

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

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. John Kolesar, Mrs. Ellen Stanton and Mr. Donald Takacs. Mr. Todd Lewis was absent. The following matters were then heard:

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

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).

Mr. Lamanna explained that the applicant has asked the board to reconsider its decision made at the February 21, 2002 hearing to permit retail use for both a coffee shop and ice cream parlor at this facility instead of a retail shoe store and to address the hours of operation.

Mr. Sheldon Berns stated that Tanglewood Partners have two interested uses for this facility which are a coffee shop and ice cream parlor. He said that there will be no food prepared on the premises, only the mixing of ice cream and the making of coffee and the pastries will be made off the premises and the uses for this are very attractive for them. He said they would like the hours of operation to conform to the hours of the other coffee shops in the area such as Starbucks which opens at 6:00 A.M. or Arabica which opens an hour later and added that the shoe store is gone.

Motion - 2002-8 - 8505 Tanglewood Square (Reconsideration)

Mr. Lamanna made a motion to reconsider the previous motion made by the board on February 21, 2002 for application 2002-8 at 8505 Tanglewood Square.

Mr. Takacs seconded the motion.

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

Mrs. Stanton stated that she has a concern with people hanging out there because of the location being so close to the condos.

Mr. Berns said that this will provide something the residents will want such as beverages and nothing will be prepared except coffee and ice cream.

Mr. Takacs said that Arabica is open until 11:00 P.M. or 12:00 midnight on the weekends.

Mrs. Stanton referred to the noise from Arabica to the condos across the street.

The board discussed possible noise and asked if there will be an outdoor seating area.

Mr. Berns said there will be no outdoor seating area.

Mr. Kolesar asked if parking will be allowed behind the building.

Mr. Berns said there will be no parking behind the building at night.

Mr. Kolesar said much noise comes from the parking lot of Arabica.

Mr. Berns said he doubts that people will park behind the building because there is more than ample parking in front and in the interest of cooperation, his clients do not mind restrictions that do not have an economic impact but they believe they should be able to use the building as the zoning allows. He said they really do need this to be competitive and this will be most welcomed.

Mr. Takacs referred to the previous motion regarding the time of operations which reads that "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".

Mr. Lamanna said they are asking to amend the prohibitions and to modify the hours of operation.

The board held a discussion regarding this request.

Mrs. Stanton asked if the neighbors had been notified of this request.

Mr. Lamanna replied no.

Motion - 2002-8 - 8505 Tanglewood Square - Reconsideration

Mr. Lamanna made a motion to amend the previously granted conditional use permit as follows:

1. The board will change the opening time from 8:00 A.M. to 6:30 A.M. and the board will strike the 7:00 P.M. closing time on Sundays to have 11:00 P.M. as closing time all days of the week.
2. With respect to the restriction on food preparation or consumption, the board will exclude from that the operation of a coffee shop or the operation of an ice cream parlor including the preparation on the premises of the additional beverages sold by a coffee shop or any of the ice cream products and to permit the sale of incidental food items that an ice cream shop usually sells with the ice cream sundaes and the like and incidental pastries, muffins, bagels produced off premises that are usually associated with a coffee shop.

Motion - 2002-8 - 8505 Tanglewood Square - Reconsideration (Continued)

3. The board will add specific restrictions with respect to:
 - A. No drive-thru service of any kind is permitted.
 - B. There will be no outdoor seating areas provided for those uses.

The reason that these additional restrictions are required is that there is a large condo residential area very close to this property and these uses could very easily and probably cause an adverse effect on these residents if they were not so restricted as to time and manner of use as has been provided herein.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated March 14, 2002 was read and photos of the site were submitted.

Mr. John Duzs was present to represent the applicant.

Mr. Duzs testified that the applicant would like to install two signs so people will be able to see it coming north to south and south to north.

The board reviewed photos of the site, the rendering of the proposed ground signs and the square footage requested.

Mr. Takacs asked about the size of the letters on the proposed signs.

Mr. Duzs said the letters will be 10" - 12" or 32 sq. ft.

Mr. Takacs questioned whether the size of the letters could be reduced because it is 7 sq. ft. over.

Mr. Lamanna asked how the height was calculated.

Mr. McIntyre said the height was calculated from the bottom of the cabinet.

Mrs. Stanton asked if these are the only signs proposed or if there will be directional signs.

Mr. Duzs said these will be the only signs.

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

Motion BZA 2002-9 - 16695 Chillicothe Road

Mr. Lamanna made a motion to grant a variance from the 25 sq. ft. maximum permitted to 32 sq. ft. for a variance of 7 sq. ft. for each of the two sign faces that are requested and to permit instead of a single dual-sided sign, two separate individual signs that face 45 degrees to the road.

Based on the following findings of fact:

1. It is located on a busy area of Rt. 306 and it is important to have adequate visibility so that people are able to identify the driveway with ample time to be able to signal and alert other people that they intend to try to turn into this.
2. The signs are only slightly over the permitted size and due to the difficulty at the location and the need to ensure adequate visibility, the fact is that the overall lettering on the signs is of reasonable size and is within what is reasonably contemplated.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated March 14, 2002 was read and photos of the site were submitted.

Mr. Dombek was present to represent this application.

Mr. Dombek testified that his shed is 5' off of the property line each way.

Mr. Lamanna asked if the shed is 10' x 12' in size.

Mr. Dombek replied yes and said he has a Red Maple tree in his backyard and the builder could not get a good level on it.

Mr. Lamanna asked if that is the result of the location where the shed was built.

Mr. Dombek replied yes.

Mr. Lamanna asked if the shed was closer to the property line than the house.

Mr. Dombek said yes, a little bit.

Mr. Lamanna asked how far the neighbor's house is from the property line.

Mr. Dombek said the neighbor's house is 80' - 90' away and said he even asked his neighbors about the shed placement and they did not care.

Mrs. Stanton asked if the shed is on a concrete pad.

Mr. Dombek said the shed is on blocks.

Mrs. Stanton asked Mr. Dombek if he is planning on staining the shed or if he is going to let it weather naturally.

Mr. Dombek said there is already a light stain on it.

Mr. Takacs asked where the tree is located.

Mr. Dombek showed the location of the tree per the site plan submitted and said the tree is on the west side and if the shed were to be moved over, it would be in front of the picture window.

Mr. McIntyre said the tree is visible on the aerial photograph.

The board discussed the location of the present shed and viewed photos of the site.

Mr. Takacs asked about the use of the shed.

Mr. Dombek said it is used to store the lawn tractor and garden tools.

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

Motion BZA 2002-10 - 17774 Kenston Lake Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the positioning of a 10' x 12' shed.

1. A variance from the required rear yard setback of 90' to 85' for a variance of 5'.
2. A variance from the required side yard setback of 50' to 45' for a variance of 5'.

Based on the following findings of fact:

1. A practical difficulty exists because of a large tree which makes it impossible to meet the full 90' setback.
2. With respect to the side yard variance, there is ample existing space. The shed extends only slightly beyond the edge of the house.
3. The house on the adjacent property is a good additional 40' away from the property line so there is a substantial distance between the shed and the adjacent house therefore this very small variance should not adversely affect the neighbor's property.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated March 14, 2002 was read and photos of the site were submitted.

Mr. Lamanna stated that this appears to be a construction mistake.

Mr. Selee testified that when the house was platted on site, it was proposed to be 15' off the property line not realizing that the fireplace was on that side and said it was not realized until the zoning department contacted us and added that the owners already moved in and the landscaping is done.

Mr. McIntyre explained the circumstances surrounding this property and the neighbor's driveway.

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

Motion BZA 2002-11 - 18310 Hearthstone Lane

Mr. Lamanna made a motion to grant a variance of 2' from the side yard setback requirement of 15' resulting in a 13' setback.

Based on the following findings of fact:

1. An inadvertent error was made at the time that the house was positioned.
2. They accidentally did not consider the chimney stack which protrudes from the side of the house.

3. This was not discovered until after the house was completed and inhabited.
4. It would be a substantial burden on the property owner to remove his chimney and fireplace.
5. There would be no other real feasible way to resolve this predicament.
6. The board would note that the relative size of the chimney as compared to the relative size of the house does not really create any additional impact with respect to the size or structure of the house nor should it affect the adjacent property owner any more than the existing house structure which is substantially larger than the chimney.

Mr. Takacs seconded the motion.

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

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.

Secretary's note: This application was withdrawn by the applicant. It was determined that a variance was not needed.

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.

The zoning inspector's letter dated March 14, 2002 was read and photos of the site were submitted.

Mr. and Mrs. Beal were present to represent this application.

Mr. Beal testified that the site plan submitted was incorrect because it shows the 20' drainage easement on the wrong side of his house, it is actually on the south side of his property and it looks like 10' is on his property and 10' is on his neighbor's property. He continued by saying he moved into his house six years ago and the house they lived in before had a larger garage. He said he likes to do woodworking and his parents passed on before Christmas and he has to move his car they were storing, and tools to his house and he wants to take advantage of the lower interest rates. He said he had heard about the 50' side yard setback requirement but his neighbor's house sits 60' off the property line so it would not be encroaching too much.

Mr. Takacs asked if the addition to the garage will be for his woodworking.

Mr. Beal said it will actually be a tinker place instead.

Mr. Lamanna asked if a new roof will be installed.

Mr. Beal said yes, the builder suggests that, in order to maintain the same pitch on the front of the garage, and it will be re-sided to match the rest of the house.

Mr. Mark Fleming of 18024 Harvest Drive, neighbor to the north, testified that he has lived here for 17 years and feels this addition will have no adverse effect on his property. He said he lives in the white house shown in the photos.

Mr. Beal told Mr. McIntyre that he can submit a map that shows the drainage easement in the correct place.

Mr. McIntyre said that would be helpful for the record.

Mrs. Beal showed where the water drains are located and said they talked to all of their neighbors.

Mr. Takacs said the neighbors were all notified of this meeting.

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

Motion BZA 2002-13 - 18038 Harvest Drive

Mr. Lamanna made a motion to grant a side yard variance of 11' 6" from the required 50' setback to 38' 6" provided for the purpose of the applicant constructing an addition to his house as shown on the plans.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant only has a 174' wide lot which limits the width of his building space and the existing house is not conducive to expansion in any other direction.
2. Furthermore, the house on the adjacent property is 60 plus feet from the side yard setback on that side. It also has no windows on that side facing this expansion so there should be no adverse effect on the property owner nor will it change the overall look or character of the house spacing in the neighborhood.

Mr. Takacs seconded the motion.

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

Application 2002-14 by Chagrin Falls Park Community Center Corp. for property 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.

The zoning inspector's letter dated March 14, 2002 was read and photos of the site were submitted.

Ms. Deanna Fairchild was present to represent this application.

Ms. Fairchild testified that they have a five parcel building site to build a 1,500 sq. ft. home on a corner lot at Woodland Avenue and Akron Street and the address is on Akron Street.

Mr. Kolesar asked for a verification of the model home location per the aerial photograph.

Ms. Fairchild showed the board the home on the photo.

The board discussed the lots and their location.

Mr. Lamanna referred to a neighbor's house and asked how close it is to the property line.

Ms. Fairchild said the distance is about 15' and added that they have a shed that is falling over.

Mr. Lamanna asked if there is a house behind this too.

Ms. Fairchild said the model home is located behind this.

The board reviewed the setbacks requested.

Ms. Fairchild said the proposed house will be one story high and the reason it is not facing Woodland is because there is a garage across the street in disrepair.

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

Motion BZA 2002-14 - 16747 Akron Street

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

1. A front yard variance from the required 100' to 20' for a variance of 80'.
2. A side yard variance from the required 100' to 26' for a variance of 74'.
3. A side yard variance from the required 50' to 26' for a variance of 24'.
4. A rear yard variance from the required 90' to 28' for a variance of 62'.
5. A lot coverage variance from the maximum 10% to a total lot coverage of 24.36% for a

variance of 14.36%.

Based on the following findings of fact:

1. A practical difficulty exists because these are pre-existing platted lots of record.
2. Five lots have been combined for a building site of approximately a 1,500 sq. ft. house.
3. This size house on this size lot is reasonably consistent with the existing development in this neighborhood.
4. The applicant is also providing setbacks on the side and in the rear and in the front which are consistent with the placement of the other homes in this area. For that reason, given the overall size, shape and bulk of the proposed plans and the size of the lot and setbacks provided, it is consistent with the other houses in the neighborhood, it is harmonious with other construction in the neighborhood and will not cause any adverse impact upon the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2002-15 by Chagrin Falls Park Community Center Corp. for property 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.

Mr. Lamanna made a motion to postpone application 2002-15 for property at 16755 Bedford Street until the next regularly scheduled meeting to be held April 18, 2002 at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2001-47 by Bainbridge Associates, Ltd., for property at 8564 East Washington Street

The applicant is requesting a conditional use permit for the purpose of establishing a day care center. The property is located in a CB (Convenience Business) District.

Mr. Lamanna made a motion to dismiss this application for want of prosecution.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 8:40 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
March 21, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mrs. Ellen Stanton and Mr. Donald Takacs. Mr. Todd Lewis was absent.

Minutes

With respect to adoption of the minutes of the February 21, 2002 meeting, Mr. Lamanna made a motion to adopt those minutes as prepared by the zoning secretary including those modifications made to the motion and findings of fact and conclusions of law with respect to BZA 2001-13 which were made to conform those motions to the findings of the board and to the evidence that was presented and to correct grammatical and other format errors that occurred during the original dictation of that motion of findings of fact and conclusions of law. The board has reviewed the motion of findings of fact and conclusions of law as so modified and adopt them as their findings.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2002-2 by Mary A. Briggs for property at 16790 Bedford Street

The applicant is requesting area variances for the purpose of constructing an agricultural building incidental to an agricultural use. The property is located in a R-3A District.

Application 2002-16 by Rob Heiman for property at 7214 Country Lane

The applicant is requesting an area/use variance for the purpose of maintaining a basketball court. The property is located in a R-5A District.

Application 2002-17 by John Fischley for property at 7047 South Street

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

Application 2002-18 by William Longmire for property at 16703 Huron Street

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

Application 2002-19 by Paddle Partners Limited (The Wembley Club) for property at 8345 Woodberry Blvd.

The applicant is requesting a conditional use permit for the purpose of constructing several additions. The property is located in a R-3A District.

Application 2002-20 by Bainbridge Associates Ltd. for property at 8550/8564 E. Washington Street

The applicant is requesting a conditional use permit with area variances for the purpose of establishing a shopping center. The property is located in a CB (Convenience Business) District.

Application 2002-21 by Laughing Coyote, Inc. (Scorchers) for property at 8370 E. Washington Street

The applicant is requesting an area variance for the purpose of constructing a courtyard in the front yard. The property is located in a CB District.

Application 2002-22 by Bainbridge Land Development, LLC for property at 7185 Aurora Road

The applicant is requesting an area variance for the purpose of installing a wall sign. The property is located in a CR (Commercial Recreation) District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for April 18, 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 9:15 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