map, it kind of jumped out at him more than he realized at the time and how many lots in and about the area that we are talking about here were of the smaller variety and it really started getting to the point where he knows one of the questions was would this subdivision hinder or hurt the surrounding properties but whenever he looked at it, all these types of lots that are around there, it seems like that is the majority as opposed to the other way around so he said, no that fits.

Mr. Werner said asked Mr. Iacona that this analysis that he conducted of all this information is what underlies the summary viability analysis that we submitted probably a month or two ago.

Mr. Iacona said correct.

Mr. Werner said since the time that we submitted this analysis to the Board of Zoning Appeals, Roger Ritley testified before this board regarding his analysis of this property as well.

Mr. Iacona said that is correct.

Mr. Werner asked Mr. Iacona if he was here for that testimony.

Mr. Iacona said yes.

Mr. Werner said Mr. Ritley came up with some numbers that were very different from yours didn't he.

Mr. Iacona said painfully yes.

Mr. Werner said Mr. Ritley came up with a different number for the derived value of this property as a whole.

Mr. Iacona said correct.

Mr. Werner said he also came up with slightly different numbers for the lot prices on the east side and the west side of the creek that runs through the property.

Mr. Iacona said that is correct.

Mr. Werner said he wants to make sure that the board understands that you (Mr. Iacona) understand what is going on here and asked how you (Mr. Iacona) reconcile what you prepared based on the analysis you did with what Mr. Ritley testified about just a couple of weeks ago.

Mr. Iacona said whenever he does his numbers he does it as a developer and he is looking at the bottom line and the return on that and he is sure whenever he looks at it as an appraiser, he is doing it strictly on numbers that he is able to glean out of the records and he is a little more forward-looking in that he kind of visualizes what he can create and have a feel for what it can be and therefore, what his numbers could be but that is a risk. He said when you say should and could though, that is a risk and that is what developers do, they do take risks whenever they step into a project like this but he looked at it and he came up with numbers that he was able to compare that have sold on a per acre value before.

Mr. Iacona continued by saying his numbers were a year old when they started this and the market was vastly different when we sat down and drew up the contract so the sale price reflected that, the market condition and it also reflected that the seller was willing to take the risk with him and he was participating in the financing of the project and therefore that gets reflected in the price also as far as that goes and that is why his numbers and mine are a little bit different or not even a little bit, quite a bit as a matter of fact.

Mr. Werner said the one final depiction between the two assessments was you (Mr. Iacona) factored into your analysis a seven percent annual rate of return on the investment and that is a pretty conservative number, isn't it.

Mr. Iacona said yes very conservative to the point where it is very marginal as a matter of fact.

Mr. Werner said Mr. Ritley actually estimated the market rate of return needed on a project like this in order to draw investment interest is 30% annually.

Mr. Iacona said correct and two things, whenever I do my numbers, I always make sure that I fault on the side of having my expenses being high and my profit being low that way when things creep up you don't expect, I am prepared for it. He said if you feel you can still go forward based on that, then you do it, but as you pointed out, that seven percent annually, it gets to a point where you may just want to put the money in the bank but being that the seller was participating, it allowed me to go forward.

Mr. Werner said and Mr. Ritley also projected a 66 month absorption period.

Mr. Iacona said that is part of what changed over that year, I wasn't projecting that at all and now that I still disagree with that number, to be honest with you, but he is the pro in that regard and that is quite a long time. He said whenever you start projecting the carrying times like that, time as part of the equation the carrying costs can eat you up if you are not right.

Mr. Werner said during the course of the last couple of hearings, there was some discussion about adjusting the number of units or adjusting the coverage on the property based on the reduction in units and asked Mr. Iacona if he recalls some of that discussion.

Mr. Iacona replied yes.

Mr. Werner said and you (Mr. Iacona) recall some questioning by the attorney for the township to the effect that if you lower the units enough but stay within the 15% coverage, you would end up with 20,000 sq. ft. homes, and asked do you recall that.

Mr. Iacona said he did.

Mr. Werner asked Mr. Iacona if he wants to respond to that.

Mr. Iacona said yes, he contents that the biggest calculation in this is really site coverage because at the end of the day based on the cluster development regulations, you are only allowed 15% site coverage so at 50 acres, you are allowed to have the site coverage of 7-1/2 acres and that is 42 and 1/2 acres that are left and that is the driving number to him so no matter what the density is whether there is 16 or 60 you are still only allowed to have site coverage on 7-1/2 acres. He said whenever he did his calculations he backed out the road, he backed out an acre and a half for the basins, the two basins that we are talking about and that left about a little bit, he thinks 6,600 sq. ft. that he is allowed per lot for 33 home sites. He said so that is not a big footprint whenever you consider you have to put a driveway in on there and you put a three car garage and you put some kind of a patio or a pool and he thinks at that point he is left with 3,300 sq. ft. for a first floor footprint on a single family home. He said those aren't huge homes and then he had heard some quote come up that under the three acre zoning, you would need 20,000 sq. ft. homes to equal that and he thinks that was probably a mistake because whenever you do those numbers, and he did them, the basins would be relatively the same. He said the road length would be a little shorter but he did the math on that and it comes down to about 9,800 sq. ft. left for actually 14 units because that is all his plan would allow whenever he drew this up, the three acre lots with 9,800 sq. ft. per lot. He said if you put in the same, the driveways would be longer because the setbacks are longer so when you put driveways in and you put a three car garage in he would be left with a little over 6,000 sq. ft. for a house but at three acre zoning, you are allowed things like barns and horses and a tennis court and another outbuilding or you add garages, that is 60 something to 100 sq. ft. that gets eaten up real quick. He continued by saying at the end of the day, you are going to be right back where we are as far as site coverage goes as we are with the cluster development and some of the things you may not run into with the cluster development is you have control on things like which trees to cut down, where if you are in a three acre development, somebody could come in and clear-cut those trees so there are some benefits from the ecological standpoint built into that cluster development that you may not get otherwise.

Mr. Werner said the township also submitted some additional exhibits at the last meeting, Exhibit #20 that the township submitted is a two page exhibit apparently prepared by Mr. George Smerigan who will testify at the next meeting and it includes Mr. Smerigan's 17 unit sketch of the site plan and asked Mr. Iacona if he has seen this before.

Mr. Iacona said he has.

Mr. Werner asked Mr. Iacona if he had a chance to look at it.

Mr. Iacona said he has.

Mr. Werner asked did this kind of arrangement cross your mind when you were considering developing this property initially.

Mr. Iacona said not that one, no.

Mr. Werner said to Mr. Iacona if you built this development and if Mr. Smerigan was 100% correct in his calculations on the attached pro forma, could you sell those units.

Mr. Iacona said if you look at the east side where he has the three lots drawn, that is one lot shy of the subdivision he talked to earlier of the Chagrin Oaks, the same configuration with a single culdesac with three or four lots and again, the market has spoken there and if you are forced to draw lines on paper and say, I am going to go ahead and step out and sell this, whenever you have seen that the market is rejecting those lots, you might as well just walk away because it is an un-saleable product at this point. He added that in the study he did, the lot size and density analysis, the projects in our general area within about a mile, he was looking at the various sizes, but what kind of hit him even more so was projects like Brighton Park, there is a project that was zoned R-5A, five acre lots, where the average lot size there is 2.1 acres, he is looking at Canyon Woods and again it is five acre zoning and the average lot size is .70 acres and he is looking at some of those and saying, why is what we are proposing so much better than that and it seems to be so much harder to get. He said he is at a loss for words and he is asking for help in that regard.

Mr. Werner said okay and thank you.

Mr. Riehl introduced himself to Mr. Iacona and noted that he is an attorney for the township trustees and he would just like to ask a few questions and he appreciates the market analysis that you did and your analysis of that. He said if you (Mr. Iacona) will recall at the last meeting, I asked you whether you had compared and done a market analysis on several other subdivisions in Bainbridge Township.

Mr. Iacona said he recalls that.

Mr. Riehl said he had asked whether you (Mr. Iacona) did a comparison of Peppermill Chase and he does not believe you did, did you.

Mr. Iacona said he did not.

Mr. Riehl said and the Sanctuary, Hawkmoor, Stoneridge, and Northwood Lakes.

Mr. Iacona said no.

Mr. Riehl asked Mr. Iacona if he did a comparison of the subdivisions of the Woods of Wembley and Bridgeway Estates.

Mr. Iacona said that is correct.

Mr. Riehl asked Mr. Iacona if in his comparison if he analyzed what the land costs that Prestige Homes paid for Woods of Wembley.

Mr. Iacona said he did not.

Mr. Riehl asked Mr. Iacona if he analyzed what the land costs were that the developer of Bridgeway Estates paid.

Mr. Iacona said no, being that he thinks both of those subdivisions are ten or fifteen years old anyway, he is guessing, he didn't think that was relevant based on the market we are in.

Mr. Riehl asked Mr. Iacona if he analyzed the improvement costs that the developer paid.

Mr. Iacona said no.

Mr. Riehl asked Mr. Iacona if he analyzed the return on investment that the developer paid.

Mr. Iacona said he would not know that.

Mr. Riehl asked Mr. Iacona if he analyzed whether these were developed without variances.

Mr. Iacona said as you look at those projects, there seems like there were variances given to those projects to be honest with you and he is not 100% sure as far as how the variances were given, if they were given at the time the subdivision was approved or after, but Bridgeway, for instance, he thinks as much as he can tell and that is why he hasn't brought it up, because he needs to verify it, but based on the county aerial photos and they have the program where you can check for distances, it looks like Bridgeway has got about ten side setback variances, three rear setback variances, a lot frontage variance and 100 ft. perimeter setback variance as far as he can tell off those maps.

Mr. Riehl asked Mr. Iacona if he analyzed whether there were density variances.

Mr. Iacona said actually on Bridgeway, he thinks in his report he shows that they were okay and that Bridgeway was he thinks about 3.12 units per acre. He added that similarly the Woods of Wembley seem to have a good number of setback variances also.

Riehl asked if there were density variances.

Mr. Iacona said no but he can check that out. He said as he was able to tell, the Woods of Wembley show 2.11 units per acre so it sounds like there may be a variance that might have been granted in that regard unless his numbers are wrong.

Mr. Riehl said attached to Mr. Ritley's report was an item called Preferred Development improvement costs with three acre zoning.

Mr. Iacona said correct.

Mr. Riehl said this is the analysis that you did to reach your improvement costs in the market analysis that you prepared, correct.

Mr. Iacona asked to take a look at that and said actually this is the one he did for the three acre zoning and those two are the current zoning, one with 34 lots and one with 33 lots and this one here is based on the current zoning.

Mr. Riehl said in this analysis you (Mr. Iacona) indicated that the improvement costs for the road with utilities and miscellaneous improvements is \$550 per lineal foot.

Mr. Iacona said correct.

Mr. Riehl asked Mr. Iacona what utilities he included in there.

Mr. Iacona said everything from water, sewer, electric, gas, cable and telephone.

Mr. Riehl said and two items down on this list you included an item of \$197,000 for water to the lots and asked is that included within the utility costs.

Mr. Iacona said it is, he made a mistake on that after he read this at the last meeting, he sees he was kind of redundant on there where he plugged that number in twice.

Mr. Riehl said and also the \$322,000 for on-site water treatment, wastewater treatment.

Mr. Iacona said actually the \$197,000 for water is correct that was water outside of the road right-of-way and that was bringing it up from the water line down the valley up to the lots going east and west.

Mr. Riehl asked what the \$322,000.00 is.

Mr. Iacona said whenever he was planning on doing three acre zoning, he wasn't planning on bringing sewers to it and that is why the improvement costs in the right-of-way should be reduced based on the fact that he wouldn't have a sewer line in there. He said the \$322,000 was on-site wastewater treatment for the 14 home sites times about \$23,000 for a new septic system.

Mr. Riehl said and typically that is a building cost and not a development cost, correct.

Mr. Iacona said what happens is if you are selling to an individual or builder, they consider that part of the cost of the lot, because that is part of the improvement cost so you have got to adjust your sales price accordingly or they will for you.

Mr. Riehl asked Mr. Iacona if he made an actual analysis of what the improvement costs per lineal foot of right-of-way would be under the Geauga County standards and that is a 20 ft. wide right-of-way, no curbs, ditches, no lights, no sidewalks.

Mr. Iacona said it is a little bit less, yes, it is probably closer to \$450 but as he mentioned earlier he tends to keep his costs projections up because you get into things like costs to bring gas to the site or we know there is rock up on that ridge there or you start trying to put utilities through rock and other things that you don't expect so he projects high.

Mr. Riehl asked if this analysis was based on 14 lots.

Mr. Iacona said that is correct.

Mr. Riehl asked Mr. Iacona if he did a similar analysis for a 17 lot cluster.

Mr. Iacona said no, the reason he did 14 lots is whenever you lay out a three acre subdivision, based on the fact that the amount of area in the middle that you can't build on, you only yield 14 lots and that is why he did it based on the 14 and actually one of those 14 is kind of iffy.

Mr. Riehl asked Mr. Iacona if in this analysis he put in a land cost of 2.8 million dollars.

Mr. Iacona said that is correct.

Mr. Riehl asked Mr. Iacona if that is his actual contract price with the landowner.

Mr. Iacona said correct.

Mr. Riehl said he thinks you (Mr. Iacona) heard Mr. Ritley's testimony that at least from his analysis in Geauga County, there would be an implied land value of about 1.1 million dollars.

Mr. Iacona replied yes.

Mr. Riehl said that is a huge discrepancy.

Mr. Iacona said I hear you.

Mr. Riehl asked what accounts for that discrepancy.

Mr. Iacona said he guesses he bases his numbers as an appraiser on comparable sales and he bases his numbers on projected profit, so he kind of looks at the past and he is looking at the future and whenever he did his analysis as tight as it was on return to investment, there was enough upside there to justify that land cost.

Mr. Riehl asked Mr. Iacona if he anticipates being the builder of the houses in this development.

Mr. Iacona replied no.

Mr. Riehl said he did not have any further questions.

Mr. Werner said he just had two short questions and said to Mr. Iacona that Mr. Riehl had asked him a few questions regarding whether he had looked at the cost of improvement and the cost of land and the rate of return for the developers in any of the other 16 projects that you had analyzed and you answered no.

Mr. Iacona said correct.

Mr. Werner asked do developers typically look at each other's books when they are figuring out how to put a land project together.

Mr. Iacona said no.

Mr. Werner said that Mr. Riehl asked you (Mr. Iacona) about developing this property for 17 units and you said you did not analyze whether that was feasible or not.

Mr. Iacona said correct.

Mr. Werner asked why not.

Mr. Iacona said regarding 17 units, if he is referring to the fact that the current zoning of three acres divided by 50 acres doesn't really yield 17 units, it only yields 16 to begin with and asked if that is what Mr. Werner is talking about.

Mr. Werner said that is part of it, yes.

Mr. Iacona said okay.

Mr. Werner said that is all he has.

Mr. Lamanna asked Mr. Iacona if there is an agreement between him and the property owner.

Mr. Iacona replied yes.

Mr. Lamanna asked what kind of agreement it is.

Mr. Iacona said it is a purchase agreement.

Mr. Lamanna asked if it is a contingent purchase agreement of some kind.

Mr. Iacona said that is correct.

Mr. Lamanna asked if that has been submitted into the record.

Mr. Werner said no, that has not been submitted into the record.

Mr. Lamanna said okay, and asked if a copy of that can be submitted into the record.

Mr. Werner said yes and he is not sure what else is in the agreement or whether there is any confidentiality provision that might apply to it and he is happy to accommodate the board. He added that if the board wants verification of the purchase price that is agreed to, we can certainly submit that part of it, it is already in the record.

Mr. Lamanna said we would like to see the whole agreement because there has been all of this testimony and it might be better rather than going through a detailed discussion here of the terms of the agreement but he thinks it might be easier if we just had a copy of the agreement.

Mr. Werner said okay.

Mr. Lamanna said that way if you feel that it is confidential or there are parts of it confidential, then we can keep that part of it under seal.

Mr. Werner said the board will give us at least some chance to look through it to see if there are any of these issues that we have to address.

Mr. Lamanna said yes and with all of the testimony about all of these financial things, he thinks the board would like to see the exact agreement that is under discussion here.

Mr. Werner said he will do that.

Mr. Lamanna said that would be the easiest way to do it, to look at the document rather than having people describe it because then we are still going to want to look at the document.

Mr. Werner said okay.

Mr. Lamanna said it is his understanding if there is something in there you feel is confidential, such as numbers or other things that would be qualified as trade secrets or whether not to disclose them.

Mr. Werner said he will take the issue up with the buyer and seller.

Mr. Lamanna said okay.

Mr. Murphy referred to the lot sizes and density analysis and asked what was intended to be the meaning of the column of the year.

Mr. Iacona said those were the earliest dates he saw on the record where the lots were being sold.

Mr. Murphy said but you realize some of that like Lake Lucerne was developed in 1922 or something like that, the first homes in that subdivision were built there and the houses on Westhill Drive were built in the twenties and thirties.

Mr. Iacona said he did not doubt Mr. Murphy, this is just what he pulled out of the county website.

Mr. Murphy asked that far back.

Mr. Iacona said yes.

Mr. Murphy said so that year doesn't really mean anything.

Mr. Iacona said it was just the earliest as he was able to see on the record when he went onto the website.

Mr. Murphy said thank you.

Mr. Lamanna said to sum it up attractively, he just wanted to know, in front of the development, what is your landscaping plan and entrance plan and what is it going to look like.

Mr. Iacona said his thought was to try to create and do something upscale and try to do like a mock-gated community look where it wouldn't really be, but maybe build a small guard house or at least gates anyway that won't lock and run some fencing along Savage Road, curve it in a little bit and create a private look to it because it is a private estate.

Mr. Lamanna asked if there is any berming planned.

Mr. Iacona said he has not gotten that far and asked if he means as far as mounding.

Mr. Lamanna said yes.

Mr. Iacona said initially we thought that, but being that the plan then called for us to have to keep the trees standing for so many feet around the perimeter of the project, we took that option away.

Mr. Werner thanked Mr. Iacona and introduced the next witness, Mr. Thomas Vokas and said that Mr. Vokas is the property owner and has some remarks that he would like to have submitted into the record.

Mr. Thomas Vokas testified that he had a few things to say. He said he knows we have had quite a bit of testimony, but he is certain that you would at least like to hear from him and possibly how we got to this point and one thing he can say as he continued working through this process that he is very pleased with the way Mr. Iacona and his company is handling the application and he thinks he is being very forthright in what he is explaining to the board. He continued by saying it was important to him because this property was under contract with the prior entity that this time around he worked with somebody who can do what they say and just to reiterate Mr. Dubay's comment who was also a Bainbridge resident and entered a letter into the record, Mr. Iacona didn't always tell them what they wanted to hear, but he always told them the truth so as we continue to try to work through this, he has been happy to work with him. He said the one thing he brings up is the lot coverage and he knows the density is the primary issue here and as he thinks about, he has a business on the corner of Wren Road and at the rear of Wren Road, there happens to be a condominium development back there. He said their business was there prior to the condominiums being built and he will back up just a moment. He said of course, he lives in the community and he does own a business in the community and he also owns this property in Bainbridge Township and he lives on Route 306 or just off of 306 and he grew up on Route 306 on a 1-1/2 acre lot in Chester Township so he has seen a lot of growth and he has seen a lot of changes and his view has changed, but he still has a view. He said now to get back to the condos at the end of Wren Road, there happens to be 38 condominiums at the end in the Trees Condominium unit and he can assure you working there for over 20 years, the amount of traffic that comes up and down that road is very little for the amount of units back there. He said his point is we get hung up in his opinion from observation and living in the community on these density issues and we worry about what is going to happen and there are already areas in our community, especially in this part of the township that we have projects of much greater than he is requesting in this application and the impact on traffic and some of the other things, the services that go along with it is very little, not to mention there are some very fine individuals, teachers and retired people he is sure living in that type of housing down there and now he says that only because he looks at this particular project and although the plan that we are questioning is up on this screen, he sometimes wonders if we are missing the boat and the property can't be utilized because of its location even in a better manner to service the entire community but that is just a thought and he is not here to expand on that other than he was approached by some churches or a church to purchase the property and a church from the Chagrin Village of Chagrin Falls and of course that would be a conditional use.

Mr. Vokas said he believes a permitted use would have even higher density or a higher lot coverage than what we are proposing with our plan here and not to mention, he does not believe churches continue to pay real estate taxes. He said they are somewhat or they are exempt from real estate taxes, and said please correct me if I am wrong, but he thinks they don't pay as much as regular homes. He said four years ago he walked into the township hall and met with Mr. Frank McIntyre and showed him a plan very similar to this and I was aware of the prior application from Mr. Meldon and he of course did remind me of it. He said that he (Mr. McIntyre) mentioned to him that if you devise a plan with higher density, you may want to have a variety of housing on that type of plan meaning something to appeal to all residents of a variety of incomes or type of housing. He continued by saying that he thinks because of the way the topography and the way the land is divided between the stream, one coming off of the Savage Road side and one coming off the Tulip Lane side, although Mr. Iacona and I feel very strongly we can create a very beautiful neighborhood at the end of Tulip Lane, there and try to get the value out of those lots so we may have to adjust and those homes may be not quite as fancy as the homes on the western side of the property. He said he knows that through that property on the eastern side off of Tulip Lane, there is some septic flow that goes through that from the Dalebook neighborhood and it is also my thought that should we go with the plan we have right now with the sewer and the water, we may be able to at some point help remedy a problem that may be continuing to get worse in that older subdivision and he can say because he is under oath, if he had this property out east and he has always felt State Route 306 is the line of demarcation, not that he finds the property out east any less beautiful, but that if there were no utilities, he would not be asking for the adjustment in the density that is being requested. He said essentially, he is saying if it was out in eastern Bainbridge, but because of the improvements through here and in trying to maintain a neighborhood so people can move into it and enjoy it as we all enjoy our homes, probably his ultimate goal is to hopefully have satisfaction that somewhere down the road someone sitting on their back porch ten years from now with a sold home saying this is a very nice development, I am glad I live here. He said he knows there are some issues with the drainage or the permits because of the stream that goes through the property and he understands that is a concern for our township also the board has been made aware of that, but he also understands that there are a number of government agencies, at least four or five, the Ohio EPA, ODNR, Geauga Soil & Water, the Army Corps of Engineers and he knows Mr. Iacona would not do anything to jeopardize any penalties or fines and he would secure all the proper permits and build this housing development in a manner that was only in accordance with the law and he can conclude his comments with that.

Mr. Riehl said he only had two questions and asked Mr. Vokas when he bought the property.

Mr. Vokas said he believes he purchased it in 1997.

Mr. Riehl said he had no further questions.

Mr. Werner said he nothing further.

Mr. Lamanna asked what the current tax appraisal is on the property.

Mr. Vokas said he just paid the tax bill and it is two parcels and he can tell you what the dollar amounts of the taxes were total but he does not know what the appraisal is but it is public record and we can look it up right now.

Mr. Joyce brought the properties up on the GIS system and said the first parcel is at \$154,000 and the second parcel is at \$225,000 and there is a house on that property and the land value was \$182,000.

Mr. Murphy asked there is a house on the property.

Mr. Joyce said the improvement is a house and that is \$43,600.

Mr. Lamanna asked Mr. Vokas if that seemed accurate to him.

Mr. Vokas said yes and we would certainly like to keep that down.

Mr. Lamanna asked Mr. Vokas if he has ever challenged the tax evaluation.

Mr. Vokas said no he hasn't.

Mr. Werner said he had nothing further and thanked Mr. Vokas.

Mr. Riehl said that is all they have and would like to consult as far as an agreed upon date before we conclude here.

Mr. Lamanna said okay.

Mr. Riehl said he will have three witnesses, Mr. Joyce, Mr. Smerigan and Ms. Kyle Dreyfuss-Wells and we may have one more witness.

Mr. Lamanna asked how long that is going to be.

Mr. Riehl said a couple of hours or 2-1/2 hours.

Mr. Werner said he suspects it will be a full evening.

A discussion was held about proposed meeting dates and the availability of everyone.

Mr. Lamanna said once everything comes in, he would like the board to have some time to review it and he thinks the board may want to have some discussion from a procedural standpoint as to how the board is going to approach this and how the board is going to deal with all of the records in this thing.

Mr. Werner asked Mr. Lamanna if he could ask Mr. Riehl who the fourth witness might be because it may affect their time estimate too.

Mr. Riehl said maybe an appraiser.

Mr. Werner said that is going to require a report ten days before the meeting as it did with us.

The board discussed some possible meeting dates.

Mr. Riehl said he was going to be out of town from March 12<sup>th</sup> to the 18<sup>th</sup>.

Mr. Lamanna said he would like to ask anybody who is here for some reason may not be able to be here on April 10<sup>th</sup> and who hasn't already had an opportunity to be heard, he will certainly give them the opportunity now if you don't think you are going to be here on April 10th.

Mr. George Quay testified that he lives at 17075 Savage Road and he will be here on April 10th and asked if he can make a comment tonight on what was said earlier.

Mr. Lamanna said yes.

Mr. Quay asked Mr. Joyce to bring up the subject property on the GIS for him.

Mr. Joyce brought up the information from the GIS system.

Mr. Quay referred to the GIS system and said a lot what was said this evening earlier on was based on numbers that were brought into play a one mile radius and it kept saying a one mile radius on these readings and said this is the property in question right here to be developed. He said if you go up Savage Road, these are all larger than he believes the three acre zoning and these homes have been there for quite a long time and this property right in here is 37 acres and there are three families located on that property. He pointed out on the GIS the location of the Hagen properties, lots that have been sold off and said they were grandfathered. He referred to the GIS again and said this zoning or this development here is a clustered zoning based on three acres and they stayed with the minimums and this is the famous Lake Lucerne that keeps coming up. He said this over here is the park so if you go within a one-mile radius, you are looking at an old development and you are looking at a zoning that was either grandfathered or is large lots now and if you come up here, these are large lots. He said if you go out even further from where we are and start to come into Canyon Lakes down here, if you went one mile from there to Canyon Lakes, you get their entrance, you wouldn't get the homes so his basis of this one mile radius, it really has no basis, this is all large lots through here and that is the only comment he has.

Mr. Iacona said whenever he went on the Geauga County map, from the center of our property to the entrance of Canyon lakes was .45 miles just under a half of a mile and the closest thing to a mile was, it lists the north view was the closest that was actually right on for a mile so most of the area he was talking about was even less than a half a mile radius to these other lots.

Mr. Quay said it is all contiguous to the land you are looking at developing and then it is all large lot currently.

Mr. Iacona said when he looks at that lot, it doesn't look like a large lot to him, but he can appreciate your comments.

Mr. Joe Oberle of 8197 Tulip Lane testified that he would like to add to Mr. Quay's comments and that is he testified last week and he did the math on all the adjacent properties that are touching this property and the average of those adjacent properties, we like to talk in averages, is 6.85 acres and the mean or the median of those lots is 11.3 acres. He said those are the properties that abut these two lots.

Mr. Lamanna asked does that include the big piece of property that Chagrin owns.

Mr. Oberle said every one of them.

Mr. Lamanna asked if there are 30 or 40 acres, whatever that is there.

Mr. Oberle said it is surprising though if you look at Tulip, Dalebrook is on over 100 acres and it was developed 53 years ago and the average size of those lots is over two acres and it is over two acres from Dalebrook even though some of the lots are smaller and some are larger.

Mr. Iacona said asked if he was allowed to comment only to the math.

Mr. Lamanna said yes only to the math.

Mr. Iacona said based on the study he has in front of the board and he did every lot in Dalebrook, the average lot size is 1.76 acres and there is one unusually large piece and he thinks it is 13 acres that you see on that map. He said if you take that out of the equation, the average lot size is 1.29 acres so he thinks Mr. Oberle is a little bit off on that.

Mr. Lamanna said the board actually has all of the lot sizes in Dalebrook so we will look to the records to reconcile the difference.

Mr. Oberle said he wanted to restate it just so he makes sure we are accurate. He said the average lot size with roads that he just testified is 2.147 acres and the average lot size without roads is 1.979 acres so 1.9 acres.

Mr. Bob Carroll at 8196 Tulip Lane said he is one question and that is the plot plan that he looked at looks like it was drawn on flat farmland and does not appear to be built around the topography of the land, around the ravines and the dips.

Mr. Lamanna asked which one he is talking about.

Mr. Carroll said he is talking about the proposed lot.

Mr. Lamanna asked if it is the one that was up there before.

Mr. Carroll said yes that one there is the plan is to be approved.

Mr. Lamanna said it has the topography lines on it.

Mr. Carroll said yes but if you look at the lots, it has got huge ravines running through the middle of some of the lots and it doesn't appear to take into the fact where the land goes, they just drew lots and placed them on it and what he is wondering is if that plan were to be approved, are we going to be looking at future variances when you try to build around the topography of the land or is this going to be a firm plot plan that you are going to approve and stick with it.

Mr. Lamanna said nothing is forever if somebody gets out there and finds out that there is something that they didn't anticipate, but looking at the drawing, that doesn't seem to be an issue.

Mr. Carroll said well it seems to be an issue.

Mr. Lamanna said they have drawn it on a topography map.

Mr. Carroll said if he is looking at the big ravines that go through the middle of a lot of the lots, it makes him think how could you build in that area which means you are either going to have to rearrange the topography or you are going to have to rearrange the plot plan and if you are going to rearrange the plot plan to go around the ravine, you are looking at more setbacks and more variances.

Mr. Lamanna asked Mr. Iacona if he looked at the topography of the land when he made this plan.

Mr. Iacona said absolutely, one person's big ravine is another guy's little dip in the road, everything is relative.

Mr. Lamanna said when he looks at the topographical map, he does not see any big ravines running through the middle of a house.

Mr. Iacona said that was his point and the average person stands there and they look at an eight ft. ravine and that looks pretty substantial, whenever you have dealt with 30 ft. ravines and crossed them, it is not that much of an issue so it is all relative to where your experience is he guesses.

Mr. Lamanna said he has one other question on this and it is you have got 15% lot coverage maximum here and it looks to him with this plan you are going to be butting up really close to that. He asked how are you going to control the use of that lot coverage so that, because one thing we don't want to have is he does not want any homeowner coming back here to this board saying they want to put a storage shed in their backyard and there is no more lot coverage left so now they want a variance to add a storage shed and then the next guy is going to come in and say they want to build a barn or they want to extend their driveway or they want to add a deck on. He asked Mr. Iacona if he thought about how he was going to deal with that issue so that number one, at the end of the day you won't have used up 14.99% of the lot coverage on the initial build out so there is just no room left for anybody making any alterations or additions to their property and then how are you going to allocate that amongst all of the lots and assure that nobody goes ahead and says they are going to build a shed and if they build it within the zoning restrictions so they don't need a zoning permit for it, we might not even know that they are doing it. He told Mr. Iacona that he did not expect him to answer him and if he hasn't thought about this, that is fine and he can answer next time.

Mr. Iacona said typically anything that is put up including fences has to be run past the architectural review board which is him initially and an association after he is gone and they will have to review anything that is put on there from fences to outbuildings and whatnot and each lot will be purchased knowing the amount of allowance they have for the site disturbance and they will buy it within the contract.

Mr. Lamanna said he was going to say he thinks we need something fairly specific on how you are going to do that or what mechanism you plan to put in place to do that because we have had this discussion over several weeks and is one of the notes he has made that you are up so close to it here there has got to be some way that this is kept under control and if you start with whatever has been approved, we don't want to have a stream of people having to come in here or wanting to come in here and it may have to be understood.

Mr. Iacona said sure.

Mr. Lamanna said sorry, once you use up your 15% that part of the deed restriction is that when it's gone, it's gone and the only way you can get more is you make his driveway smaller etc.

Mr. Lewis said he does not see this as an A and B issue, he sees that as a deed restriction.

Mr. Iacona said he agrees.

Mr. Werner said they will analyze that issue.

Mr. Lewis said would you please.

Mr. Lamanna said there are lots of different things we can do about it but he does not want it done for the next five or six years or ten years in dribs and drabs and whatever and we can look at some ways to deal with it, it is something we need to think about because otherwise it becomes a nightmare for us to try to manage.

Mr. Oberle said he had a question on that same topic and would like to ask Mr. Iacona a question. He said there is an easement that comes up to Tulip Lane and asked how do you control that easement going forward. He said if you look at the easement that abuts Tulip Lane, it is identified as an easement now, before it was an open area and now it is identified as an easement and asked how do you control that easement in the future.

Ms. Sass asked Mr. Oberle what he meant by control it.

Mr. Lamanna asked if he means the buffer area.

Mr. Oberle asked how do you assure that that won't be clear cut in the future.

Mr. Lewis said with a cluster, they can't intrude on that without a variance and they can't change the characteristics of it.

Mr. Oberle said whoever buys that property this is part of their property so if someone wants to clear cut trees and landscape it, how do you control that and it wasn't an easement before and in this plan, it is an easement now.

Mr. Lamanna said actually what would happen is, those lot owners would have to adhere to the requirements of the zoning ordinance so if they went in and they destroyed the required buffer for the cluster development, they could be cited by the zoning inspector and they would have to restore the area to meet the zoning requirements for that buffer area.

Mr. Oberle said isn't it better though if it were to truly be a buffer to not make it part of the property owner's property and have it as a true buffer.

Mr. Lamanna said that is not what the zoning ordinance requires, the other things we can do is look at the specific deed restrictions applied to that property that say thou shall not, do anything that is contrary to the zoning unless you obtain some kind of relief.

Mr. Oberle said he did not know the answer to that and that is the reason he is asking.

Mr. Lamanna said we can enforce it too, we have an enforcement mechanism if somebody violates it.

Mr. Oberle said okay.

Mr. Lamanna said and likewise they have the right to come in and try to get relief but chances are you are not going to get any kind of major relief for example if somebody wants to do X, Y, and Z it is not going to be a big issue or create a problem for the neighbors in asking for some relief but the expectation is that it is contained as a buffer area as required by the zoning and if they don't, then they are subject to enforcement.

Mr. Oberle said that is fair enough.

Mr. Lewis said that is not a set-aside property because that is not common land for the development that is a buffer that goes to the perimeter.

Mr. Lamanna said it is just a question of who is responsible for it and if it had that as part of it, he thinks part of it along the edge is common property and that part of it is the responsibility of the association and if that wasn't properly maintained, then it would be the association to get enforcement action.

Mr. Iacona said they plan on putting a little metal tag on the survey of it and do little tags on the borders because property owners in this situation, if they are going to cut a tree, sometimes even a dead tree, if they don't know exactly where the property line is and they cut it, you can't put it back.

Mr. Lamanna said right.

Mr. Iacona said we like to let them know with something that is unobtrusive, not put a big sign in the back, but little metal tags to kind of guide them as far as that situation goes.

Mr. Lamanna said part of that too is making sure that the people understand that, if somebody has this buffer zoning on this property, you are not going to come in and say they want to put a tennis court up here or something like that and they are going to cut down all the trees to put a tennis court up.

Mr. Lewis said or deforest it or anything else.

Mr. Werner said they will exhaust the coverage requirements so they can't do that.

Mr. Lamanna said do that.

Mr. Murphy referred to lots 24 and 25 and said the house by the time you are done with construction will have deforested the entire 100 feet completely and he is looking at density, lot six and lot five, a good portion of that 100 feet will be gone. He said lot 19, by the time you are done with construction of the that house and driveway some of these are already that whole idea of it being 100 ft. and that is one of the things you are asking variances for, particularly lots that obviously we are planning that this house will completely take out that 100 ft.

Mr. Iacona said there is an easement there that will remain and that can't be modified, it is still a 100 ft. setback for the house, right.

Mr. Murphy said but the house is touching in the 100 ft. setback.

Mr. Iacona said yes, but beyond that there will be an easement that will remain that can't be cut down.

Mr. Murphy said you are going to have trouble building houses under 24 without destroying that easement and that is if they are broken down by a good excavator.

Mr. Iacona said yes but that is an easement that we can't infringe on.

Mr. Murphy said you must have a good excavator to get it that way.

Mr. Iacona said the idea is every house when you do cluster houses, you are going to have to design it for what the lot allows, and these are examples around it go get an idea.

Mr. Murphy said you are going to really squeeze the envelope.

Mr. Oberle asked if he could keep going here.

Mr. Iacona said certainly.

Mr. Oberle said as we are talking about the corner lot there, there was a wetland identified in the last plan and it was 1.14 acres and that wetland is now .61 acres in the new plan.

Ms. Sass asked which corner lot.

Mr. Oberle said that corner lot and that open space used to go up into that wetland so it looked like you weren't going to build in a wetland and asked what the logic is of expanding lots into the wetlands.

Mr. Iacona said there is a cover, that wetland there, that is one of the rear no-build areas and nothing will be built on that.

Mr. Oberle said he believes the previous plan you submitted was open space, it was cornered off as open space and it looks like you were going to try and stay out of the wetland so you didn't destroy the wetlands and now you have encroached into the wetlands.

Mr. Iacona said no we are still staying out of the wetlands, it is just part of the lot.

Mr. Oberle asked, it is part of the lot.

Mr. Iacona said yes that doesn't mean anybody can build on it.

Mr. Oberle said but the last time it was identified as open space.

Mr. Iacona said as they started modifying it to try to give you the 100 ft. setback here, initially it was 40 ft. so after doing some modifications in that area, that is one of the fallouts, but that still would be untouched in that regard. He said you will see it as part of the 50 ft. rear setback on the lot so nobody can build back there anyway.

Mr. Oberle asked the board if they see it as a problem or not a problem.

Mr. Lamanna said it is not a problem, lots are allowed to have wetlands, you are allowed to subdivide and put wetlands on the lot, it is just that the owner has a delineated wetland on their lot, they can't build in the wetland unless they qualify for a nationwide permit.

Mr. Oberle said going back to this Preferred Development, Inc. Bainbridge east-west improvements costs for a three acre zoning plan, he has a couple of questions for Mr. Iacona. He said that Mr. Lamanna asked a question earlier about the entrance landscape design and you (Mr. Iacona) indicated that you are going to have two entrances and asked do you propose to have an entrance in the middle of a street off of Tulip Lane.

Mr. Iacona said yes, he was planning on doing something decorative in that area.

Mr. Oberle asked isn't that kind of odd, we are talking about a continuation of a street to put an entrance in the middle of the street between two homes.

Mr. Iacona said he has seen it done on a similar regular basis where if you are putting a different featured home on a street.

Mr. Oberle asked Mr. Iacona if he was going to call it a different name, is there going to be a different name of the street.

Mr. Iacona said he really hasn't gotten that far, he does not know if he will be allowed to do that, but he really hasn't gotten that far along.

Mr. Lamanna said they are not going to let you change the name of the street.

Mr. Iacona said he didn't think so.

Mr. Oberle said they already have, the plan is incorrect, it is not Tulip Court.

Mr. Iacona said it is Tulip Lane.

Mr. Oberle said a mistake was made on the plan and you (Mr. Iacona) indicate to remove the culdesac it would be \$50,000.00.

Mr. Iacona said to remove and then reinstall that length of road.

Mr. Oberle asked what that is based on.

Mr. Iacona said past experience.

Mr. Oberle asked how much road has to be removed in that \$50,000.

Mr. Iacona said he did not have that in front of him but it will be what is currently that turn-around there. He said they will have to tear that out and put in storm water lines to allow for the new extension road.

Mr. Oberle asked if he meant ditches and that is what is on Tulip Lane now.

Mr. Iacona said whatever the county engineer will dictate on that.

Mr. Oberle said would you be surprised if he said the lower half of the circle is 3,500 sq. ft. of pavement.

Mr. Iacona said okay.

Mr. Oberle asked does that sound right.

Mr. Iacona said yes because he doesn't have the numbers in front of him.

Mr. Oberle said he has gotten a quotation to replace his driveway which is 3,500 sq. ft. of pavement, to rip it out, take out the old aggregate, put in new aggregate and repave it and he has two estimates and one is \$7,000.00.

Mr. Iacona said he is sure you are not building a driveway to county specs for a road.

Mr. Oberle said actually he has another spec to build it with two layers of pavement for \$10,000.00.

Mr. Iacona said okay.

Mr. Oberle said you don't have to rebuild the road when you are taking it out, you are going to put dirt back in aren't you and you are going to take out the old road and you are going to put in dirt back there, right.

Mr. Iacona said no, we will probably go ahead and put a sub-base in and build it out according to county specs and again, you are talking about driveways and I am talking about roads.

Mr. Oberle said there is no road to put in when you take the circle out, the lower half of the circle, there is no road in there.

Mr. Iacona said you are taking out something there.

Mr. Oberle said you are taking out the lower half of the circle and you are going to replace it with dirt and landscaping and said he doesn't think you have thought about this very well.

Mr. Iacona said you are probably getting ahead of yourself a little bit here because the county engineer will tell us what we have to do in that regard.

Mr. Oberle said there is a roadway that goes through there that is already a dedicated road that you are going to add onto and you are going to remove the lower half of the circle.

Mr. Iacona said actually he thinks the circle is only a single lane isn't it.

Mr. Oberle said it is a single lane on the lower half, yes.

Mr. Iacona said if it is less than 15, he is a happy guy.

Mr. Oberle said he just wanted to question your estimates that you are using in this proposal.

Mr. Iacona said okay.

Mr. Oberle said they don't look like they are fair.

Mr. Iacona said okay.

Mr. Oberle said you are basing a lot of your assumptions on this estimate.

Mr. Carroll said he had a question as far as you say you are going to put ditches down along Tulip.

Mr. Iacona said he did not say that.

Mr. Carroll said okay.

Mr. Iacona said whatever the county engineer will dictate.

Mr. Carroll said because currently right now it comes down the street on Tulip Lane and then leaves the street and goes inland across the lots there and then there are no sewers, there are ditches around the culdesac and how is that going to be handled then.

Mr. Iacona said you are asking me to engineer this before I even have a variance on this project and you are getting way ahead of me on this.

Mr. Lamanna said the county engineer is going to dictate where that will run off to and his guess is they are going to extend it right down along until it all connects together in their sewer and water system.

Mr. Carroll said the reason he asked is that is his land where the ditch runs down through now so if you cut it off, he still will have the drainage ditch in the middle of his yard which has been there for the over 20 years that he has been there and probably 50 or 100 years beyond that. He said what they do with the ditches is going to have a direct effect on his property and if they put it in straight, he is going to have to put two trenches through his yard and as it is right now when the township said once the ditches leave the property, that is his problem and they weren't going to handle it in the past.

Mr. Iacona said he will commit to you (Mr. Carroll) in front of all these people when the day comes where we do that, if and when that happens and he is sure hoping it does, he will be glad to sit down with you and make sure that everything is to your satisfaction and added that he does want to be a good neighbor.

Mr. Lamanna said his guess is that all of the stuff coming down Tulip Lane now is going to be tied into the extension of a new street.

Mr. Iacona said that is his guess.

Mr. Lamanna said that is what they are going to require so it won't be draining across your property, they will be picking up the existing ditches and carrying it in to wherever they are putting into the new road..

Mr. Lewis said and his situation goes away.

Mr. Lamanna said okay.

Mr. Quay asked if there sill be an opportunity for people to speak at the next meeting.

Mr. Lamanna replied yes and he is hoping we can conclude the testimony at the next meeting. He added that the next meeting will be held April 10<sup>th</sup> at 7:00 P.M.

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

Motion BZA 2007-33 -16941 Savage Road

Mr. Lamanna made a motion to continue this meeting until April 10, 2008 at 7:00 P.M. to take further testimony on this application.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Since there was no further testimony, the public hearing was closed at 9:22 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Lorrie Sass

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

Date: March 20, 2008

AUDIO RECORDING ON FILE

BZA PH 2/21/2008

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 21, 2008

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:22 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass.

Applications for March 20, 2008

Application 2008-2 by Meredith M. Wilkes and William F. Pobega for property at 8510 Chase Drive

The applicants are requesting area variance(s) for the purpose of maintaining a residential shed. The property is located in a R-3A District.

Application 2008-3 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of expanding a residential care facility. The property is located in a R-3A District.

Application 2008-4 by Kenneth Lauer for property at 17372 Snyder Road

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

Application 2008-5 by Martha T. Martinez for Wal-Mart Real Estate Business Trust for property at 7235 Market Place Drive

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for March 20, 2008 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Lorrie Sass

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

Date: March 20, 2008

