

Bainbridge Township, Ohio  
Board of Zoning Appeals  
March 17, 2016

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2016-5 by Tim Roach for property at 7045 N. Aurora Road - Continuance

The applicant is requesting a substitution of a nonconforming use for the purpose of mulch, plant, nursery and outdoor furniture sales. The property is located in the MUP District.

Ms. Karen Endres, Zoning Inspector testified that Mr. Roach was supposed to be here tonight to show the board his site plan.

Mr. Lamanna asked if there were any issues with the site plan because the board had said that if no issues came up then he didn't really have to come back.

Ms. Endres said he doesn't have the percentages calculated regarding lot coverage. She said at one point the board granted a lot coverage variance for his property so he needs to do a better job in determining how much is green space and how much is lot coverage.

Mr. Lamanna advised Ms. Endres to send the site plan back to the applicant.

Mr. Murphy said and including a landscape plan to show what is planted lawn because right now the site plan shows that the whole thing is a parking lot. He said he feels the site plan is not sufficient.

Mr. Lamanna said if he comes back in and meets the requirements in the board's decision then he doesn't need to come back but if there is something that he cannot meet he will need to come back.

Ms. Endres said she had some questions about it and she wanted the board to look at it to see if you have any questions or concerns.

Mr. Murphy said it is insufficient at this point.

Ms. Endres said she will let him know and added that she left him a message that he should show up tonight so he could still come.

Mr. Lamanna said if he does come in the application can be continued.

Application 2016-6 by 422 Company LTD/Golf Dome Ltd. for property at 8200 Washington Street

The applicant is requesting a review and renewal of an existing conditional use permit for a movie theater, indoor golf driving range, outdoor miniature golf course, soccer training fields and expansion of use of the baseball fields. The property is located in a CB District.

Mr. Lamanna asked if there are any issues.

Mr. Jared Flynn and Mr. Kyle Blumenthal were present to represent this application.

Mr. Flynn testified that he is wearing multiple hats tonight, he is representing the 422 Company and Golf Dome, he is an attorney at Thrasher, Dinsmore and Dolan and his night job is a coach for several baseball teams and soccer teams and he has three boys that are on various teams. He said with him is Mr. Kyle Blumenthal who is the General Manager at the Golf Dome property so he reached out to the Golf Dome when he became the head coach of the travel baseball team for Kenston, they have two teams so they were looking for field space and he coached his older son's team in the past and finding a field in Bainbridge or Auburn is always difficult especially with the weather to have a dedicated field so the two 9U teams were looking for a place to hold their home games. He said he reached out to Mr. Dolan and started talking to Mr. Blumenthal and they have this great little field in the back of the Golf Dome and said sure they would love for them to be able to use it and they were working through it and then realized it was only for practice and the conditional use permit is for practice only so they want to run through the proper channels so he called Ms. Endres up and asked what he needed to do to expand the use beyond just practices and she mentioned to him that after the conditional use permits were granted for the golf dome and for the batting cages, Bainbridge put in a provision that every two to five years it had to go through a renewal so they decided to just package it all up together and get the entire property in for renewal and they are really just seeking an expansion to allow the use at that field. He said the field is very small and it cannot be used for anything other than 9U and 10U baseball and that is where they have the need because they have this great turnout of kids but the reality is because of the fence size and the base in-field size it can't be used for anything else, it is a perfect little field for kids but no one at the high school level nor at the middle school would want to use it. He said he provided an application with some pictures and that is the extent of it, there are batting cages back there, putt-putt and the Golf Dome and those are all under a conditional use permit and he thinks the notice indicated the theater but he believes it is a permitted use and he doesn't believe it is part of the CUP but otherwise it is a review of that and a minor expansion to allow baseball games on that field.

Mr. Gutoskey asked what else is in the back besides the field, is it a soccer field.

Mr. Blumenthal said yes that is correct there is a soccer cage, a scaled down version of a soccer field.

Mr. Gutoskey asked what other uses are there west of the ballfield.

Mr. Flynn said mostly drainage.

Mr. Blumenthal said it is all drainage.

Mr. Gutoskey asked if there have been any problems with the property.

Ms. Endres said she has had no complaints. She said at one point there was a drainage issue a couple of years ago but she assumes it was resolved, the property owners are not close by but it was on E. Washington Street.

Mr. Murphy asked if they are asking for nighttime and lights.

Mr. Flynn said no lights, nothing changes.

Mr. Murphy said so the only thing changing is the wording from practice fields to game fields. He asked if there are any issues with the renewal of this application.

Ms. Endres said awhile back there was an event planned there and they had signs posted all over the township and it was a film studio or film production, something was going on.

Mr. Blumenthal said it sounds like it was at the cinema and there were a lot of vehicles, he wasn't actually involved in that, he just represents the Golf Dome but he does remember that for a period of about five or six hours and what he heard is they were doing a part of a LeBron James movie.

Mr. Flynn said they closed some of the theaters and used it for staging so he believes that is what happened.

Ms. Endres suggested that when special events happen they shouldn't take liberty to post temporary signage in the road right-of-way.

Mr. Murphy asked if there is anybody here that wants to talk about this.

Ms. Endres said her concern is to make sure there is adequate parking, she knows that parents don't typically sit and watch their kids practice but parents like to go watch their kids play so there probably is plenty of parking but that is the only question she would ask.

Mr. Flynn said there is a lot of parking especially with the theater and there is no longer the Timberfire so there is plenty of parking there.

Mr. Gutoskey said he doesn't have a problem with this because it is so far removed.

Mr. Lamanna said if you keep it limited to kids under twelve or fourteen, the biggest problem is with something like this if you start having adult leagues.

Mr. Flynn said if you want to say twelve and under.

Mr. DeWater said he went up there and looked at the fields and they are pretty small.

Mr. Lamanna said they could make it larger.

Mr. Flynn said his older son doesn't play games there.

Mr. DeWater said the whole site is pretty clean, he did not see any litter.

Mr. Lamanna swore in Ms. Kate Jacob and Mr. and Mrs. Mark Nelson.

Ms. Kate Jacob of 16565 Wren Road testified that she lives in a condo and it is the building that is the farthest west and north and she has a couple of questions in terms of the use of the fields. She would like to know the times they will be used as well as the volume and if there will be substantially a lot more activity there because it is quite loud, it is moving east between that property and the condos, they can hear conversations which is fine, it is not terrible but she is just worried if there is an increase in use, if it is any more in terms of noise and volume, they will be making complaints regarding a little bit much so she would like that to be taken into consideration, it might not look like it affects anyone but it does affect the Wren Road residents and she would like the board to take that into consideration.

Mr. Lamanna said this is a commercial district.

Ms. Jacob said she understands.

Mr. Lamanna said there certainly is an allowance for a little bit more noise than there would be if it was a purely residential district.

Ms. Jacob said she is not saying there shouldn't be any noise but she thought the board would also protect the residents as well.

Mr. Gutoskey asked how many times this will be used per week and what time of the year from when to when.

Mr. Flynn said you are looking at northeast Ohio so their season runs from April to the end of June, they don't do fall ball or anything at that age so he can't imagine it will be used beyond June or July at the latest. He said the Golf Dome itself runs their camps throughout the summer obviously and that goes on until school starts.

Mr. Blumenthal said the second week of August is when those would end.

Mr. Gutoskey said you will still have baseball clinics there so the only thing that would be added for the use is for the U9 and U10 maybe from April to the end of June.

Mr. Flynn said maybe July 4<sup>th</sup>.

Mr. Murphy said you probably get some noise from the putt-putt course as much as anything.

Ms. Jacob said actually it is more from the baseball bats, the batting cages and the kids screaming. She asked what the hours will be.

Mr. Flynn said the games will go from 5:30 – 8:30 PM and games run two hours and obviously without daylight you don't have games going on but 8:30 PM is usually the latest, there are no lights and those batting cages are open until 10:00 PM and the putt-putt is open until 11:00 PM so with no lights we are limited to 8:30 PM or dusk. He said the field does sit obviously behind those other features, Wembley is almost the same distance and there are loud crowds there and they have swimming and paddle tennis.

Mr. Blumenthal said they are never closed.

Mr. Flynn said he can't say by having a few more people back there at night there won't be any noise but it is going to be very reasonable with respect to the use of this family entertainment property and it is in a commercial district so he doesn't think it is going to be significant at all.

Ms. Jacob said she is not concerned just for herself there are elderly residents around there so if you could pass something on the timing.

Mr. Lamanna said it is done at dusk so the latest they could feasibly use something like that is probably about 9:00 PM because even though it is not totally dark it is dark enough that you can't be playing baseball or somebody would get hurt because you can't see the ball.

Mr. Flynn said there are very few games where they approach 9:00 PM.

Ms. Jacob asked how it works in terms of are they going to be given a blank check to have games now or are they going to have very strict conditions.

Mr. Lamanna said we are not going to change the nighttime use, the only expansion we are talking about here is we are going to allow children under 12 to play games there as well as just practice so that is not going to change the ball noise, the general people yelling and talking and that sort of thing, the only increase is going to be possibly from some additional parents there who are making maybe a little bit more noise but generally at that level it doesn't tend to be an issue, he would start worrying more with the older kids because that is where it starts to get a lot louder.

Mr. Murphy asked Ms. Jacob how many years she has lived there.

Ms. Jacob said three years but her family has owned the property for about seven years.

Mr. Murphy said the practice fields were approved in 2001 so for 15 years now they have been having practice games there so there may have been some of the games you have heard or not heard depending on what happened there so they are coming in and asking for a renewal and they have to get reapproved every five years and so should we approve this, it is not a blank check, and you could always come in and complain that it has changed drastically but the next logical place to re-look at that would be five years from now if it seriously inflicted sonic pain on the neighbors so that is how it would technically carry out if we approve it tonight, he doesn't think it is a blank check, it is a business district but they are asking for some extra conditional uses on top of that so that is what we are asked to keep an eye on.

Mr. Lewis said when you have practices, even if you are not playing an opposing team, part of practice is almost splitting into different groups after you have done your pitching, catching field warm-ups, batting etc. you are having a pseudo scrimmage almost a short-fielded mini-game anyway so the amount of ball striking or kids out on the field in play doesn't seem to change a lot between a practice scrimmage versus a game particularly with these young guys.

Mr. Flynn said the activity doesn't change other than they have uniforms now and they may have Chagrin Falls come in with more parents that stay around, some parents are at the practices but we will have a few more for games but the activity is the same. He said they hit the ball a lot less in games than they do at practices.

Mr. Lewis said what you may also be hearing is there are 8 or 10 batting cages.

Mr. Lamanna said the sound of a ball with an aluminum bat carries and that is the problem that people have with sound is the difference between what you can perceive, you can hear the sound but if you actually measured that sound you would be hard-pressed to even register it on a sound meter.

Ms. Jacob said she is concerned about the expansion of the sound.

Mr. Lamanna said it is what is reasonable in terms of the total volume of the sound emanating from an outdoor use in a commercial district and none of this is really a loud sound, running go-karts around the track with no mufflers on them would be a totally different story. He said this is a slight expansion of the use but they have already been using it for 15 years and pretty much doing the same thing. He said the worse that is going to happen is there might be a few more people there and there might be occasionally a little bit more of parents yelling or cheering but again baseball is a pretty slow moving game and it tends to be intermittent anyway and even with a practice you have got parents out there and coaches who are yelling and cheering anyway so he does not see that we are adding anything really significant here and again the times of day aren't going to change it is not like this is going to be extended.

Mr. DeWater said the batting cages are open until 11:00 PM so the games are actually two hours shorter.

Mr. Lamanna said this is not going to affect the other uses that do continue on to late in the evening.

Ms. Endres said she was wondering if the soccer fields should be referenced.

Mr. Lamanna said yes it should be.

The board located the soccer fields on the aerial photo.

Mr. Murphy said it is a tennis court size lawn with a soccer net or cage.

Mr. Flynn said it is smaller than a tennis court.

Mr. Blumenthal said it is a little smaller than a tennis court.

Mr. Lamanna said he doesn't think that that was ever covered and asked what the use is for.

Mr. Blumenthal said they use it for their summer camp program and they play dodge ball which is a popular activity and for birthday parties.

Mr. Lamanna said the board will just add that in as being like the baseball fields and allow the same type of use as the baseball fields.

Mr. Flynn said KCE has an adult dodge ball program.

Mr. Lewis asked how the digital sign is and if it is compliant.

Ms. Endres said she didn't go back and look at it but it is something that could be addressed enforcement wise.

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

Motion BZA 2016-6 – 8200 Washington Street (422 Company Ltd./Golf Dome Ltd.)

Mr. Lamanna made a motion to grant the applicant a renewal of the existing conditional use permit with the following modifications regarding the limitations contained in BZA 2001-39.

1. With respect to the paragraph regarding the conditions the board will remove the restriction “regularly scheduled team competition” with respect to activities by children under 12 years of age.
2. The board will also add as a conditional use a fenced in soccer field which is currently existing on the premises located to the east of the baseball field which will also be subject to the same restrictions as they are applicable to the use of the baseball field.
3. This is a renewal, except as specifically modified, for the previous part of this decision.
4. All of the other conditions, restrictions and obligations in prior approvals of the conditional uses on this property and all those generally applicable under the Bainbridge Township zoning ordinance will continue to apply.
5. The board also notes that the applicant should also be in compliance with the signage requirements especially those relating to electronic signs.
6. This conditional use permit will be for a period of five years from the date the board's decision becomes final.

Mr. Lewis seconded the motion.

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

Application 2016-7 by David and Johanna Penzenik for property at 16853 Chillicothe Road

The applicants are requesting an expansion of a nonconforming use for the purpose of constructing a residential storage building. The property is located in PO and CB Districts.

Mr. and Mrs. David Penzenik were present to represent this application.

Mr. Lamanna said this property has an interesting history. He asked if this was purchased from the prior owners who obtained the rezoning of the property or has it gone through more people.



Mr. David Penzenik testified that it was his wife's parents, her parents are older, it went through a trust and now it is in her name.

Mrs. Johanna Penzenik testified that when all of this was going on she lived out of state and added that the Glynos' are her parents.

Mr. Lamanna said the property was never actually divided.

Mrs. Penzenik said no.

Ms. Karen Endres, Zoning Inspector testified that it went through a judgment entry where they came to an agreement that the property could be used part as Professional Office and part Convenience Business. She said the township went through the rezoning per the judgment entry and split it into two zoning districts but Mr. Shaw who was actually a party in this, he never purchased the property and the lot split never happened. She said she talked to him about that recently and she told him if he was ever to acquire this property that she would require him to do the lot split but given the fact that he doesn't own the property, they did not do it.

Mr. Lamanna said the prior owners were parties to that decision and technically they should have made that lot split under that decision.

Ms. Endres said this is one of those things she sent to Ms. Bridey Matheney and she said there was not an opinion to enforce the lot split today.

Mr. Lamanna said it has been twenty plus years later. He explained that there is a judgment entry that as part of doing this rezoning and lot split and the question the township needs to ask is if today they would still want to rezone these properties the same way.

Ms. Endres said she has a suspicion that they probably would want to but before a rezoning the land use plan has to be updated and there is a lot of work involved in changing the zoning map including redoing the land use plan.

Mr. Lamanna said it is possible for the parties to vacate the judgment entry and let the property revert back to what it was but the township still would have to change the zoning but he thinks it could be done on the basis that this zoning was only done to fulfill the requirements of a judgment entry and since the judgment entry has been vacated it would just be returned to the status quo and we wouldn't have to go through the formality like we would if we were doing a rezoning. He said given where we are today, would the township want to change that zoning.

Ms. Endres said the professional office buffer serves the purpose it is supposed to serve by putting a buffer between the next property over which is a residential property so the professional office portion serves the purpose it was meant to serve so she doesn't necessarily think the zoning is inappropriate.

Mr. Lamanna asked if the next property is actually residential or just a vacant lot. He asked the applicants what their long-term interest is in the property.

Mrs. Penzenik said she moved into that house when she was five, moved away and as an adult came back and they love their home but they are looking to build a storage building.

Mr. Murphy asked if this is her residence.

Mrs. Penzenik replied yes.

Mr. Lamanna said the board's question is technically what has happened because of this judgment entry you made your property a nonconforming use in this district so every time you want to do something with your property it means you have to come in and get approval because it is a nonconforming use and technically this was supposed to be divided into two lots 20 years ago and he understands that probably the sale fell through and so it didn't happen but the trouble is you now have a situation that if this is going to stay a residential use then maybe you should consider vacating that judgment entry which you could do now as owner of the property, the successor with an interest to the property and he doesn't think Mr. Shaw has any interest anymore and if he had a contract and once that was over he no longer has an interest. He said one possibility is if you vacate that judgment and the property reverts back to residential any future issue goes away.

Mr. Murphy asked if it actually got split into two properties.

Ms. Endres explained per the aerial photo and said the property is split between two zoning districts.

Mr. Lamanna said that is part of the judgment entry.

Ms. Endres said the rezoning happened so the house is split between PO and CB and the accessory buildings are in the Professional Office District.

Mr. Lamanna said the intent was it was going to be stopped being used as a residential property, they were going to put something up on those two properties and get rid of the house and they signed a judgment entry to basically effectuate that and the whole thing fell through.

Mr. Murphy asked about its legal status.

Ms. Endres said it is legal nonconforming.

Mr. Lamanna said the zoning was changed but now you have the question of whether the township if they want to can go back and ask that it be vacated on the basis that they never carried through with the lot split therefore it should be vacated and if the owners don't really want it to be that way they could go back to the township and ask the court to vacate it and the township could revert the zoning back to what it was and the only reason this change was made was because of the judgment entry and now we are just restoring the vacation of the entry and just going back to what it was and it will be back to a residential property in a residential district and every time you do something you don't have to come in and get a variance.

Mrs. Penzenik said that is something they will have to think through and how much time is that going to take, we want to put a building up and she understands it is a whole other can of worms.

Mr. Lamanna said he is just looking at this for a longer run.

Mrs. Penzenik said it was entered in as a conditional use and asked if this is an unusual thing.

Mr. Lamanna said it is unusual and not unusual, there was litigation over the property so that is the way these things are resolved, it ends up being done as a judgment entry and it is legal but there are aspects of it that it is often used to circumvent zoning and the normal processes of making zoning changes. He said in this case there was an intent that something was going to happen right away and it didn't so now it leaves this very peculiar property with split zoning on it which was never anybody's intent when it was done.

Ms. Endres said they probably should have predicated the zoning based on Mr. Shaw purchasing the property.

Mr. Lamanna said or there should have been a time limit on it such as six months.

Ms. Endres said it is a legal nonconforming lot.

Mr. Lamanna said that was not what was intended.

Mr. Murphy asked if it is nonconforming because they are using it as residential instead of commercial.

Ms. Endres said yes, it is a residential use in a commercial district.

Mr. Murphy asked what the risk is of putting the shed on half of the lot.

Mr. Lamanna said the whole point is we are dealing with this thing because a prior owner basically converted it to a nonconforming use by its own actions and he forced the township to make this a nonconforming use and it is really not even a legal nonconforming use because it was created by his own actions. He said the property owners were parties to the judgment entry so technically he is not sure it is a legal nonconforming use, the township didn't create the nonconforming use, they created it by suing the township.

Mr. Murphy said if it is residential then the board would not have a problem with a residential shed in the back and we could say build the shed and turn it back into residential.

Ms. Endres said the township has to cooperate in that process too even if the property owners go to the trustees and zoning commission and want it rezoned the zoning commission and trustees both have to agree.

Mr. Lamanna said the township could have druthers on whether to turn it back into residential zoning.

Mr. Murphy said our risk here in some ways too is that the 32' x 16' building looks just like a convenience store next week when you put a sign out front and we have allowed that building on that half of the lot that was created 20 years ago and that happens and we don't want to do silly things that have been done before.

Ms. Endres said with the high traffic in that area a residential use from a practical standpoint is a better use because if we have commercial use there it would be an even higher traffic impact.

Mr. Gutoskey said he thinks we all understand that one.

Ms. Endres said the residential use has a much lower traffic impact.

Mr. Lamanna said or the whole thing could be converted to a POD.

Ms. Endres said Cusina Rustica is a commercial business on a residential lot.

Mr. Lamanna said he doesn't think anybody has an issue with the storage building but his worry is this whole property is in a vague state and he doesn't want this board to be taking any action that might prejudice any future position the township might want to take with respect to this property by somebody coming in and saying they want to add to a nonconforming use and the question is, is this really a nonconforming use because it may not be under the current set of circumstances as a nonconforming use.

Mr. Gutoskey said if it was residential the shed would not have been a problem.

Mr. Lamanna said it is nonconforming now that you are putting up this building on a POD lot as an accessory use to a residential occupancy that may or may not be a nonconforming use.

Mr. Gutoskey said if it was a residential lot it is only a 50' side yard setback so you wouldn't even be here.

Ms. Endres said she processed it as if it were professional office district.

Mr. Gutoskey said you have to because that is what zoning it's in.

Mr. Lamanna said they are building on a professional office district property that is not a professional office use.

Mr. Gutoskey said then it is a use variance too.

Mr. Lamanna said that is true.

Ms. Endres said that is why she sent it to the board as an expansion of a nonconforming use.

Mr. Lamanna said he is not willing to say that it is necessarily an existing nonconforming use because of the way this thing came into being. He said he doesn't think anybody has a problem with the storage building.

Mr. Lamanna asked Mr. and Mrs. Nelson if they had any interest in this application.

Mr. Mark Nelson testified that they live across the street at 16870 Chillicothe Road and they are here to support them.

Mr. Lamanna said if this was a residential lot there would be no issue here and his inclination is to say the board will go ahead and approve the storage shed with the understanding that the board's action is not in any way an acknowledgement or a decision that says you actually have a valid nonconforming use because of the nature of the way this was created. He said this structure can only be used as a storage structure in association with the residential occupancy that is occurring on the property, it can't be used for any other purpose, it can't be used for a professional office purpose, it is solely for the residential purpose.

Mr. Gutoskey asked if they will be running a business out of it.

Mr. Lamanna said no it can't be used for any business purposes. He suggested that the applicants talk to Ms. Endres about their long-term plans and what the township might like to do is consider reverting this property back to residential because if it is going to be used as a residence it solves a lot of potential issues and in the future if something is done, if a change is made or another out-building is added it all becomes a question on whether or not you are properly using the property or not. He said it is one of these historical loose ends and now it is coming back to dog us and one of the things we try to do is as these things pop up is to try to get them straightened out so we don't have these tenuous situations hanging out there going on into the future so if we have an opportunity to take care of this and settle it. He asked what the real status of this property is, what is going to happen to it, how is it being used so with that being said that is where he would like to take it from here, the board will act on it, talk to Ms. Endres, she will talk to the township and the zoning commission about what they would like to see happen to it and then we can talk about where it might go from there.

Mr. Murphy said none of that will be really contingent on what we are doing tonight.

Mr. Lamanna said they were planning on tearing the house down and somebody had some plan to do something so it was all laid out for that reason so now you have the situation if somebody did something with a certain thing in mind and didn't go ahead with it now you are stuck with half of what they did and he doesn't want somebody coming back later and try to say the Board of Zoning Appeals did this so therefore they recognized it.

Mr. DeWater referred to the proposed location and said there used to be a barn there.

Mrs. Penzenik replied yes.

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

Motion BZA 2016-7 – 16853 Chillicothe Road

Mr. Lamanna made a motion to grant the applicants a variance for constructing a storage building at the location requested by the applicants in their application which is located in a Professional Office District.

Based on the following findings of fact:

1. The storage building will be limited to the size set forth in the application and will be only used for the purposes of storage that would be normally incidental to a residential use of the property.
2. The property is currently being used for residential purposes with a house that straddles two zoning districts and the subject of a former judgment entry which required the property to be subdivided into two lots that was never done.
3. For the purposes of this decision, the board is not making any ruling or decision with respect to whether or not the current residential use is a pre-existing nonconforming use or any other determination with respect to appropriate uses on this property or with respect to whether or not the owners have complied with any requirements of the applicable judgment entry nor should this decision be considered any waiver of any rights of Bainbridge Township with respect to the judgment entry.

Mr. Lewis seconded the motion.

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

Application 2016-5 by Tim Roach for property at 7045 N. Aurora Road - Continuance

The applicant is requesting a substitution of a nonconforming use for the purpose of mulch, plant, nursery and outdoor furniture sales. The property is located in the MUP District.

Mr. Timothy Roach, Sr. was present to represent this application.

Mr. Lamanna said the site plan that was submitted needs to be redone.

Mr. Roach, Sr. testified by referring to the site plan and explained where the asphalt is located and the grass area.

Ms. Karen Endres, Zoning Inspector testified that she needs a more detailed site plan with measurements because there is a variance on this property that allows for 50% lot coverage but she can't evaluate whether or not there is 50% coverage and 50% greenspace without more information.

Mr. Roach, Sr. explained where the grass is on the property.

Ms. Endres said the AT & T property can't be used for your space.

Mr. Roach, Sr. referred to the site plan and said it is theirs from here over.

Ms. Endres said she needs something that actually shows the real lot lines so there might be a need for a survey.

Mr. Roach, Sr. said the lot goes back and showed where the water is.

Ms. Endres said she appreciates what they have done on the lot and they have done a lot to clean the property up, it is better than it was a year ago.

Mr. Roach, Sr. said he has hauled three trailer loads of stuff out of there already, the stuff sat in the back along the property line and that is all clean and added that he moved all of the bins.

Ms. Endres said that she needs Mr. Roach, Jr. to give her a better site plan and more accurate lot representation showing where the lot lines are and actually delineating the measurements and how much lot coverage there is.

Mr. Lewis said you need to do that so we have the square footage of your parking lot and your building so it can be added all together against the total square footage of your lot and you need to be sure you don't exceed 50%.

Ms. Endres said she needs a new site plan so she can issue the permit.

Mr. Roach, Sr. said he made some phone calls because when it rains you can't go in the right side of the road, so the state guy came out and said there is only one drain and two more drains are needed on the road and they are going to take care of it.

Mr. Lamanna stated that the board kept this application open in case something needs to be addressed and we will do the same thing, just leave the application open.

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



Motion BZA 2016-5 – 7045 Aurora Road

Mr. Lamanna made a motion to continue this application as open pending the applicant's submission of an appropriate site plan that is approved by the zoning inspector.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:12 P.M.

Respectfully submitted,

Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy

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

Date: April 21, 2016

AUDIO RECORDING ON FILE

BZA PH 3/17/2016

-18-

Bainbridge Township, Ohio  
Board of Zoning Appeals  
March 17, 2016

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:12 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the February 18, 2016 with a word change on page four from list to estimate.

Mr. Gutoskey seconded the motion.

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

Applications for Next Month

Application 2016-5 by Tim Roach for property at 7045 N. Aurora Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of mulch, plant, nursery and outdoor furniture sales. The property is located in the MUP District.

Application 2016-8 by Rosemarie Althans for property at 16995 Cats Den Road

The applicant is requesting a modification of a previously granted area variance for the purpose of constructing a detached garage. The property is located in a R-5A District.

Application 2016-9 by Dr. Caleb Chou, The Church in Solon for property at 7765 Country Lane

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-5A District.

Application 2016-10 by Kelly & James Smith for property at 17383 Snyder Road

The applicant is requesting area variance(s) for the purpose of installing an above-ground swimming pool. The property is located in a R-5A District.

Application 2016-11 by Hunter M. Walter for property at 7033 Cedar Street

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

Since there was no further business, the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy

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

Date: April 21, 2016