

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2012

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:03 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier.

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 2012-5 by Dinallo and Wittrup Homes for property at Sublot 10 and Sublot 11 in the Reserves at Brighton Park Estates

The applicant is requesting a modification to a conditional use permit for the purpose of amending lot lines. The property is located in a R-5A District.

The zoning inspector's letter dated March 15, 2012 was read.

Mr. Rick Dinallo was present to represent this application.

Mr. Dinallo testified that he brought a site plan to show the board how the home would sit without the change to the lot. He said they are moving the lot line on subplot 11 in to take and add 25' or 22' to subplot 10 and the purpose of that is to move the home that is sold away from this part of the steep grade and a little bit further away from the grade to the west. He said moving over 25' also gets the driveway out of the start of this ravine that you see in the corner of the lot to take the driveway sort of up in this direction. He said the grade on the left side of the home would have been such that when you walk out the walk out level you would have been going down hill about another 15' so this brings it up onto the high ground, they are just sort of exchanging property from 11 and putting it into 10.

Mr. Lamanna asked how much the change in the acreage is.

Mr. Dinallo said .1421 from subplot 11.

Mr. Lamanna said there really is not a substantial change here at all. He asked if everything else is remaining the same with all of the other setback requirements.

Mr. Dinallo replied yes and said it will give the people who bought subplot 10 a little bit of breathing room away from the pond and the steep ravine to the left side and away from the protected riparian area.

Mr. Murphy asked about subplot 11 in terms of acreage and how it relates to the rest of the properties.

Mr. Dinallo said it will end up with a little over 1.3 acres and the smallest one is 1.34 so this ends up pretty close to the rest of them.

Mr. Olivier asked if there will be any hardship issues created on that lot.

Mr. Dinallo replied no.

Mr. Gutoskey asked how the topography looks on that lot.

Mr. Dinallo said that is flatter and it has a good flat area to the right side and it has a gentle slope down to subplot 10. He said the grade difference is, across from where the building will be, about 5' – 6' across versus subplot 10 which is about 50' across and it is almost 70' down to the water level of that little pond.

Mr. Steven Raguz of 17370 Lookout Drive asked how far it will be from the rear ravine.

Mr. Dinallo said there is a 100' buffer area from the back edge of the subdivision property to the lot line of subplot 10 and explained the location of the actual property line. He referred to the site plan and said this is all open space.

Mr. Murphy asked Mr. Raguz if his house is in the culdesac.

Mr. Raguz explained the location of his house on the site plan.

Mr. Dinallo said there is a buffer area of 100' that they instituted lots from the homeowner's association and their actual back line to the neighborhood back line or your (Mr. Raguz) back line.

Mr. Raguz asked where the house will sit.

Mr. Dinallo said about 50' up from that back line so about 150' from the back line or the back line of our property of the subdivision.

Mr. Raguz said okay.

Mr. Lamanna said this change isn't going to change where the house will be, if you just shifted it laterally.

Mr. Raguz said he saw that it was a conditional use.

Mr. Dinallo showed Mr. Raguz per the site plan where the house will sit if they build it as the lot was platted and all they are doing is moving it sideways.

Mr. Lamanna explained that the whole development is approved as a conditional use so when it is platted all of the lines of the lots are approved with the conditional use so if you want to change the lot lines you have to come back and amend the conditional use permit.

Mr. Raguz said he just didn't know if something else was going on.

The board discussed the application.

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

Motion BZA 2012-5 – Sublot 10 & Sublot 11 in the Reserves of Brighton Park Estates

Mr. Lamanna made a motion to permit the amending of the lot lines with the modification to the existing conditional use permit granted in BZA Case 2005-51 to allow the modification of the lot lines between lot 11A and lot 10A as shown on the drawing submitted by the applicant causing a change of approximately 0.2091 acres. All of the conditions previously established in 2005-51 will continue to remain in effect.

Based on the following findings of fact:

1. The reason for granting this modification is it is an insubstantial modification.
2. It does not change any significant aspects of the previously approved plan.
3. It just makes a small area change between two adjacent lots for the purposes of providing a better building location for the structure owing to the topography of subplot 10A.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2012-1 by Candice W. Channing for property at 9251 Stafford Road - Continuance

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

The zoning inspector's letter dated January 19, 2012 was read. Mr. Lamanna noted that this application is a continuance.

Ms. Candice Channing and Ms. Samantha Stanton were present to represent this application.

Ms. Channing testified that they are back from the January meeting and are asking for a property split for the house and the barn. She said the house has three acres and the barn needs to have the remainder of it and she needs a variance, she believes, for the frontage on the barn.

Mr. Lewis referred to the site plan and said Ms. Channing is looking to split it down this way to that point so she ends up with a flag lot.

Ms. Channing said yes.

Mr. Lewis asked if the board had the discussion about the barn and it being or not being living quarters.

Ms. Channing said it has a small apartment upstairs.

Mr. Lamanna asked what it has for sanitary.

Ms. Channing said it has a septic.

Mr. Lamanna asked if the septic is on a separate system.

Ms. Channing said yes.

Mr. Gutoskey asked Ms. Channing if she knows where the septic systems are for each.

Ms. Channing replied yes.

Mr. Gutoskey said so the way the split is set up, the septic systems will be on each lot.

Ms. Channing said correct. She said there is some driveway that comes up the side for the house right here, (she referred to a site plan) and explained where the septic system is for the house and in back of the barn, it is all the way in the back of the property.

Mr. Gutoskey asked if there is room on the lot if she has to replace the septic system.

Ms. Channing replied yes, absolutely. She showed the board an aerial view.

Mr. Lewis said he thinks one of the things the board talked about was possible reclassifications for agriculture and property taxing and you (Ms. Channing) had a chance to look into it and asked Ms. Channing if she is comfortable with where it is going to leave her.

Ms. Channing said absolutely, the house and three acres will continue to be the same as it is, they have not applied for agriculture, it is still residential because when they built it a few years ago, you start the process and then you apply for it so they are good.

Mr. Lewis asked if this is in an R-5A area.

Ms. Channing replied yes.

Mr. Lewis asked if the rest of the lots in this district are all five acres.

Ms. Channing said no.

Mr. Lamanna said there is a hodge-podge and the ones across the road are 3.5 to 4.5 and there is a whole set of them that are 1-3/4 and there is a 10 on the other side and a 10 that abuts it.

Ms. Channing said her neighbor to the side has no problem.

Mr. Lamanna said he doesn't think that three acres is really going to be much different.

Mr. Murphy asked if a seven acre lot with a horse barn with an apartment in it is an acceptable structure.

Mr. Lamanna said as long as it meets the building code and it is a habitable space.

Ms. Channing said the paperwork is in the file.

Mr. Murphy said but if it is not a residence, we are cutting out a barn.

Mr. Lamanna said there are people living in the apartment.

Mr. Lamanna said if they split it five and five, they wouldn't even have to come here. He said it will create a free-standing barn but somebody can build a free-standing agricultural barn on a seven acre property anyway. He said the fact that it has a residence in it, there is nothing to say you can't have a residence in a barn.

Mr. Wrench said it is under the agricultural use.

Mr. Lamanna said if you have an agricultural building, there is nothing saying you can't use an agricultural building for part of which is used as a residence even though technically there is supposed to be only one residence on a single lot.

Mr. Murphy referred to the barn down the street and asked if people are living in that too.

Ms. Channing said no, it is one of Mr. Haskins' properties that got sold.

Mr. Lamanna said there is nothing that prevents somebody from just having an agricultural use on the property.

Mr. Murphy said he is just asking from the point of view of a residential district with a residence and if he were to go to Geauga County and ask to build that horse barn with the residences included that has maybe one kitchen and one toilet and maybe a hotplate and maybe 20 beds or two, the Geauga County Building Department may have some very strict things about what may or may not be permitted.

Mr. Lamanna said that is what he is saying, the assumption is, if you are going to use it as a residence, it has to meet the building code and the board is not here to decide whether or not it meets the building code. He said the board is allowing them to split the lot and if they want to then use that building for a residence, that building must meet the building code.

Mr. Murphy said they are already using it for a residence and they are using it for a residence right now.

Ms. Channing said it is for the barn help.

Ms. Stanton testified that in fact all three barns that are back to that, Chagrin Valley Farms and the other barns were all used as residences at one point.

Mr. Lamanna said if they are using that for an unrelated person it violates the multiple residences because only one residence is allowed per lot. He said there are other places around that have multiple residences but they pre-date the zoning but ultimately if it is being used as a residence it has to meet the building code and we are not here to decide whether or not it meets the building code and if the board grants this, nothing in our action here absolves you (Ms. Channing) from satisfying the building code with respect to that property if it is going to be used as a residence.

Ms. Stanton said it is not really a residence, there happens to be an apartment there.

Mr. Lamanna said when somebody occupies that apartment and starts living there then it is a residence.

Ms. Channing asked what about Chagrin Valley Farms and some of the other farms in the area that have apartments or facilities for people to live in.

Mr. Murphy said the board has no idea of any of those.

Mr. Lamanna said people do things they are not supposed to do unless they get caught but technically you are not supposed to be running multiple residences. He said in some cases people have residences that pre-date the zoning so they are allowed to keep them.

Ms. Stanton asked that wouldn't splitting it solve the problem then.

Mr. Lamanna said yes it does but the only question is there is no, that he is aware of, restriction that says you can't have a residence in a barn, but there could be a provision in the zoning code that if you want to have a residence it can't be in some other structure that has got some other principal use and there could be good reasons for doing that. He said if you are going to use it as a residence you have to meet the building code and don't think because we are approving the lot split we are saying it is okay to use it as a residence because the board doesn't know, it is not our jurisdiction but we want to make sure nobody has a misunderstanding that the board of zoning appeals said it is okay to do this. He said he wants everyone to understand that it is a whole separate issue from the building department.

Mr. Murphy said in fact once it is split it is no longer a home with an animal barn behind it, it becomes an agricultural business, totally isolated and not a residence.

Mr. Lamanna said right and now to maintain that it can only be maintained as an agricultural use.

Ms. Channing said there are 20 – 30 horses in there.

Mr. Lamanna said in the future that once this is separated off, it is now an agricultural use so it has to maintain that status as an agricultural use, so you can't decide to use it for something else.

Ms. Channing said okay.

Mr. Lamanna said there must be an understanding that this is an agricultural use and you cannot come back here and say they don't want to use it for an agricultural use and use it for something else such as renting it out to store cars in it because that is not a permitted business in this area. He said if the board allows this split, there needs to be an understanding that there is no further subdivision of the 7.5 acres. He said it would be difficult because of the frontage issue but they are carving off a three acre lot so the 7.5 acre lot would not be able to be split in the future. He said because of the way things are built on the property the board will accommodate the lot split of three and seven with that understanding.

Ms. Channing and Ms. Stanton said okay.

Mr. Murphy said he thinks the board needs to physically see two septic systems on the property with the health department's approval that there is a secondary field on that three acre lot.

Ms. Channing replied sure.

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

Motion BZA 2012-1 – 9251 Stafford Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of sub-dividing an existing 10 plus acre lot into two lots.

1. One with an area of 2.92 acres and the second, an area of 7.17 acres.
2. A variance is granted to the five acre requirement for the front lot.

Based on the following findings of fact:

1. The split will be dimensionally in accordance with the map that was provided by the applicant in the application.

With the following conditions:

1. The applicant must have the approval of Geauga County with respect to the separate sanitary systems for both lots including availability of an area for a substitute leach field if necessary.
2. There will be no further splits of the 7.17 acre parcel.
3. Nothing in this action speaks to the appropriateness of any residential facility that is located on this 7.17 acre parcel.
4. It is the applicant's responsibility to assure that any residential activity in the horse barn complies with all of the building code requirements.

Mr. Lewis seconded the application.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2012-4 by St. John Funeral Home for property at 16381 Chillicothe Road

The applicant is requesting a use variance for the purpose of establishing a funeral home. The property is located in a R-5A District.

The zoning inspector's letter dated March 15, 2012 was read.

Mr. Charles St. John, Mrs. Lois St. John, Mr. Chris St. John and Ms. Sue St. John were present to represent this application.

Mr. Charles St. John introduced his family and testified that they are the owners and operators of St. John Funeral Home which is now located in Bedford, Ohio, they were originally from Cleveland. He said their two children represent the fourth generation of their family in business and it is their 99th year and he thanked the board for the opportunity to request this variance and the rest of the people here, many of them, are supporters, their cheering section.

Mr. Charles St. John continued by saying they would like to establish a funeral home on that property and they feel that a funeral home would be a great asset to the community and they have a lot of friends out this way who know they have been searching Gæuga County for a location and they would say to us when are you coming out here. He said they think that a funeral home would be a great asset and a positive business to locate on that property and they would not only provide a service but he would like to say they would provide a quiet service, they also would become a consumer in the community and they would like to establish it and he filled out all of the forms that were necessary, answered the questions and he thinks at this point if the board has questions for him or one of his two kids, they will answer the questions as they appeal for this variance.

Mr. Olivier asked what physical alterations do they intend to make to the structure, exterior and interior.

Mr. Charles St. John said they have been in the building and feel they can convert the building as it is into proper use for the facilities that would be needed at any funeral home, needless to say the outside appearance needs a complete overhaul to meet the standards or requirements of Bainbridge Township, whatever it would call for, so that they would be within code. He said they have been inside and they certainly feel that there is more than enough room for them to put in the proper chapels that are needed, arrangement rooms, embalming room, casket showroom, restrooms, whatever else is necessary in any funeral home that they could convert it very easily quite frankly. He said the outside to them is a great concern and they would need to have some direction so they could make it a facility of beauty and even the landscaping and everything else there. He said at the facility in Bedford, in the last 10 years, they have added on three times to the building there and it is considered a showplace in the Bedford area the way the building has been built and the way the landscaping has been taken care of and they feel that is exactly what they would want here, basically a complete overhaul of the exterior and then remodeling of the interior.

Mr. Olivier asked if there would be no enlarging of the footprint itself, it would be more a cosmetic appearance but not an expansion of that building in anyway.

Mr. Charles St. John said now, no, expansion is not in their thoughts but how can they predict down the road what would come of it, in front there is a patio and the likelihood to enclose the patio would be sensible for them to do for more inner space but expanding any further than that only time would tell and then time would tell with the permission to do so. He said as it is now as they have measured it, it would be extremely suitable for what they would need, not as just a start up but as something that would be very accommodating. He said they are from the old school in a way when funeral homes were very tiny and people didn't mind but as time has gone by large and big is what people want and this facility certainly has the square footage and for them to put in a very accommodating funeral home for their funeral service to the community.

Mr. Lamanna asked in the plan, is there more than one room.

Mr. Charles St. John said he would turn to his kids for that but they thought easily two chapels to begin with.

Mr. Lamanna asked if the business was at the point where it was doing what you would expect it to do and what would they be looking at in terms of the number of people coming into this on a daily basis.

Mr. Chris St. John testified that there is not a funeral everyday, there is not a visitation everyday so it is really hard to predict, you could go three, four or five days in a row and have visitations and funeral services and the following week you may have one so it is really hard to predict and then the size of the visitation, depending on how big the family is, it could be extremely busy and then other times very few people so it is not always consistent.

Mr. Olivier asked what type of hours visitation typically runs.

Mr. Chris St. John said a one day visitation is usually afternoon, 2:00 – 4:00 PM and then evenings 6:00 – 8:00 PM, that is pretty typical and they call it one day.

Mr. Lamanna said so things are pretty well wrapped up at 9:00 PM.

Mr. Chris St. John said actually it used to be 2:00 – 4:00 PM and 7:00 – 9:00 PM but we see a lot of funeral homes won't do 6:00 – 8:00 PM because nobody ever leaves at 8:00 PM and nobody ever left at 9:00 PM so it gets to be too late and we can't kick them out.

Mr. Charles St. John said there are those of us sitting here who are some of our friends who remember the days when it was 1:00 in the afternoon till 10:00 at night, two days, non-stop and thank God it has changed for accommodations of the family, but the funeral director is there anyway.

Mr. Olivier asked at non-visitiation times how many people are on-site typically.

Mr. Charles St. John said currently at our location in Bedford there are three of us and when you run a business there are always things to do and we are there and as Chris is saying there are times when we go a week or ten days without a call and then we might receive three or four calls in two days but we are still there, we have to be.

Mr. Chris St. John said they spend a lot of their time getting prepared for visitations and funerals so the family might meet with us today and have nothing until the following week and we will spend time making arrangements and getting things in place so we are typically there all of the time and if need be weekends but again they can go a week with very little going on.

Mr. Murphy asked if the business is being moved from Bedford or is the business doubling.

Mr. Chris St. John said they are doubling, they hope to open another funeral home.

Mr. Olivier asked if there are days when they don't have visitation such as Sundays or any other day of the week.

Mr. Chris St. John said they typically don't have visitations on Saturday but they will have visitations on Sunday and Monday through Friday.

Mr. Charles St. John said holidays such as Memorial Day and Fourth of July might be a day when there would be visitation because on the day of the week when it falls when it is wrapped around a weekend, you can imagine someone could pass away on a Wednesday and they would not be able to bury them until the following Wednesday so they may want to have visitation on a holiday not to wait too long but that doesn't happen very often at all. He said visitation on Saturday evenings are almost non-existent, people for some reason just aren't doing that anymore. He said cremations are increasing and the cremations 20 years ago were probably 10% - 15% and are now double that plus and a lot of that does not include any type of visitation whatsoever. He said they may have a service at the church, they may have a gathering at their home or they may have a short gathering at the funeral home and then go to bury the cremains at the local cemetery. He said it has changed enormously since when he got into it 60 years ago.

Mr. Lamanna asked if there will be ample parking here.

Mr. Charles St. John said he understands there are 98 parking spots and that is big. He said they have 85 in Bedford and they have three chapels and they never use the street anymore because four years ago they expanded again, they can use the street in Bedford but not anymore.

Mr. Lamanna said here obviously you can't.

Mr. Charles St. John said 98 spots is really big.

Mr. Lamanna said there is a possibility that the church next door could be used with an arrangement with them if you had unusual circumstances.

Mr. Charles St. John said what they have done in Bedford if they get overloaded with cars they hire people to manage cars and they have double parked them.

Mr. Lamanna said it is obvious here there is no place to spill over to on the street.

Mr. Gutoskey asked if this is tied into the sanitary sewer.

Mr. Charles St. John replied yes.

Mr. Olivier asked if there will be any cremations done at this site.

Mr. Charles St. John and Ms. Sue St. John replied no.

Mr. Lewis asked about the waste materials.

Mr. Charles St. John said the waste materials go through the sanitary system. He said about 15 years ago as a comparison, his brother was still taking classes in geology and he was thinking of getting a Masters degree so he looked into waste water systems and leakage and drainage of oils and contaminations etc. so he went to the wastewater folks at the plant in Bedford Heights right next door to us to ask them what their opinion was of waste that comes from the embalming room. He said when they embalm it is generally a pint of embalming fluid that includes formaldehyde per a gallon of water and the purpose of the embalming is to force the blood out of the deceased and replace it with the embalming fluid which is both a preservative and a disinfectant so in asking the folks who ran it they simply told us that it is of no consequence whatsoever what comes out of a funeral home. He said all of the funeral homes, unless they are on a septic system, all of the funeral homes here and in Cuyahoga County and surrounding counties all use a sanitary system and it is not a hazard. He said embalming rooms are governed by the Ohio Funeral Directors Association, EPA and OSHA and if we don't do it right, it gets to be a very expensive kind of waste so we are monitored.

Mr. Lewis said from that process he is thinking that the prevailing winds are out of the west and to the east there is a very large residential subdivision and if you are working with chemicals, are there odors or aromas that are airborne.

Mr. Charles St. John said there is nothing airborne, it is all contained in the embalming room and there are absolutely no odors and nothing comes out of the building.

Mr. Chris St. John said it has to be properly ventilated with fans and that is another thing that someone from OSHA can come in and monitor it and make sure they are ventilating correctly.

Mr. Charles St. John said if someone were building a crematory that is a different ballgame.

Mr. Lewis said in looking at the site plan, with a family of the deceased there is usually a tribute caravan going to a burial location and asked the St. Johns how they would manage or stack their 80 or 100 cars.

Mr. Charles St. John said there are two, an entrance and an exit, and the most convenient way is to line up the cars in the front of the building like is shown on the site plan, and it depends, usually they put them in lines because there is a car line up for the family and people following behind and you line them up probably facing Rt. 306 with the help of an escort and their helpers in order to exit wherever the exit drive is.

Mr. Charles St. John continued by saying the exit drive would have stop signs on it so that when people are coming to visit to pay their respects they can exit and come up to the sign and stop in order to go out into the traffic safely. He said they could use the back but chances are what they will do is set up the building in such a way that there would be a rear exit and if by coincidence two services are going on and the timing is very close so that people for one service would be back here and the people for the other service up here (he referred to a site plan) they would have the privacy and area for parking.

Ms. Sue St. John testified that an 80 car funeral is a large funeral.

Mr. Charles St. John said the average is 20 to 30 but you could have 80 to 100 and at that point they would have the police.

Mr. Lewis said that is the point he was getting to because you also will be exiting onto a state highway and he doesn't know how the state feels about shutting down their highway while you take ownership of sending a lot of cars out.

Mr. Charles St. John said they are large processions as they refer to it.

Mr. Lamanna said if there is a big funeral you could have a lot of cars suddenly come out but that is typical to have 50 – 60 cars.

Mr. Chris St. John said it is done in a very organized manner and added that the main road in Bedford is Broadway Avenue and that is extremely busy too so they deal with that all of the time.

Mr. Leo Dombrowski of 8695 Lake in the Woods Trail testified that he is here today in support of the St. John Funeral family as most of us are here and he is also a resident as well. He said with all things being considered and with everything that needs to be done and with all the particulars that can be worked out with the zoning and everything he is in support of this because the property obviously that they are talking about has been vacant for a couple of years and he pulls out of his residence and goes north on Route 306 and the last thing he sees when he leaves town and the first thing he sees when he comes back is a vacant piece of property that is not producing any income for the township. He said it is a tremendous eyesore in the summer, it is overgrown, he knows it is a problem for the police department because he sees cops going in and out of there so he knows they have been warned to patrol in and out of there. He said the business that St. Johns brings is something that our community does not have so we lose that to other communities and it would bring in tax dollars for a non-productive piece of property, it is not some speculative business like another restaurant that we certainly don't need, we have enough restaurants around town as it is. He said they have been in business for 100 years and so he thinks this is an ideal thing and it is a win-win for everybody and everything else if it can be taken care of and he thinks this is a great opportunity for the piece of property that is an eyesore on Rt. 306 to put a commercial piece of property back into use.

Mr. Leo Dombrowski continued by saying it doesn't seem that the St. Johns will have a hard time taking care of the inside to get it corrected and they are willing to do whatever on the exterior to bring it into compliance and he thinks the family themselves would be an asset to the community so he hopes the St. John family are not turned away and lose them to another neighboring community and hope they can work to get this property back into use.

Mr. Lewis said he has a comment on the taxes, Bainbridge is a township so we don't have an income tax or payroll tax that we are involved with and that building is assessed for its property value.

Mr. Dombrowski said that is what he meant, property taxes.

Mr. Lewis said we have that coming in whether there is a business actively there or not that is assessed by Geauga County about 70 cents on the dollar goes to your schools, almost 15% comes into parks in the township and 5% to miscellaneous things such as the public library, Metzenbaum etc. so whether there is a business there or not, the township and the school district are still receiving full-boat on that money and there is no payroll tax no matter who is employed there.

Mr. Scott Matasar of 8440 Wembley Court, Bainbridge, Ohio testified that he lives in a development directly due east of what used to be the Northwoods Grille and with due respect to the prior speaker he moved out to Bainbridge Township to get away from the densely taxed burden lifestyle of University Heights and Cleveland Heights and that includes getting away from things like living near a funeral home. He said he lived near one when he lived in University Heights and he has a lot of respect for the St. John family as well as the services they provide but to be perfectly frank he does not want to pull in and out of his neighborhood, he would rather look at a grassy berm than look at a funeral home the first thing in the morning when he is in the development and the last thing when he comes home and he suspects many of his fellow property owners who live in Wembley agree with him, that is not what they want to live near everyday. He said there are no funeral homes to his knowledge in South Russell or in Russell, it is not the sort of business that he would want in his community and certainly not where it is. He said it is a stand-alone building and if you are going to have a funeral home it should be in a more urban setting just as they are in Bedford, it is not in keeping with the character of the community. He said when you talk about traffic, there is plenty of traffic during rush hour, if somebody is taking a left-hand turn or right-hand turn onto Route 306 you have to wait several minutes to get out of his development so what is going to happen when we have a funeral procession, it is going to create a real jam on Rt. 306 during high traffic hours during late afternoon or early evening and if there is over-flow parking, maybe people will park in the church to the left or maybe people will park in the church to the right or they could park in his development along the side and just jaywalk across Rt. 306. He said aside from the fact that people shouldn't be parking in his neighborhood and go across the street (Rt. 306) over to the funeral home, it creates a public safety hazard because you will have people darting across the street when the parking lot is full.

Mr. Matasar continued by saying again he has a lot of respect for the St. John family and he understands that they are looking to relocate and he is all in favor of economic development but this is not the economic development that he wants to see, that is not why he moved to Bainbridge and he would prefer that the property stay vacant until perhaps another restaurant moves into that property. He said he would prefer it remain a grassy knoll on the side of the street. He thanked the board.

Ms. Ekram Elgaczar of 8265 Wembley Court testified that it is the same development as Mr. Matasar and she would like to add her voice to his. She said they moved to Bainbridge to have a quiet neighborhood and have a beautiful neighborhood but with all respect to the St. John family she would prefer not to have a funeral home right on the street near her. She said this is not what she would like every time she is driving out of the property she would see the funeral home or she would see a funeral procession and the street is busy enough and we have way too many, we have the church and this will add way too much to her property and she does not know how it brings anything to the township and she does not see what the value is of having a funeral home, she would rather see the empty property as is without anything there. She said she just wants to voice her opinion and she knows a lot of the people around her feel the very same way.

Mr. Tim Geisse of 38050 Jackson Road, Chagrin Falls testified that he is here as a representative of the Fellowship Bible Church which is next door and they don't have anything to say pro or con with the granting of this variance and he does think they would let them use their parking lot if the variance is granted but he does have one question and he understands that there will not be any cremations at the site if the variance is granted, but what would happen if that is requested in the future, would there be another variance hearing.

Mr. Lamanna said if the board was to grant a variance it would specifically exclude that because that is not allowed at all in the township, it is not a permitted use at all so for them expanding to that use wouldn't likely ever be approved because it is not a permitted use.

Mr. Joseph Cinadr of 18211 Haskins Road testified that he has lived in the township since 1978 and was in the fire department here for 20 years and retired and 18 of them as Assistant Chief and over these years he has made several observations of the township and it is not just 25 square miles, we have twelve banks, twelve restaurants, eight churches, numerous offices for doctors and dentists, three cemeteries, four assisted living facilities and no funeral parlor. We have nowhere for our people to grieve and take and start the burial process. He said we have places that will take care of their money, feed them in the restaurants, churches for worshipping, healthcare with the doctors, burial in our cemeteries, assisted living for the elderly needing housing but no funeral homes and he feels that a funeral home will be an asset to this community. He said we have money in the area and he feels that this is a plus for our community.

Mr. Cinadr continued by saying it would be on a main street and congestion would be minimal only if a procession goes out and most of the time when he sees funeral processions, they are early in the morning around 9:00, 10:00 or 11:00 in the morning during the day so this is when you would have a problem with a procession going on and he feels that funeral homes are well kept up establishments and as far as he sees there are no negatives and he is all for it.

Mrs. Maria Collura of 11679 Taylor May Road, Auburn Township testified by saying she can't imagine having a piece of property looking the way it is being satisfying to the neighbors and why in the world they would want to see that place looking like a dump. She said they need a good solid family business and it is just like Mr. Cinadr said we need a funeral home. She asked the secretary if she received an email earlier today from the Colluras. The secretary responded by saying yes.

Mr. Thomas Henderson of 11294 E. Washington Street, Auburn Township testified that his family has been doing business with the St. John family since 1968 and they always handled things in a very efficient manner. He said as was said the funerals are usually early in the morning and he realizes that it is in an extremely congested area however he has never known them to have a problem getting traffic out and to its destination in anything but a timely and efficient manner, they are very capable and they are aware of the route that needs to be taken and also right now the funeral parlors in our area are quite scattered and he feels personally not just since he knows the family but also from having gone to several funerals that the distance between a church or a cemetery and a funeral parlor is quite a distance and it is far more efficient to have everything central in that matter and it would look like any commercial structure and probably better. He referred to their structure in Bedford and said it looks like one of the well kept commercial structures and doesn't see where that would be a concern for the neighbors and he understands nobody likes to be reminded of death but it is something that does occur and you need processions but it is not like you are staring at it for a long period of time.

Ms. Ekram Elgaczar said obviously everybody here are friends of the family and they don't live across the street from the property, somebody living in Auburn so they don't care, all they have to do is just go by the property every few days, but she lives right across from it. She said she is the one who suffers and she is not a friend of them and she has nothing against them, she just does not want to live in an area where there is a funeral home and all of the traffic and all of the people coming there. She said everybody here is a friend of theirs and they want it, they want the service, great, they can go somewhere else and the people in Auburn can have it right next to them, it is perfectly fine, they can have it, but she does not want to have it. She said she is the one paying taxes in this area and she is the one who will suffer and their friends can come and talk and they can say anything but she is the Bainbridge resident and it is important to her not them. She thanked the board.

Mr. Lamanna asked Ms. Elgaczar if she can actually see this building from her house.

Ms. Elgaczar said it is not far from her house and every time she is coming in and out it is right there, you cannot miss it. She said she lives in the Woods of Wembley and it is right at the entrance.

Mr. Lamanna asked her if she can see it from her actual house.

Ms. Elgaczar said no she doesn't but he (Mr. Matasar) can.

Mr. Matasar said he can, he lives two doors in-bound from Rt. 306 so he can see the property. He said he wants to echo his neighbor's comments that he respects everyone who has come out and spoke on behalf of St. Johns, it is an admirable effort to rally support but he welcomes any of them to let the St. Johns move into their development or he is happy to sell them his house so they can live near the funeral home and the traffic. He said he couldn't feel more strongly, this is in legal terms coming of the nuisance. He said he bought his home eight years ago and the property is what it is and now they are proposing to add a funeral home across the street and whether it is a new development or somebody trying to sell their home or somebody else trying to sell their home it is going to affect everybody in the area and it is an imposition to those of us who already live here who are Bainbridge residents.

Ms. Elgaczar said she does not want the value of her house to go down, not at all, she does not want people to come and say they don't want to live in this development, it is right across the street from it and she paid a lot of money for her house so they can move anywhere else and all those friends of theirs can have it.

Mr. Lamanna asked Ms. Elgaczar if she has any basis for why the value of her house would go down.

Ms. Elgaczar said when she told people about the funeral home they asked her if she is going to move.

Mr. Matasar asked if he finds some data if this can be tabled until the next meeting. He said it will be interesting to see what happens to property values when a funeral home goes into a residential area.

Ms. Elgaczar said this is a heavily residential area and we do not want a funeral home and funeral processions day and night over there, we do not want that. She said she moved there because of the quiet and because of the beauty and not so she can see a funeral procession everyday.

Mr. Lamanna said this is a business located on a major state highway, it is not located on a residential street, it is located on a major state highway.

Ms. Elgaczar said when she moved in there, there was an antique shop and when the antique shop was sold they said it was going to be a quiet family restaurant and now we are replacing that and it is going to be a funeral home and it is non-ending.

Mr. Matasar said with all due respect, it may be a state highway, but it is a two-lane road, it doesn't make a difference what the designation is, it is about how much traffic is born by the amount of row spaces and it is a fundamental change to the nature of the property to go from an antique store to a restaurant and now a funeral home, it is really apples to oranges and again he is happy to provide information on that.

Mr. Lamanna said you have to understand that the prior use was not just an antique store, it was a restaurant, there was an antique store, he thinks there was a tanning parlor and about three or four businesses that were located in what was originally on that piece of property.

Mr. Matasar said the recent use was a restaurant.

Mr. Lamanna said the board allowed them to build the restaurant there because there was actually an existing restaurant on that site as well.

Mr. Matasar said he is happy to provide data if it is tabled to the next session.

Ms. Becky Eget of 201 Hamlet Hills, Chagrin Falls testified that she is finding it difficult they are saying that they moved into Wembley and they are worried about the traffic on Rt. 306 but when she goes on Rt. 306 it is always busy and there are a lot of businesses on Rt. 306 that generate a lot of traffic too and she can't see why if they are concerned about all of this traffic why they moved close to Rt. 306.

Ms. Elgaczar said why not have the funeral home next to you.

Ms. Eget said she would be very happy to.

Mr. Lamanna reminded everyone to address their comments to the board.

Ms. Elgaczar said you are right.

Mr. Dombrowski said he wanted to put in his two cents worth and is hearing the bantering about how we are all just friends of the St. John family, that might be true, but he is a resident and he does live right around the corner in Lake in the Woods though he doesn't stare at the building when he pulls out he sees the building and he does understand their concerns but when you move into an area like that and you see a commercial structure there you have to understand that in any point in the future that property could change and if you didn't want to be near a building you should not have moved anywhere where it is visible.

Mr. Dombrowski continued by saying when you pull out onto Rt. 306 whether or not you live closer or further into the development, when you pull out you can see this on Rt. 306 and we can all be inconvenienced on Rt. 306, the church pulls out, they have policeman, they stop us, we are all inconvenienced for a few moments but it is just for a hand-full of minutes and then we are all on about our business, he just wants to be clear he is a resident of Bainbridge and he does live around the corner and he does see the property and he does understand their concerns but folks down in Chagrin Falls, there is funeral home right down there and that is a very small street and very congested and they don't seem to have any issues down there, they work with them to get it done and he is hoping the board continues to work with the St. John family to get it done as well. He said he doesn't see values being dropped by funeral homes or other things of that nature on Rt. 306.

Mr. Bob Leibold of 166 Lakeview Lane, South Russell testified that he is with the Federated Church, the church on the north side of the road and we are like the other church, we are kind of neutral but do have a couple of questions. He said he is curious as to what the plans are for the back part of that lot that is not developed right now and asked if there are plans for additional lighting around the site in the front or back and things like that.

Mr. Lamanna said right now there are no plans that he can see for extending back there and technically this is a non-conforming use so you really can't expand the existing use beyond where it is so really the opportunity for further expansion on this property are very, very limited from that standpoint. He said with respect to the lighting issues, where the outcome is of this, the lighting issues will be dealt with very carefully because they have been a source of a continuing issue here and the board will make sure that all of the lighting will be done in a way that is not going to cause any of the neighbors any problem or at least to the best of the board's ability it will not cause the neighbors any problem because that has been a source of continuing friction and with the technology that is available today there is no reason that that should be occurring and we certainly will deal with that particular issue.

Ms. Elgazar said regarding on Sunday with the church it is not a one minute or two minute wait, every time on Sunday she has to wait maybe 10 minutes, she has to either go before the church gets out or come back after but this will be going on every day of the week except for maybe Saturday so it will affect everybody, this is not going to work for us.

Mr. Lamanna said churches are five to ten times the size that this is and there is a thing about churches, all of the people arrive about ten minutes of each other and they all depart about five minutes of each other so that is just the nature of churches so you do not want to be there in those periods of time and there is not much the board can do about that. He said this is a little bit different because people tend to come in over a period of two or three hours and then they would stay for the half hour and then leave so it is a constant flux of people, not everybody comes in and everybody goes out.

Ms. Elgazar asked about the funeral procession.

Mr. Lamanna asked Mr. Charles St. John how often he actually originates a funeral procession from his facility.

Mr. Charles St. John said twice a week would be a lot.

Mr. Lamanna said because generally you would go to a church.

Mr. Charles St. John said twice a week would be a lot, more often in the morning and never in the evening.

Mr. Lamanna said he would guess it would be 10:00 or 11:00 in the morning or 12:00.

Mr. Charles St. John said generally working with families we avoid certain times of the day.

Ms. Victoria Fedor of 143 Longview Drive, Auburn Township testified that a funeral home could look like a very lovely, large house, it is not an eyesore like maybe a Big Lots would come in there or a Sam's Club or some other commercial business or something that might be less inviting than a lovely manor type structure.

Mr. Tom Henderson stated that he used to work at Kredo Hardware in Bainbridge until it closed and with respect to the traffic, when the movie theater reopened it was a far greater negative impact on traffic than any funeral home that he has ever been in. He said he can remember traffic backing up at the intersections clear to Chagrin Falls and typically there are only a couple during the week and you say they are in the morning when traffic is less.

Mr. Lamanna asked if anyone had any questions. He said the current situation we have is we have a property that is a non-conforming use and it originally started off as Peddlers Town with a strange conglomeration of businesses including at one point in time, two different restaurants and subsequently the board allowed them to tear down this hodge-podge of buildings which was three or four times the existing structure is and replace it with the Northwoods some years ago but basically what we have here is an existing non-conforming use. He said the zoning code permits substitutions of non-conforming uses and the conditions are that that the new use is of the same kind and character as the prior use and will not result in an increase in noise, pollution, traffic, sign area or the number of persons using the property. He said the proposed use is equally or more appropriate to the district than the existing non-conforming use and is consistent with the objective of the zoning and it does not adversely affect neighboring properties. He said that is really the standard to which the board needs to apply to determine whether there can be a change to the use of the property and obviously if somebody came in and said they wanted to buy this for a restaurant, then there really wouldn't be an issue because it would be a continuation of the existing use. He said if somebody comes in and proposes a different use then we have to look at these various factors to determine whether or not it would be appropriate to do this.

Mr. Lamanna continued by saying at this point in time this was actually titled as a use variance but he does not think that is technically correct obviously, the standards for a use variance would be much more difficult and we haven't begin to touch what would be required for a use variance so when you are looking at this it is really not a use variance, it is really a substitution of a non-conforming use. He said he thinks Mr. Matasar requested the opportunity to bring in evidence with respect to this adversely affecting the property values and he thinks that is a valid consideration and he thinks it would be appropriate to allow him to do that if that is necessary the caveat being is that he would like to at least examine the other factors before we reach that point and that is kind of the final item in this thing and certainly necessary for the board's consideration but rather than go through the exercise of that and put this off to another meeting he thinks before we do that we need to at least look at the question of whether or not this use is of the same kind and character of the prior use and whether there is going to be an increase in noise, pollution and traffic and the number of persons using the property. He said if anybody has anything else to add that is limited specifically to those criteria, not statements of I like this, I don't like this or I think the people are wonderful who are doing this. He said somebody who has something to say from a factual basis that they haven't already said with respect to these issues of increasing the noise, pollution and traffic or a number of persons using it or kind and character or whether they think the use is equally or more appropriate than the existing use so if you want to make a comment on any of those things, he will give everyone one more opportunity to do that if anybody wishes to.

Ms. Bridget Goodridge of 17219 Northbrook Trail, Bainbridge Township testified that thinking of just if a restaurant were to go in there the likelihood of bands coming in, that would increase noise, traffic, liquor license, that kind of behavior that would go in an establishment like that, what would that do, that would be more of a nuisance than the quiet facility of a funeral home that would be closed by 9:00 in the evening.

Mr. Olivier said in his opinion that is what he struggles with right now, he feels that this actually from a standpoint of the upper end of the disturbance this is less of an impact on the neighbors than potentially a very successful breakfast, lunch and dinner restaurant with a bar and it was operated as a restaurant, it may not have been a successful restaurant that could have been there so he thinks one of the factors he is weighing on this is whether or not this is actually a less intensive use than what could go in there if it were allowed to stay as a non-conforming use, that being a restaurant. He said he also thinks funeral homes, back in the day, were in residential districts and in older homes and funeral homes were actually part of the original communities of Chagrin Falls and were actual residences that were at some point converted to funeral homes. He said he thinks it is a service that is needed but the question he would have is in that these are conditional in the convenience business district and asked Mr. St. John if he looked at other properly zoned convenience business parcels within the township before selecting this one, were there other suitable vacant parcels that are in the convenience business district and did he investigate and look at those.

Mr. Charles St. John stated that they had the realtor help them and to be very frank there are some other parcels but they just are totally inconvenient and he saw some of them up around Washington Street and they are very narrow and they swing around the back and they are totally impractical and they do need a minimum of three acres and the way this is set up is perfect with no plans for the use of what is behind it, there is certainly enough there. He said some of the other parcels and the only ones he can think of on Washington Street were absolutely impractical. He said yes they did look, they have been looking for realistically about eight years and certainly they could go and buy farmland which would be from a standpoint of running a business very impractical and if they get the farmland cheap they probably would have to buy 20 or 50 or 100 acres, nobody is going to sell them three acres and to start a business like that from a financial standpoint is very risky and he doesn't think in some of the rural areas that are very rural it wouldn't add much to the community either so yes, they did look and they looked at the restaurant property for some time but it wasn't for sale and all of a sudden their realtor called them and said guess what, it is up for sale. He said the next day they were in the building checking it out and that very day they said they want it if they can get it.

Mr. Murphy said he thinks in looking at the substitution of non-conforming uses the paragraph that is written in our zoning here, the kind of character, it seems like a very different kind of business but the character of business maybe not so much for the neighbors to see what happens but the sentence that does say it will not adversely affect neighboring properties may be fairly important in the board's consideration.

Mr. Lewis said he is struggling with this and it has nothing to do with would Bainbridge Township and the surrounding residents benefit by this type of business being in our community to support our residents and any service base business should benefit the community. He said what he is really struggling with, for twenty years the board has worked with this piece of property over there, several years ago the board was able to effectively do some serious housekeeping with it for its use with minimal impact on our residents in the area. He said the business that is being proposed is a commercial business, it is not a restaurant, it is not a retail store front selling ice cream, it belongs in a commercial business district. He said this is a five acre residential district fronted on two sides by expensive residential properties that represent people's life's savings and what they have put in their real estate, it is fronted more on the south of it by churches which are exempt and they have the right to build their structures in residential areas. He said this business is not at all like a continuation of the business that was previously there which incidentally is not a failed business because it was a bad business, it is a failed or dormant business mainly because the owner was unexpectedly killed in a traffic accident. He said he has seen no evidence that this property could not be used as it is currently conditioned for and by that he is suggesting another restaurateur could walk into this property and this property would suit that requirement and the needs of running a restaurant there. He said whether our town has too many restaurants or too many dry cleaners or 853 pizza stores he is not here to consider the financial success of the building, he is here to consider is it an appropriate business in the appropriate district and he is struggling with that because this is a far reach from the type of business that is already there.

Mr. Lewis continued by saying he can also reference a previous application back in 1999 which was BZA 99-17 where another property on Chillicothe Road, state highway, Route 306 was being petitioned for a change of use in a residentially zoned area with homes adjacent on the state highway, for the same business that your business is petitioning for. It was denied so he would very much like to see any evidence that even substantiates our zoning code even more so and the impact it may or may not have on the adjacent property values so he would very much like to see documentation so that is pretty much where he is at.

Mr. Lamanna said that prior application was different from the standpoint that it was not a non-conforming use, it was a permitted use and they wanted to change it to a non-conforming use so it is a different standard of review than applicable to this case.

Mr. Lewis said but it was the same business and the same type of neighborhood and that was more of his point.

Mr. Gutoskey stated that like Mr. Lewis he is struggling too because as he said a funeral home is a conditional use in a CB district and we are looking at a residential five acre district and the thing that concerns him and it has been brought up by some people is the generation of traffic and what he would like to see is a traffic generation study by an engineer as far as what a funeral home would generate for traffic versus if this was an on-going successful restaurant and compare that and see what kind of impact it would have and that is his main concern.

Mr. Clement Kollin, Attorney testified that he represents the estate of the decedent. He said he wanted to address the board and state in no uncertain terms that the board has indicated that it has denied a request of a funeral home because it was in a residential area but this particular request by St. John's Funeral Home is between two church groups and by the way they are very nice church groups also and if anything he has never seen anything from an architectural point of view that looked like an outhouse, it is a benefit to the community in the long run and he understands that this use the way it is, the history of this property being what it is, it has been changed a number of times by the board but be that as it may he just wanted to state further that at the present time the estate has tried to sell the property to restaurant people and he can tell you unequivocally that banks at the present time are not throwing money at people who are going into restaurant businesses and from an economic point of view he believes that this would be a benefit to the township of Bainbridge and the township would derive a good deal of income from it. He thanked the board.

Mr. Lamanna asked how long the property has actively been marketed.

Mr. Kollin said it has been marketed ever since Mr. Kofol was killed in the accident. He said Mr. Kofol resided in Hinckley, Ohio and the estate is in the Medina County court.

Mr. Lamanna asked how long that has been.

Mr. Kollin said two years and he is serious when he says this is the biggest problem that they have in handling properties of this nature, our economy is such that banks are not exactly throwing money at investors and he honestly believes in the long run, in his opinion, St. John's Funeral Home, it appears as though they have a wonderful reputation, they would run in his opinion a very good operation, thank you.

Mr. Charles St. John said his only comment is when you are talking about the value of property we estimate to purchase and make this property feasible for a full funeral service. He said it will cost a million and one half so now you have the property worth a million and one half which he thinks is significant and he can't see how that will pull down the value of homes although he is not in real estate so he does not know but he thinks it is important that everyone realizes what this whole project will cost us when we open.

Mr. Matasar said with all due respect for the gentleman sitting in front of him he respects that he wants to see the estate of the decedent closed and get the beneficiaries paid out and sell this property and get this albatross off his back but you want to put it out to the facts of the zoning code in determining whether or not to permit this fundamental and substantial change to the nature of the use of the property.

Ms. Elgazar said with all due respect for this area a million and one half, across the street, every property, you have 68 – 69 homes each on average is a million dollar home that are going to go down maybe \$100,000 at least if not more.

Mr. Lamanna asked Ms. Elgazar if she is in real estate and if she is an appraiser.

Ms. Elgazar said she is an owner.

Mr. Lamanna said you can't speak to that, if we have to address that issue we would have to get an expert in here to speak to the issue.

Ms. Elgazar said that is fine.

Mr. Lamanna said your opinion is not an expert opinion.

Ms. Elgazar said it is how much she paid for it and how much it is costing her.

Mr. Lamanna said how much your property may be affected by this being a funeral home is something that can only be determined, so if that remains an issue here we will give you a chance to bring in expert testimony to address that issue. He said he would give both parties a chance to bring in expert testimony.

Mr. Cinadr said he thinks in this economy that if this doesn't go forward we could be looking at that empty building for five years and as the gentleman said the banks don't want to take and put money out for restaurants.

Mr. Lamanna said yes but unfortunately that is not really at this point in time the board's consideration. He said if five years from now they have not been able to sell it as a restaurant, then there are going to be other issues to address and at some point in time if they can't use it for a restaurant then you do have issues on a use variance if you can't make productive use of the property the way it is configured.

Mr. Cinadr said so in the meantime we will have an abandoned building.

Mr. Lamanna said unfortunately that could be the way it ends up. He said the board has to approach this and make a ruling based upon the facts presented before us and what the statute says, we can't just sit and say we think it would be nice to have this particular business in Bainbridge, that is really not the standard upon which we review this, we have to look at what is the impact of the proposed business as compared to the prior business and whether they are consistent with one another or not. He said obviously this is not a simple and easy decision to make. He said he doesn't think there will be an increase in noise from a funeral home over a restaurant, there is not going to be an increase in pollution because whatever little bit might come out from the activities going on there it is nothing compared to what comes out of a restaurant where they are cooking and exhaust fans and there are constant food odors coming out of a restaurant. He said with the traffic it is very hard to say, we could look at having a traffic study done but his guess is based upon previous traffic studies that have been done for properties is that there is probably very little impact from this business either way because what you find is most of these traffic studies on highly used roads like Rt. 306 requires something major to affect the level of service on the highway or create any significant issues. He said it is possible that the board could look at having at least a preliminary study done if they want to continue forward to see whether or not it is likely there will be any traffic impact from it but from lots of applications the board has handled up and down the Rt. 306 corridor where there have been traffic studies done what you find out is that there is very little impact from most circumstances and if you look at the way they do them you need a pretty high volume large property before it starts to have anything that a traffic engineer is going to tell you is an impact on the level of service if it is significant enough for anybody to consider. He said that he does not think it is going to be an issue but to him there may be an issue with the number of persons using the property because it is very hard to tell there so what he would like is for the applicant to go back and provide the board with some more information on what they think the use would be by looking at records based on where they are now and the historical patterns of use, what would be the average weekly number of events and the number of people so the board can look at some hard and fast numbers. He said the board can look at it if it was a restaurant and doing a regular business we can get an idea to compare the two together and see whether it looks like we are making a big change here or not.

Mr. Lamanna continued by saying he is still struggling with the kind and character because it is difficult to compare these types of businesses and in some ways yes they are both providing a service to people, people come in to get a service, they come in and they are there for a certain period of time and then they leave and typically it is not like they are a regular retail business where people come to a drug store and run in for five minutes and they are back out the front door with their purchase, typically people go in and stay one-half hour to an hour and it is somewhat similar to if you would have a meal in a fast turn-over restaurant as compared to a Subway where people drive up and you are in and out in two minutes if the line is not too long so the board has to look at that aspect of it again and the issue has been raised about whether or not this has an effect on property values, he does not know, that is only something that can be addressed by someone who has expertise in this area. He said the applicant will have an opportunity to bring in an expert in real estate appraisal or evaluation to deal with that issue in this case and the interested residents will have an opportunity to do that. He said the board can table this to the next meeting so there will be an opportunity to address those issues and to look at the issue on the traffic study, he is not saying to do a traffic study but talk to somebody about it to see if it makes sense to be doing a traffic study for this type of facility and we may ask our zoning inspector to do some of his own investigation on that but he is just not sure that asking somebody to do a traffic study in this case makes sense but people may say there may be something here.

Mr. Gutoskey suggested maybe just a trip generation study, just look at the two different uses and see what the trip generation would be.

Mr. Lamanna said that probably would be sufficient to give the board enough information to deal with the traffic issues. He said again he would like to have an idea on total usage averaged during the week looking over a year, what would typically be the average high-low situation and if other interested parties would raise the question, they certainly have the opportunity to come back and present testimony that supports their position as well and then we can evaluate this and if anybody is interested it is section 165.09 from the Bainbridge zoning code and it is available on-line on the township's website.

Mr. Charles St. John said coming to the next meeting we will be discussing the issues that were brought up, the traffic, the valuation of homes and the usage only. We are not going to talk about who supports it and does not support it and start all over with that.

Mr. Lamanna said what ever has been presented and is on the record does not have to be recapitulated unless somebody has something absolutely new that develops between now and our next meeting that was not available this time, we are not going to open up other points that we already looked at and discussed here tonight and we are not going to revisit all of this again.

Mr. Charles St. John said we know what we need to do.

Mr. Lamanna said new things may come and we will look at those issues and take all of the information and put them into the standards that he discussed here.

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

Motion BZA 2012-4 – 16381 Chillicothe Road (St. John Funeral Home)

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held April 19, 2012.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Since there was no further testimony, the public hearing was closed at 8:56 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: April 19, 2012

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2012

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:56 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the February 16, 2012 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Applications for April 19, 2012

Application 2012-4 by St. John Funeral Home for property at 16381 Chillicothe Road - Continuance

The applicant is requesting a use variance for the purpose of establishing a funeral home. The property is located in a R-5A District.

Application 2012-6 by Motorola c/o City of Cleveland, Ohio for property at 16780 Savage Road – Geauga Park District (Gauga County Sheriff Communications Facility (Radio Tower))

The applicant is requesting a conditional use permit and variance for the purpose of adding an equipment shelter and antenna/line co-location for the City of Cleveland, Ohio. The property is located in a PPP (Passive Public Park) District.

Application 2012-7 by Dennis Barba for property at 8699 Chase Drive

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

Application 2012-8 by Cynthia J. Vasu for property at 7290 Ober Lane

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

Application 2012-9 by Anthony Paskevich & Associates/Al Klauss for Katie & Mike Fox for property at 8394 Lucerne Drive

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for April 19, 2012 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

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

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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