

Bainbridge Township, Ohio
Board of Zoning Appeals
March 20, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:00 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Joseph Gutoskey, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Jason Maglietta, Alternate. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lewis 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 and noted the procedures of the meeting that were posted.

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) - Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Mr. Lewis noted that the applicant has requested that this application be postponed until next month's meeting. He also stated that there is an individual that had made a request to comment but is not present so in lieu of that he will make a motion to postpone this application until next month.

Motion BZA 2014-4 – 8745 Tanglewood Trail (Rt. 306 across from Lake Lucerne Drive)

Mr. Lewis made a motion to postpone this application to the next regularly scheduled meeting to be held April 17, 2014.

Mr. Murphy seconded the motion.

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

Application 2014-9 by Kurtz Bros. Inc. for property at 7045 Aurora Road

The applicant is requesting area variance(s) for the purpose of increasing the number of bins on site for outdoor storage. The property is located in a CR District.

Mr. Lewis stated that the board has been advised by this applicant they are withdrawing their application and are not going to proceed with occupying that particular property.

Motion BZA 2014-9 – 7045 Aurora Road

Mr. Lewis made a motion to dismiss this application at the request of the applicant.

Mr. Murphy seconded the motion that passed unanimously.

Application 2014-8 by Waterway Gas & Wash Company for property at 7010 N. Aurora Road

The applicant is requesting a modification and renewal of an existing conditional use permit for the purpose of modifying the existing Waterway site (gas station and carwash). The property is located in a CR District.

Mr. Mark Belmont and Mr. Tyler Malevich were present to present this application.

Mr. Belmont of CESO testified that he is the engineer on this project and has worked extensively with Waterway but the main reason for them to be here today is to add a second lane into the carwash area and this will allow for more stacking and an operational advantage for Waterway as well as better internal circulation for the site. He said during busy times the cars will stack up and referred to the site plan and explained per the GIS aerial photo the location of the entrance into the carwash. He said if you back up here, you lose your circulation and they want it for safety reasons and they want to be able to serve their customers well. He said previously when they came in to do this they asked to increase the impervious area which is he believes the main reason that the board denied their request. He said the shopping center, when it was first built, had a lot of unique conditions to it and green space requirements based on that. He said what they are actually doing in this point in time, they are trying to basically trade off some of the paved area they have now and in fact they will end up with just a very minor increase in green space and slightly less impervious area. He said for the areas that you see that are on this drawing that are in green will become grass areas and the areas that are red will be new pavement. He referred to the site plan and said one of the other considerations of this is the parking code and per the parking code they feel that they meet the intent of the parking code with the number of spaces required of 27 parking spaces and they have 28 parking spaces if you assume the parking spaces at the dispensers are counted into that total. He said he works with a lot of gas stations and codes and it is commonly accepted by townships because of the fact that those are customers using their stores, nobody pulls up after they fuel up to go get their cup of coffee, they walk up from there and use that as a parking stall.

Mr. Belmont continued by saying during their busier times they do have a large amount of staff because of the store this size, they typically have 15 staff members but they park over at Home Depot which they have a shared parking agreement throughout the shopping center and that is how they have always operated, no staff is to park on the Waterway property with the exception of their opening and closing cashiers that they park there when it is dark for safety reasons and it is their non-peak times as well so that way they won't have to walk out and around behind the building when it is dark but it is that one employee that utilizes that. He asked the board members if they have any questions.

Mr. Lewis stated that he doesn't have any questions on the lot coverage or on the parking but he does have a question on the other rendering that has been provided and for some stands and signage and he doesn't know if that is part of what the application was for.

Ms. Karen Endres, Zoning Inspector testified that it was with the original but she hasn't ruled on signage or the kiosks and that would be with part of the application for the driveway expansion.

Mr. Lewis said we need to go back and look at what their sign calculations are already.

Ms. Endres said she is not approving signage with this application and she has considered the directional signs, if they are smaller than 3 sq. ft. they will not require a permit, it will require an application but will be issued an exemption if they are 3 sq. ft. or smaller.

Mr. Lewis asked about the ground sign.

Ms. Endres said we will have to talk about that, it will be a future conversation.

Mr. Belmont said as part of the site plan where they have the green and the red there is a little white spot which will actually be the dumpster. He referred to the site plan and said it currently sits back here, it is enclosed with brick walls that were previously approved when this was built. He said obviously as they are making the green space they need to move it, it is probably in their best interest and the township's that they would like to duplicate what is there, it matches their building, it is nice, it is brick, it is screened so they have no intention of changing anything like that.

Mr. Maglietta said but in doing that though you are losing those two parking spaces there.

Mr. Belmont said correct.

The board discussed the proposed parking spaces.

Mr. Murphy said that your (Mr. Belmont) argument would be that there are not 28 people that need to come inside the building at any particular time to buy donuts.

Mr. Belmont replied no.

Mr. Murphy asked if the board gave a variance for that to begin with.

Mr. Gutoskey said according to the old minutes it looked like because of how this site is viewed that it was suitable or usable with the Home Depot spaces as parking.

Mr. Belmont referred to the latest conditional use permit.

Ms. Endres said it is good through February 2015 and will expire in less than one year.

Mr. Belmont asked how long the board can renew one for if they were coming in for the first time.

Ms. Endres said the board has the option for a five year period.

Mr. Belmont said he was wondering in the interest of everyone's time if they could extend that as part of this approval tonight if the board finds this is something that could be approved but if not it is fine.

Mr. Olivier said one problem he would have with that is that the board has not served notice that the conditional use permit is up for renewal so the people that might come to question or have issues aren't present tonight.

Mr. Belmont said he understands.

Mr. Gutoskey said another thing too with the change the board may want to see how it works out before next year, if there is an issue etc.

Mr. Belmont said he figured he would just throw it out there for conversation.

Mr. Murphy asked if the driveway is being expanded at the exit or really just kind of adding grass on one side and paving on the other.

Mr. Belmont said it is more of a re-alignment and they are also shifting it in this direction, that is a 15' wide driveway now and it just makes a more direct movement.

Mr. Olivier said so they are just pushing straight out as opposed to turning it a little bit.

Mr. Belmont said correct.

Mr. Maglietta said that is to accommodate the ride-thru express.

Mr. Tyler Malevich testified that they will go straight out to the road.

Mr. Murphy said at the kiosk he looks like he can pull up there, put his credit card in and buy a wash and go through.

Mr. Malevich said that is exactly what it is for and at busy times both can be used for the full-service car wash part of it.

Mr. Olivier asked if they plan on operating that as a self-service after normal hours.

Mr. Malevich said no, only during normal hours.

Mr. Lewis closed the public hearing portion of this application and asked for comments from the board. He asked if there are any outstanding compliance issues on the site.

Ms. Endres said no they are in good shape and added that they will need a permit for the drive-thru signs.

Mr. Murphy asked how close they are with the original site with the impervious paving etc. on the site, is it right up to the max or was it over for green space.

Ms. Endres said a variance was granted several years ago for more than 40% lot coverage and what they are applying for right now will actually provide for approximately 90 - 95 sq. ft. of green space.

Mr. Murphy asked if 40% was part of the limit because of the out-lot regulations of that development, were we limited because of that being an out-lot or one of the sublots of the big shopping center.

Mr. Belmont said that he and Ms. Endres tried to piece through this.

Ms. Endres said they found on the development plan there was a cap on the lot coverage so it was less than 40%.

Mr. Lewis said now they deemed that one parcel occupant couldn't go to 80% which would still in the aggregate total of the entire shopping center not put it over but the last guy to build on a lot would have to do it on about 5% because everybody else would have used it up so they put an arbitrary cap on each site location in the main development.

Ms. Endres said some of the outparcels have size specific lot coverage rather than a 40% coverage and the balance of the lots, the Flower Factory, Target are under control by one property owner and he is kind of the keeper of the green space and that is one of the reasons Waterway is here and said the property owner is unwilling to give Waterway any more green space than what was originally allocated.

Mr. Murphy said you are giving up a sidewalk along the side of the building and asked if that does not function or nobody really uses that.

Mr. Malevich said it goes through from the carwash entrance to just to the front of the building and honestly nobody really uses that, maybe to walk their dog around or something like that.

Mr. Murphy asked how people, when they get out of their cars, get into the building.

Mr. Malevich said there is a door right there on that concrete pad that they utilize. He explained the paved areas and sidewalk per the site plan.

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

Motion BZA 2014-8 -7010 N. Aurora Road (Waterway Gas & Wash Company)

Mr. Lewis made a motion to grant the modification of the existing conditional use permit as follows:

1. The proposed site changes are to create a dual lane entry into the carwash itself according to Exhibit A submitted by the applicant.
2. The modification of the exit out onto the main road by shifting green to paved of almost equal value to basically relocate the curb cut.
3. Deleting a few parking spaces with the understanding that there is still adequate parking on the property including at the drying stations when the cars exit the carwash and the notation that any overflow and designated employee parking is at the adjacent property under a cooperative agreement with Home Depot.
4. As far as the entry kiosk kind of lane designators in going into the carwash they are fine as located and the directional signage on those as long as they are kept within the standards and sizes are fine and permitted and would have to be submitted and worked out with the Zoning Inspector on that.
5. As far as the proposed ground sign, adjacent to that, the applicant will have to address that in a future meeting through standard procedures.
6. The board notes that with the shifting of green space and paved areas and the adjustments to the site the applicant is picking up 95 sq. ft. more green space.

Motion BZA 2014-8 – 7010 N. Aurora Road (Waterway Gas & Wash Company) - Continued

Based on the following findings of fact:

1. These modifications are consistent with the original parameter set on the site from lot coverage to parking.
2. There is no fundamental change in the use of the property and the business conducted there.

Mr. Murphy seconded the motion.

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

Application 2014-10 by New Creation Builders for Ed Lennon for property at 19025 Brewster Road

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

Ms. Diane Bija of New Creation Builders and Mr. and Mrs. Ed Lennon were present to represent this application.

Ms. Bija testified that Ms. Endres is a blessing, she has been wonderful and she would like to apologize for the crude layout of the plot plan, they tried to get a digital over to the township and had several malfunctions via email so she does apologize.

Mr. Gutoskey asked if they are replacing an existing structure on the lot with this.

Ms. Bija said there is a carport where this is going and the carport is moving to the neighbor's yard and then there is a small shed behind it which is coming down so this will actually be replacing two and providing storage and parking space in one area. She referred to the GIS aerial photo and said this structure right here is where the garage is going to go and right behind it is a temporary shed and that temporary shed is located right about there and is coming down so they will be pulling in their driveway and into the enclosed garage that they are proposing instead of an open-air carport that is standing there now which is also a temporary structure.

Mr. Olivier asked if the carport was ever permitted.

Ms. Bija said she is not sure and when they tried to look it up they couldn't find it but she thinks because it was temporary they thought possibly that they didn't need it and she is not sure it may have been there when they bought the house. She added that there was no foundation laid for that carport, it was already existing so it is just an aluminum canvass covered thing.

Mr. Murphy asked if there is a concrete slab.

Ms. Bija referred to the site plan and the driveway and said they would be adding a little bit of the foundation.

Mr. Murphy asked if there is concrete under the carport.

Ms. Bija replied yes.

Mr. Olivier asked if the back edge of that carport is concrete.

Ms. Bija said yes, there is concrete to the back edge of the carport and from here to here is the 29 point something feet instead of the 50' that you are requesting so they would be putting it so they can drive right up their driveway and into the same location. She said the concrete that is there right now, part of that will be used as the apron to the new building.

Mr. Olivier asked if the new building is coming closer to the side yard than the existing carport.

Ms. Bija said no.

Mr. Olivier said it looks like the driveway is closer.

Ms. Bija said it is going to be right here (she referred to the GIS aerial photo). She said the carport is probably 16' x 18' and not the 20' x 30' that they are building.

Mr. Maglietta said it looks like the concrete is a lot wider than the carport, more than 2'.

Ms. Bija referred to the GIS aerial photo and said it is going in this direction, not this direction so they are not trying to bring it any closer to the off-set and they will be actually starting where the concrete is originally going back, they are already at 29 some feet so they are not trying to come any closer.

Mr. Murphy said you are doing a 20' x 30' with a 12' shed on the side.

Ms. Bija said it is an open air patio.

Mr. Murphy said on the concrete floor.

Ms. Bija said yes but no walls.

Mr. Maglietta said it is a lean-to.

Ms. Bija said yes a lean-to.

Mr. Murphy said it is not really a 20' x 30'.

Mr. Olivier asked if it is going away from the side yard.

Ms. Bija said yes, everything is going away from the sideline. She said actually what they are proposing will be a lot better, not that there is an eyesore there now, but it would be a more permanent structure and aesthetic for the property and she thinks that should be important.

Mr. Maglietta asked what the purpose is of having a garage door on the front and back.

Mr. Ed Lennon testified that the front of the garage will be a single garage door to park his Corvette in the wintertime and the back door will be a much smaller door to bring their garden tractors in and out.

Mr. Maglietta referred to the site plan and asked if this is where the lean-to is going to be and this is facing the house.

Ms. Bija said exactly.

Mr. Lewis said he understands that there are actually two parcels here.

Mr. Lennon said yes, when they were building, ConDev had to shift some of the properties up and then somebody forgot that the first 20' from the centerline of the road out that their property was owned by the township so they had to add on a second part of land on the back of all of theirs to the east.

Mrs. Diane Lennon testified that what you see is where it looks like the driveway is wider, it is just kind of a turnaround when you back out of the garage and it is only as wide as the carport and that is the part that is going into the new garage so that concrete is not as wide as the whole section, it narrows back down.

Ms. Endres said she understands the Lennons know where their pins are so they were able to establish the site plan based on actual survey pins on the property.

Ms. Bija said she actually went out and walked it to take the measurements and explained the property line.

Mr. Lewis asked what is between the side of the existing structure and your side property yard now, the type of vegetation and trees.

Mr. Lennon explained that there is grass and by the old wooden shed that has been up there for several years, there are trees and weeds etc. but grass will be planted.

Mr. Lewis said getting back to this two-parcel thing, he would like to see those two parcels joined and you own them both, the small back strip is not buildable but there is another thing that kind of hinges into this is that our lot coverage restrictions are at 10% and joining that parcel in means that you are at 9.4% and the board doesn't need to consider a variance for excessive lot coverage which in this particular case is not a practical difficulty to you (Lennons) because you own the other adjacent parcel so one of the things he thinks the board is going to be after is into any motion is going to be a requirement to have that taken care of which is some pretty basic filings that you as a property owner can do in Chardon.

Ms. Bija said and if she is not correct she knows in Cuyahoga County once a permit is granted and depending on the time lapse of the department joining them, in Cuyahoga County they give a year or two to complete the joining of the properties and asked if that is the same here in Geauga County.

Mr. Lewis said he is not really sure.

Ms. Endres asked Mr. Lewis is he is talking about the Affidavit of Fact or lot consolidation.

Mr. Lewis said lot consolidation and he is basically going to want to see some kind of proof of execution on that before building starts as it is kind of a hinge-pin prerequisite because if you start building before you have done the lot joining you are actually going to be in violation of lot coverage and things cascade the wrong direction.

Ms. Bija said not a problem, she will take care of that for them and she will make application for that in the next ten days.

Mr. Lewis said he was also looking to see if moving from 50' from the side yard to 29' 1" then he realized that there is something that is existing now, a carport.

Mr. Lennon said yes a carport.

Mr. Lewis asked how big the carport is.

Mr. Lennon said it is 18' x 12'.

Mr. Lewis said around 300 sq. ft.

Mr. Lennon replied yes.

Mr. Lewis said this structure will be double that size and solid wall and he is looking at this wall (he showed of rendering of what was submitted), it is a very long wall of side, 29' off of the property line adjacent to another residential dwelling and that was one of things they were starting to talk about is what kind of permanent vegetation was there and he really would like to hear from the board as far as screening or any thoughts that the board would have.

Mr. Maglietta said he would also like to see maybe another window there that gives it more of a finished home look especially in the wintertime.

Mr. Lennon asked if the board is referring to the neighbor's side.

Mr. Maglietta said yes.

Ms. Bija said they could do double windows and put shutters on either side and kind of bring it in and make it look more homey and that is not a problem.

Mr. Maglietta said it looks like there may be some small brush there.

Mr. Lennon said there is grass on the left side and around the back are weeds.

Mr. Maglietta said so maybe something to break that up as well like some nice 3' shrubberies etc.

Mrs. Lennon said the neighbors do have a border.

Mr. Maglietta asked if it is very difficult from the neighbor's house to see if the lean-to is very visible.

Mr. Lennon said they can see it but that is the garage side of their house and for the back there is a shed that looks like it is on the property and that will actually be hiding some of this new garage.

Mr. Maglietta asked how that shed will be blocking it if it is way back there.

Mr. Lennon said the back part of the garage may be next to their shed, he does not know.

Mr. Olivier asked if there is a living area on their bump out of their house there that is facing the garage.

Mr. Lennon explained the neighbor's garage and the place where he parks his truck and showed where the porch is and added from that they would see it.

Mr. Olivier said maybe some evergreens or something that will screen the back view when they are sitting out there trying to enjoy their backyard.

Mr. Lennon replied yes.

Mr. Olivier said some arborvitae or something that would grow if it is a shady area.

Ms. Bija said she would be happy to do a mock-up of the shrubbery and how they aesthetically do that and submit it to you tomorrow via fax.

Mr. Lewis said to send it to our zoning inspector.

Ms. Bija replied okay.

Mr. Olivier said the neighbors are not here he is assuming.

Mrs. Lennon said actually they are taking over the carport.

Ms. Endres said they will need a permit to do it and will need a variance.

Mr. Maglietta said just as long as they are not adding any more concrete they are good there and if the carport is coming down and the garage is going in its place.

Mr. Lennon said the carport and the shed are coming down.

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

Motion BZA 2014-10 – 19025 Brewster Road

Mr. Lewis made a motion to grant the following variances to construct a 600 sq. ft., 20' x 30' accessory building, 12 ft. high but also noting that one portion of it on the far away side from the property line there is a kind of like an open porch area that does change the dimensions adding another 8' x 15' square area.

1. A variance from the minimum required side yard of 50' to 29.1'.
2. With regards to non-conforming lots of record, accessory buildings are restricted to be no larger than 300 sq. ft. so a variance will be granted to extend that to 600 sq. ft.
3. The board would also like to add into and recognize the footprint of the lean-to porch portion at 120 sq. ft. which would increase the overall lot coverage to 9.6% after the lot joining which would still keep the lot coverage under 10%.

Motion BZA 2014-10 – 19025 Brewster Road - Continued

With the following conditions:

1. As a prerequisite the applicant is required to do a lot joining of the main parcel and the strip parcel that is behind them before any construction commences. That would remove the requirement of an area variance under lot coverage and would keep it under 10% and with the lot joining it would keep it at 9.4% so no variance requests or requirement would be needed there.
2. On the structure itself would be the addition of another window, not just a single but making two windows on that side. The applicant has agreed he will also shutter them to give a more residential appearance and break-up the impact of a long 30' wall.
3. The applicant has also stated that they are agreeable to a condition that evergreens will be planted as screening on that side as there is a 29' gap so there is plenty of room to plant trees that grow reasonably tall and can break-up the impact of the long wall.

Based on the following findings of fact:

1. The lots are large enough and the adjacent property is of significant distance away.
2. The neighbor's side of the house that fronts this is primarily their garage access area so there is no significant impact on the adjacent property.

Mr. Murphy seconded the motion.

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

Application 2014-7 by George Dragon of Cicogna Electric Sign Co. for Tanglewood Partners Ltd. and Great Lakes Outdoor Supply for property at 8560 Bainbridge Road

The applicant is requesting area variance(s) for the purpose of installing two wall signs. The property is located in a CB District.

Mr. George Dragon of Cicogna Signs, Mr. Richard Katz of Tanglewood Partners and Mr. Ralph Spidalieri of Great Lakes Outdoor Supply were present to represent this application.

Mr. George Dragon testified that he is with Cicogna Sign Company in Ashtabula, Ohio and what they are proposing today for Great Lakes Outdoor Supply is which you all know they are taking the old Kmart building and they are proposing two signs on the building. He said basically this is a carbon copy of the Middlefield location minus they went with hunting, fishing archery for things they offer inside the building and to cut down on the square footage they deleted that but they are going with two sets of letters saying Great Lakes Outdoor Supply, they are non-illuminated, hunter green plastic letters mounted to the building and then there is 30" non-illuminated pin-mount letters facing the freeway and Bainbridge Road on the side of the building which also will be non-illuminated plastic pin-mount letters, hunter green. He said the logo which is a 6 x 6 radius logo, that will be illuminated and that will be in the centerpiece of the front of the building and that will be illuminated, hunter green with white graphics. He said when they were doing the square footage he read the code and as you see the dotted lines on the prints to square off the signage, when you square it off like Ms. Endres did, it came out to 71.75 sq. ft. over but actually if you take each individual, which he put on the print, each individual sets of letters and the logo and the size of the letters they are actually over by 14 sq. ft., they are actually 312.54 sq. ft. so when they were figuring that out they were trying to stay within a means and then he found out he was 71 sq. ft. over but it is very important, the building is set back off of Chillicothe Road which has an out-parcel building in front of it so the sign is quite important there and then we have the opportunity to have Bainbridge Road and the freeway so they felt it would be advantageous to put a sign facing both of those streets so that is what they are proposing tonight.

Mr. Olivier said you need a shorter name.

Mr. Dragon said he put the frontages on there, the frontage is 86', just that bump out on the front of the building there for 278 sq. ft. and the side of the building and they first proposed it down farther more between the two lights but when they started doing drive-bys on the freeway it wasn't visible until you got right in front of it so they felt that if they move it down over the old landscaping or greenhouse area that Kmart had it was much more visible and fit the purpose.

Mr. Olivier asked if that can be seen from the freeway.

Mr. Dragon replied yes and as long as they have the parking lot lights on it won't be illuminated.

Mr. Olivier asked if they meet the requirements for two signs because of the two streets.

Ms. Endres said no they don't get a bonus, they are not really a corner lot so they don't get the 30% bonus but the way the formula works is they have got lineal feet of building as she wheeled it using the best measuring tool that she had and then they get 20' for 298'.

Mr. Olivier said so they don't get a bonus for Rt. 306.

Ms. Endres said no, it is a separate lot and there are several buildings in the front, the gas station is actually the corner lot.

Mr. Maglietta asked how tall the letters are on the Bainbridge Road side.

Mr. Dragon said they are 30" and the way the brick was set up on there and the roof 36" would have been cut off so they decided to go with the 30" letters to get them visible.

Mr. Olivier asked if the height of the old Kmart sign had taller lettering.

Ms. Endres said she doesn't recall.

Mr. Olivier said he was just curious and does agree that it is pretty far back from the road, he was trying to justify the height of it.

Ms. Endres said the height maximum for a wall sign is 22' and theirs is 20' so they are 2' under the maximum height for a wall sign.

Mr. Lewis asked how far off of Bainbridge Road is the new enclosed area where they were going to place the Bainbridge Road lettering.

Ms. Endres said it is roughly 100' off the right-of-way if Access Geauga is correct.

Mr. Murphy said there is a lean-to shed there and asked if it is staying.

Mr. Lewis said they walled it up.

Mr. Murphy said the sign is on the main building and asked what it is from the center line of the road to the main building.

Ms. Endres asked if that is the centerline from Bainbridge Road.

Mr. Murphy said yes past the shed.

Ms. Endres said almost 200'.

Mr. Olivier asked about the garden center enclosure.

Mr. Richard Katz of Tanglewood Partners testified that the building is 224' deep by 281'.

Mr. Gutoskey said including the garden center it is 277.5' it is almost 278'.

Ms. Endres said she measured it at 278'.

Mr. Lewis said so as it stands right now your request puts you to 72 sq. ft. over.

Mr. Dragon said yes, 71.75 sq. ft.

Mr. Lewis said the board's documentation is visibility from approximately 200' which is centerline to the sidewall for maximum impact, an 18" tall letter is sufficient. He said he understands you would like to be noticed from the freeway while they are going 60 – 70 mph, he thinks they are going to be able to notice and your company is recognizable, you advertise, you promote and he thinks it is going to take you guys about two weeks and everybody within 20 miles is going to know you are here, all of the local residents are going to have absolute awareness. He said you have four very high impact blessings at that intersection, you have two gasoline vendors, you have a McDonalds, you have a Giant Eagle and you have a freeway exit, it is a fabulous location for your business. He said bigger is not necessarily going to do anything to drive your business or to heighten awareness and as far as the Chillicothe side your logo is your trademark and that is illuminated. He asked if that is going to run all night or will it be turned off when closed.

Mr. Dragon said Middlefield is on a timer.

Mr. Lewis said the parking lots there are well lit so they are safe, you are getting a lot of complimentary lighting of your building just by where it is located and how the parking lot is. He said you are so far off of Rt. 306 and there is so much blocking between banks and Subways and gas stations and everything else that quite frankly you could have 10' tall letters sitting on the roof and he doesn't think it would add anything to people finding you or not knowing you are there. He said he is much more inclined to say to find a way to dump the 71 sq. ft., he thinks it is doable and he doesn't see that they have any visibility or readability and you have plenty of businesses in the area that are drawing and he doesn't think that oversized letters in a variance to see from Chillicothe with a bunch of obstructions or to accommodate drive-by traffic on the freeway is enough of a reason to go for bigger lettering. He asked what is the easiest way to chop off 71 sq. ft.

Mr. Dragon said he and Ms. Endres were talking before and if they knock that logo down to 3' x 3' and asked if they would be under.

Ms. Endres said she would have to recalculate it and the measurement standard states that you have to create or use 10 horizontal and vertical lines in defining the sign area of a channel letter sign and part of the sq. ft. is a blank area and if the logo was reduced to be in line with the rest of the letters but she would have to recalculate the numbers.

The board discussed the square footage of the proposed sign.

Mr. Dragon said if you were to calculate just Great Lakes and Outdoor it would have been at 312 sq. ft. He said if we just square it off, Great Lakes, the logo and Outdoor the way we are calculating with the dotted line we are including that 3' on each side of the logo which is dead space and of course each side of the logo on the corners of the logo, which we automatically square them up anyway, we have that dead space which is 9 sq. ft. each there. He said he knew she meant 10 to 12 but he didn't understand how it changed it and he didn't know if she went with the 6' by the overall frontage.

Ms. Endres explained how she calculated it using 10 square lines.

Mr. Lewis said with a very minor modification they can get where they need to be.

Ms. Endres explained how that type of sign is measured for calculation purposes.

Mr. Dragon referred to what Mr. Lewis was saying and if they dropped it down to 71 and if they can get it down to that then they wouldn't have to come back in front of this board.

Mr. Lewis said correct, if you pick up the 71 and change.

Mr. Dragon said technically they could do the side letters at a 24" letter if it met the code.

Mr. Lewis said yes.

Mr. Dragon said it would still be in 12 lines because they don't want to lose their logo, they don't want to drop it down to 36" to make it match the letters, they want their logo up there.

Mr. Lewis said so chase it with the letter heights rather than with your logo because that is your signature ID and that is also the piece that is illuminated.

Mr. Maglietta said you want to stick with the branding so that this way he knows that when people are driving by they know that brand so it is not necessarily just the name, it is the logo.

Mr. Murphy said so in your calculations you have got 217.5 sq. ft. with the Great Lakes 3' x 23.5', the 6 x 6 circle and then the 3 x 31 of three sets and your calculations say you are 217.5.

Mr. Dragon said he came up with 200.04 cutting out that 3' space between the logo and of course the side stays the same at 112.50 which came out to a grand total of 312.54 and that is how he calculated it in the beginning.

Mr. Murphy said it says 217.5 and it includes the two 9 sq. ft. on either side so even at that point 217.5 and 112.5 on the side you have 330 sq. ft. of signage according to that and he thought the allowance for 278 lineal feet across the front gave you 298 allowed so according to that it is 32 sq. ft. not 71 sq. ft. over.

Mr. Olivier said that is his measurement versus hers.

Ms. Endres said she knows it is confusing but she has to use the way the zoning resolution is written.

The board discussed the sign measurement calculations.

Mr. Murphy asked if these plastic letters come in certain sizes, are they predetermined sizes and with the 10 line determination what the square footage of the front sign is.

Ms. Endres said 217.5 sq. ft. is what she came up with for the front sign.

Mr. Murphy said what if you move the bottom of that logo to the straight line across Great Lakes Outdoor Supply, you eliminate two lines, you go from 12 to 10 right there and then you are 217.5 sq. ft. so he can't see punishing them for having the sign drop up and down off of the straight line, he can't see charging them with 257 sq. ft. when the sign is only 217.5 sq. ft. He said you are allowed 298 sq. ft. and he personally sees it at looking at 32 sq. ft. of either variance or reducing the sign.

Mr. Olivier said you could eliminate two lines by bumping that circle up.

Mr. Murphy said that logo could be lined up right straight across the bottom and it doesn't change anything.

Mr. Lewis said it doesn't change that box.

Mr. Murphy said he would give a variance to the number of 10 to 12 lines on the sign because it is obvious it doesn't change the square footage.

The board discussed the proposed sign.

Mr. Dragon asked if they still have to put that logo up.

Mr. Lewis said it could be easily moved into a 10 point calculation and there is no variance on that element as far as a 10 point calculation versus a 12 point and all of sudden you would pick up tons of relief on your calculations.

Mr. Dragon said Mr. Spidalieri has no problem lifting it up.

Mr. Murphy said he thinks it looks fine centered.

Mr. Lewis said the board is considering relief about leaving the placement where it is but doing a calculation on 10 point and not penalizing the applicant because he wants to keep that element, it would be the board's decision but at least we know that no matter what you can get to a 10 point calculation and you are only now chasing 32 sq. ft., not 71 in change. He said the worst case is that the logo gets bumped up a little bit higher and added that he thinks it features it a little bit more. He said by changing it, it drops it down to 217.5 sq. ft. and subtract that from 298 which is your overall allowance.

Mr. Maglietta said it would be 81 sq. ft. on the side.

Mr. Dragon said they could cut back and squeeze other places too but the problem is squeezing that 3' between the logo.

Ms. Endres asked if it will still be less than 22' high.

Mr. Dragon said from the ground, yes.

Mr. Gutoskey said they are at 20' right now.

Mr. Lewis said if you raise your sign and on a 10 point calculation on the front wall, squeeze your letters a little bit to get it down to 298 and bring Ms. Endres a new drawing, he doesn't think he needs to be granting variances tonight because he doesn't think they need one and you can get there.

Mr. Spidalieri testified that they are good with that and it would even look better.

Mr. Lewis said he is going to table this application and the board will do a formal ruling on it next month and in the meantime the applicant will get their new drawings into Ms. Endres and at that point the board can probably dismiss it because a variance will not be needed. He said the board will leave it open just in case there is some unforeseen complication so the board is not forcing you to start over.

Mr. Dragon said it can comply with 217 on the front and they would be allowed 81 approximately.

Mr. Lewis said if it is not 217 you are still working with 298 overall.

Mr. Dragon said he still has no clue on how she calculated the front but he will figure it out.

The board discussed the calculations.

Ms. Endres said she didn't do triangles.

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

Motion BZA 2014-7 – 8560 Bainbridge Road (Great Lakes Outdoor Supply)

Mr. Lewis made a motion to table this application to allow the applicant time to resubmit new renderings and work with the zoning inspector on calculations and it is their feeling that they can meet the 298 sq. ft. limit without requesting or needing a future variance.

Mr. Murphy seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:40 P.M.

Respectfully submitted,

Joseph Gutoskey
Todd Lewis, Vice Chairman
Jason Maglietta, Alternate
Mark Murphy
Mark Olivier

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

Date: April 17, 2014

AUDIO RECORDING ON FILE

BZA PH 3/20/2014

-21-

Bainbridge Township, Ohio
Board of Zoning Appeals
March 20, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:40 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Joseph Gutoskey, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Jason Maglietta, Alternate. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present.

New Business

Car Dealership at 9380 E. Washington Street (BZA 2013-5)

Vice Chairman Lewis stated that this application is not on the agenda and if there is something different that Mr. Lowe would like to propose he would have to go through the standard application procedure.

Mr. Michael Lowe, owner of the car dealership at 9380 E. Washington Street met with the board, at the board's request, to address the parking situation at his business at the corner of Snyder Road and E. Washington Street in which he has not been in compliance with one of the conditions that states there will be no parking south of the building close to E. Washington Street. He referred to the site plan where he and Mr. Radick thought the cars would be able to be parked.

Mr. Lewis referenced the approved minutes of the Board of Zoning Appeals, dated March 14, 2013 and stated that the conditions in the minutes still stand and suggested to Mr. Lowe that he meet with his landlord, Mr. Radick, to work out any problems he is having and if there are any modifications to his original request, he will have to come back to the board.

Minutes

Mr. Lewis made a motion to adopt the minutes of the February 20, 2014 as written.

Mr. Murphy seconded the motion.

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

Applications for April 17, 2014

Application 2013-9 by Naraish K. Gautam for property at 17257 Catsden Road - Continuance

The applicant is requesting a variance for the purpose of correcting the acreage of a previously approved lot split. The property is located in a R-5A District.

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) - Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Application 2014-10 by New Creation Builders for Ed Lennon for property at 19025 Brewster Road - Continuance

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. *The applicant is requesting a modification to a condition of a previously approved variance.* The property is located in a R-3A District.

Application 2014-11 by OME Inc./Anthony Koziar for property at 7307 Aurora Road

The applicant is requesting a substitution of a non-conforming use for the purpose of operating a computer service business. The property is located in a CR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for April 17, 2014 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
Todd Lewis, Vice Chairman
Jason Maglietta, Alternate
Mark Murphy
Mark Olivier

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

Date: April 17, 2014