Bainbridge Township, Ohio Board of Zoning Appeals April 19, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:33 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2001-14 by Jack Kellogg for BP Amoco for property at 17644 Chillicothe Road

The applicant is requesting area variances for the purposes of installing signage. The property is located in a CB District.

The zoning inspector's letter dated April 6, 2001 was read and photos of the site were submitted.

Mr. Jack Kellogg was present to represent this application.

The following is being requested.

173.11 (B,1)	Overall signage permitted = $30 \times 1.15 = 34.5 + 20\% = 6.09 = 40.59 \text{ sq. ft.}$			
	57 x 1.15	= 65.55 sq. ft.		
Total permitted		=106.14 sq. ft.		
Requesting		=213.50 sq. ft.		
Variance		=107.36 sq. ft.		

Only one wall or marquee sign permitted for each business, service or industry on its premises.

Requesting one 21.6 sq. ft. standard tower sign.

Requesting one 19.63 main wall I.D. sign.

Requesting one 24.66 franchise sign.

Variance requested for 2 additional signs.

Said property is a conditional use permit and therefore subject to review by the board of appeals for exterior re-imaging.

- Mr. Kellogg testified that BP is re-imaging the existing gas station and wants to change out the signs to incorporate the new logo which includes a new power element that will be a 5' diameter design. He stated that there will be a new coffee sign (The Wild Bean) on the right side of the building and there will be no canopy work but there will be paint detail to freshen the building up a little. Mr. Kellogg explained that Page 2 Exhibit (A) indicates the site plan and the placement of the proposed signs. He said that element E (building signage: BP connect and eyebrow) will have a reduction in square footage. He explained element F (building signage: tower Helios) and the proposed square footage, element H (air sign: pedestal) no change and the Wild Bean Coffee sign will be added and there will be no other changes.
 - Mr. Takacs asked about the total signage.
- Mr. McIntyre said the variance is approximately 107 sq. ft. based on all existing signs that they have permits for.
 - Mr. Lamanna said that they already have a variance for 50 sq. ft.
 - Mr. McIntyre stated that they are only counting one side (face) of the ground sign.
- Mr. Kellogg explained the Helios and said it will be a white decorative sign and will be an architectural feature.
- Mr. Lewis questioned the Wild Bean sign location and said there is no visibility from Chillicothe Road with a dumpster in the way.
 - Mr. Kellogg replied yes.
 - Mr. Lewis asked Mr. Kellogg if he works for BP or for a sign company.
- Mr. Kellogg said he works for a company that represents BP and said he is authorized to represent BP. He continued by saying that the Helios could be downsized to 4' since the application was made for 5' to 4' in diameter.
 - Mr. Takacs asked if the signage on the pumps will change.
- Mr. Kellogg said no, they will paint what is there now and add new brackets. He said he is willing to give up the sign on the left side of the building.

The board discussed the proposed signage and variance request.

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

Motion BZA 2001-14 - 17644 Chillicothe Road (BP Amoco)

Mr. Lamanna made a motion to grant a variance to the 185 sq. ft. of signage from the total permitted of 106.14 sq. ft. This represents an increase in less than 2 sq. ft. from that currently existing at this location. The board also grants a variance for one additional sign to cover this new logo.

Based on the following findings of fact:

1. The changes being requested here are not substantial compared to the existing signage at the property and therefore will not significantly change the usage or create any undue burden on the township or the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2001-16 by Cynthia J. Craig for property at 7395 Chagrin Road

The applicant is requesting a variance for the purpose of the substitution of a non-conforming use. The property is located in a R-3A District.

The zoning inspector's letter dated April 6, 2001 was read and photos of the site were submitted.

Mr. Jack Maistros, Attorney and Ms. Cynthia Craig were present to represent this application.

Mr. Maistros testified that he is here on behalf of Cynthia and is not being paid because she is his sister. He said that the facility is the old Arrowhead nursery and 1/3 of the existing building will be used and that second hand furniture will be sold instead of Christmas decorations etc. and added that the lot and building will not change and he recommended that she seek a variance as a precaution. He added that previously artificial plants, crafts and Christmas related items were sold at the facility and there will be no change in the parking.

Mr. Takacs asked about signage.

Mr. Maistros said it will be low key and will not be lighted.

Mr. Bill Shannon of Cats Den Road asked about the retail hours.

- Ms. Craig said that the hours could be 9:00 A.M. 5:00 P.M. or 10:00 A.M. 6:00 P.M. and said she is hoping to be open one or two evenings until 7:00 P.M. but said she is waiting to see what her limitations are.
 - Mr. Norm Schultz of Chagrin Road testified that it was a nursery and should stay a nursery.
 - Mr. Lamanna said the board is trying to establish what the use is.
 - Mr. Maistros said that it started out as agriculture and moved to retail.
- Mr. McIntyre testified that the record shows it was a garden center, gifts were sold and it was originally zoned commercial.
- Mr. Frank Artino, owner of the property testified that it is a unique location and next to a veterinary office across the street and a dog kennel next door. He added that the building was originally built as a commercial building.
- Mr. Maistros said that Gnomes Knoll is in a residential district and sold much more than plants and said in fairness, his sister is going to the board before the fact. He added that the use will be limited to furniture and there will be no moving trucks.
 - Mr. Lewis asked Ms. Craig how she will take delivery of the items.
- Ms. Craig testified that she will be bringing the items in her car or van and said she goes to stores and shows to buy the items and these are things that she would buy.
 - Mr. Lamanna asked what business is there currently.
 - Mr. Frank Artino, owner, testified that Briar Hill Landscaping is the current business.
 - Ms. Craig said that she is currently storing things there.
- Mr. Artino said that he is currently running a landscaping business out of there and his wife will sell plants.
- Mr. McIntyre said that the former owners, the Brennans, submitted a letter to him stating the preexisting uses on the property.
 - Mr. Artino said that he is conforming to the pre-existing uses.
 - Mr. McIntyre said that landscaping is completely different than agriculture.

- Mr. Lamanna said that what uses were in effect or variances granted subsequently to that is germane.
- Mr. McIntyre said that some variances were granted for some retail sales in the building. He submitted a history of the property to the board.
- Mr. Lamanna said that pre-existing uses can continue because they are grand-fathered, but totally different kinds of businesses have to come to the board. He said the board has to establish what was there at the time and what variances were granted along the way.

The board reviewed the zoning history file on subject property.

- Mr. Maistros said that this is a different retail but crafts were sold before.
- Mrs. Norma Hendler of Brigadoon Drive testified that Arrowhead only sold crafts at Christmas time.
 - Mr. Lamanna said he is not sure if it was used intermittently if it makes a difference.
 - Mr. Takacs asked how the landscaping business changed from the previous business.
- Mr. Artino said he just replaced the Arrowhead sign with the new business name and the only advantage is that he does all the installs.
- Mr. Lamanna said that according to the records before, there were several appeals for additional buildings and it seems to have been used for a garden center and craft operation.
- Mr. Norm Schultz of Chagrin Road testified that the owner was to run the business, but now he has fixed it up to rent the facility to two or three people. He said there was a sign that read space for rent and asked what is going to change.
 - Ms. Craig said that she will be selling furniture instead of plants.
- Mr. Lamanna said that this business has been there for 30 years and pre-dates the zoning. He said it appears it has been used as a retail craft and garden center and operated at a wholesale level and anything different than that would require approval and he is not sure a furniture store would fit into that category.
 - Mrs. Timy Sullivan of Chagrin Road testified that a landscaping business has a lot of equipment.

Mr. Alan Begy of Chagrin Road testified that he lives directly west of the property in question and said he has several concerns. He said that there is not a big difference between retail furniture and retail something else and the hours of operation would have a bearing because before it was only open as retail for two months a year but this would be open 12 months a year and would be a significant change. He added that the owners did a great job of fixing up the property, but a change of use could mean selling almost anything such as videos. He said that when he bought his property, he thought this facility could not be used for any other use and an extended use could pose a financial hardship on his property.

Mrs. Hendler asked why not let the property revert back to residential use.

Ms. Craig said she did not think it was ever residential.

Mrs. Hendler said that if you give someone an inch they will take a mile.

Mr. Begy said he believes the rulings are being stretched considerably in there is a landscaper next to him and if it doesn't get dealt with, it will get worse and worse.

Mrs. Hendler said the residents on Chagrin Road have businesses at both ends of the street.

Mr. Ed Sullivan of Chagrin Road asked if the previous owner ran a business right up to the sale of the property.

Mr. Jack Maistros said the business was there until May 2000.

Mr. Sullivan asked what happens if the business stops.

Mr. Lamanna said the property owner has two years.

Mr. Bill Shannon of Cats Den Road asked where the equipment will be housed for the landscaping business.

Mr. Lamanna said that is another issue which is not before the board tonight.

Mrs. Hendler said the landscaping business is already in there and asked what do we do about that.

Mr. Lamanna said that is a question for the zoning inspector and the board is to determine if the use proposed is consistent with the way the property has been used for the last 20 years. He continued by saying that a craft shop and a garden center is permitted, but it is the intent of the zoning to get rid of non-conforming uses which was the ultimate object of re-zoning in the district.

Mr. Maistros said that is true, but that use was not used to its fullest extent. He said there could

have been a Pat Catan's there and that is not the case here. He added that this will not be a Gnomes Knoll.

- Mr. Norm Schultz said that the owner got a permit to sell nursery stock and when it went on to someone else, they could not have come here, or he would have been notified.
 - Mr. Lamanna said the record is there of who would have been notified.
- Mr. Maistros said that this board has the ability to revoke anything that has been issued and any action can be revisited.
 - Mr. Lamanna asked about the square footage of the proposed store.
 - Ms. Craig said it is about 1,100 sq. ft.
 - Mr. Lewis asked how many units are for rent.
- Mr. Artino said it would be just this business and the landscaping business and added that the Brennans assured him it was OK and said it did not cross his mind.
 - Mr. Lewis asked Ms. Craig if she could sell Christmas crafts.
 - Ms. Craig said of course she could.
 - Mr. Lamanna said that planting plants that are sold is a lot different than a mowing service.
- Mr. Begy said that you have to look at the extent of the use in the approval process and said the extent of that use would be critical.
- Mr. Maistros said he did not see anybody buying crafts and furniture after 6:00 P.M. in Bainbridge Township.
 - Ms. Kathy Pfouts asked if the furniture store is allowed, what could go into that space in the future.
- Mr. Maistros said the variance would be for this use only and someone else would have to come back to the board for a different use.
 - Mr. Lamanna said that once the change is made, it cannot go back to something else.
 - Mr. Begy said that if furniture sales is allowed, what about bed and bath linens.
 - Mr. Lamanna said if this use is granted, it would be the only thing allowed.

Mr. Maistros said that this is a substitution of a use from crafts to furniture.

Mr. Takacs said that plants would be sold which would be a continuing use and asked about the proposed signs for the business.

Ms. Craig said she is waiting on a decision from the board regarding the sign.

Mr. Lamanna said that a 2 sq. ft. sign is permitted without a permit.

Mr. Maistros said that they must have variances for the one next door and across the street.

Mr. Ted Seliga asked if this variance is granted if the whole facility can be used for this business.

Mr. Lamanna said that the use would be limited to a certain area and restricted to 1,100 sq. ft.

Mr. Norm Schultz said that for the original variance they had to go around for everyone to sign a petition.

Mr. Maistros said they probably talked to the neighbors to get them to agree to it.

Mr. Peter Craig testified that he is Cynthia's husband and said that 1/2 of the furniture in the 1,100 sq. ft. is rattan and patio furniture. He added that Cynthia used to live within five miles of Arrowhead.

Mr. Maistros added that two of the three lots adjoining this one are commercial and the property was not used to its fullest.

Mr. Hendler said that the underlying problem is the commercial creep that changes the character of the neighbor for somebody else and that is what everybody fears here.

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

Motion BZA 2001-16 - 7395 Chagrin Road

Mr. Lewis made a motion to table this application.

Mrs. Stanton seconded the motion.

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

Application 2001-17 by RDL Architects, Inc. for Tanglewood Partners for property at 8505, 8535, 8555 and 8575 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purposes of a lot split. The property is located in a CB District.

The zoning inspector's letter dated April 6, 2001 was read and photos of the site were submitted.

Application 2001-18 by RDL Architects, Inc. for Tanglewood Partners for property at 8505, 8535, 8555 and 8575 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purposes of a lot split. The property is located in a CB District.

The zoning inspector's letter dated April 6, 2001 was read and photos of the site were submitted.

The board was in agreement to hear both applications 2001-17 and 2001-18 together.

The applicant is requesting a lot split of the professional building property from the main mall. Application subject to board review as per Section 117 of the Bainbridge Township Zoning Resolution.

There will be no change in existing lot coverage on the overall development, however several area variances are needed for both parcels and are as follows:

143.03 (D,3) Rear yard required = 50'

Providing = $\underline{10}$ '

Variance = 40' (parking area)

Parcel #1

117.13 (B.1) All buildings shall be located at least 100 ft. from all property lines.

Providing 46 ft. from new southerly property line.

Variance = 54 ft.

143.03 (H) Minimum front lot line shall be 150 ft.

Providing 30 ft.

Variance = 120 ft.

Parcel #2

117.13 (B.1) All buildings shall be located at least 100 ft. from all property lines.

Providing 25 ft. from new northerly property line.

Variance = 75 ft.

Mr. Mark Schwartz of Tanglewood Partners, Mr. Richard Katz of Tanglewood Partners and Mr. Ron Lloyd of RDL Architects were present to represent this application.

Mr. Schwartz testified that a re-configuration is needed to accomplish a lot split to separate the shopping center from the office building and there will be no change in ownership and no anticipated change in the use of any of the tenants, but it is requested for re-financing on the entire property. He said this is not for the alteration of the parcel itself but the landlord will improve the appearance of the building.

Mr. Ron Lloyd presented a rendering of the proposed alterations for the office building and testified that it is currently a masonry building with a mansard roof. He said they want to add a more traditional look to the building because it was designed back in the 1960s or early 1970s and they want to introduce a clapboard siding with shutters to hopefully make the building more attractive.

Mr. Takacs asked who owns the building now.

Mr. Schwartz replied that Tanglewood Partners own the building. He continued by saying that the two parcels will still be owned by Tanglewood Partners but it was requested by the lenders for re-financing which has been one of the long term intents of the partnership because in the course of operating leases, costs have been shared, so it is better to split them and keep them separate with regards to the taxes, maintenance, etc. He said it makes more sense to have both separate from each other.

Mr. Schwartz indicated on the site plan the existing shopping center and office building and said it shows no physical nor literal change and the development still looks the same with the purposeful continuation of the drive to the office building. He said there is no change in the lot coverage and the partnership will be willing to accept that as a condition as part of the deed restrictions for any future owners and there will be no effective change in the parking ratio with this lot split.

Mr. Lloyd explained the green space continuation for the shopping center.

Mr. Takacs asked if the Miller property was included in this.

Mr. Schwartz replied no.

Mr. Lamanna asked if the county will approve this if there is no frontage on the road.

Mr. Katz testified that he was assured if they prepare easements so that it goes into their private

road it will be OK.

- Mr. Kolesar asked if because this board is engaged in litigation with the property that fronts on Rt. 306, how that will affect this lot split.
- Mr. Lamanna explained where that situation stands and said if the board makes a decision on this, it will not affect that parcel.
 - Mr. Takacs questioned the rear setbacks.
 - Mr. Lamanna said the board would want an easement agreement to cover the variances.
 - Mr. Schwartz referred to the Republic Bank building with respect to the gas station.
- Mr. Lamanna asked if there are any open issues regarding the conditional use permit on this property.
 - Mr. McIntyre said he is currently dealing with Kmart on certain issues.
 - Mr. Seliga asked if the township is legally protected since this is similar to Heritage.
 - Mr. Lamanna replied yes.
- Mrs. Stanton asked if in the deed restrictions the future use of the office building could not be used as retail.

The board discussed these applications.

- Mr. McIntyre stated that the use is already established and if there is a change, they would have to come back to his office.
- Mr. Lamanna said that the development itself is under a conditional use permit and the board could clarify that the parcel remain an office building.
 - Mr. Schwartz said they had no objection to that.
 - Mr. Kolesar said he wanted to disclose that he has a business relationship with Mr. Katz's brother.

The board members stated that they did not have a problem with that.

Since there was no further testimony, these applications were concluded.

<u>Motion BZA 2001-17 and BZA 2001-18 - 8505, 8535, 8555 and 8575 Chillicothe Road (Tanglewood Square)</u>

Mr. Lamanna made a motion to grant a conditional use permit and variances for the purposes of having a lot split at 8505, 8535, 8555 and 8575 Chillicothe Road into two parcels as shown on the applicant's drawing, a Parcel 1 and a Parcel 2, each of which parcel shall have equivalent lot coverage as shown on the application. In addition, with respect to both of these parcels, a rear yard setback of 50' is required and the applicant is providing 10' for a variance of 40' and this is consistent with the existing variance. With respect to Parcel 1 however, the requirement that all buildings should be located at least 100' from the property line because of the redrawing of the property line, the building will be only 46' from the new southerly property line so it requires a variance of 54' but again the building will still be 100' from the outer line of development. The minimum front lot line shall be 150'. In this case there will only be 30' provided because of the redrawing and partially because of some existing variances previously granted, so there will be a variance of 120' with respect to minimum front line (Chapter 143.03 (H)). With respect to Parcel 2, (Chapter 117.13 (B.1)) the 100' requirement at one location, the buildings will be 25' from the northern property line for a variance of 75' which again is an existing variance for this development. With respect to this proposed lot split, the applicant has agreed and the board establishes as a condition necessary to grant this variance and conditional use, and without which the board would find that such variance and conditional use should not be granted, that the applicant will provide, in form, approved by the assistant county prosecutor, deed restrictions with respect to the parcel such that:

1. There will be no increase in the lot coverage unless specifically approved by the township, but there will be a reciprocal easement agreement between the parcels such that Parcel 1 will continue to have sufficient access to the street. Such access to be sufficient to satisfy the requirements of Geauga County and that any future change in development of Parcel 1 will be subject to the conditional use procedure to which the entire parcel was previously submitted and in considering any future development that the board will consider the overall development that has occurred on both Parcel 1 and Parcel 2 in making that decision.

With respect to the board's previous decision regarding the property owned by Miller which is adjacent to this property, nothing in this decision is intended to effect or change that previous decision and with respect to the findings in that matter of benefit being conferred upon the entire parcel any such benefit under that decision will be ratably applicable to Parcel 1 and Parcel 2 in proportion to their relative total area. The board also notes that nothing with respect to the calculations of the total lot coverage as shown on these plans shall be deemed any finding by this board of any matter with respect to whether or not the green space of the Miller property is to be considered in determining what the overall lot coverage of the combined or separate parcels actually is.

Motion BZA 2001-17 and BZA 2001-18 - 8505, 8535, 8555 and 8575 Chillicothe Road (Tanglewood Square) - Continued

Based on the following findings of fact:

- 1. The change requested by the applicant would not change in any way the configuration of the parcel or its opportunity for future development or in any other way affect the use of the property or the impact on the neighbors of this property.
- 2. The applicant has proposed modifications to the existing building which will not change any of the setbacks or lot coverage but only the exterior appearance of the building.

Mr. Takacs seconded the motion.

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

Application 2001-15 by Charles Fazio & Associates, Inc. for property at Lot #41 Cats Den Road

The applicant is requesting a conditional use permit for the purpose of establishing a cluster housing subdivision. The property is located in a R-5A District.

Secretary's note: The board was in agreement to move this application to the end of the agenda because a representative for the applicant arrived late.

The zoning inspector's letter dated April 6, 2001 was read and photos of the site were submitted.

Mr. Charles Fazio, Mr. Ted Wolf and Mr. David Bigger of Charles Fazio Architects and Mr. Marc Dennis were present to represent this application.

Mr. McIntyre explained the new configuration of the proposed drive and subdivision.

Mr. Charles Fazio testified that the owner is requesting a conditional use permit to build a home on a 47.34 acre site with hopes of three additional homes which will be a future site for their family members and said they are trying to reduce the density by proposing only four sites. He continued by saying that the main estate will be 11,000 sq. ft. which will be a country French style with a roof pitch of 16/12 and if in France it would be higher.

The board reviewed the proposed site plan.

Mr. Takacs asked if the only variance needed was for the height of the house.

Mr. Fazio replied yes and a conditional use permit is needed for the cluster development. He said there will be a walkout basement.

Mr. Kolesar asked if there will only be a total of four dwelling units.

- Mr. Fazio replied yes and they will be only for family members. He said there will be a stable on the back part of the property and the only home to be built now will be the main estate. He indicated on the site plan how the driveway was straightened out where it is located on Cats Den Road. He said the drive will be just south of the bridge and there is a split rail fence there now.
- Mr. Bill Shannon of Cats Den Road testified that he lives in the first house on the left and asked if the driveway will be right by his bay window and said his concern is where the access drive will be.
 - Mr. Fazio said the driveway will be 20' north of the fence line and will meander very softly.
 - Mr. Lamanna said that with 47 acres, nine homes could be built back there.
 - Mr. Lewis asked if there will be tenants in the stable area.
 - Mr. Fazio replied no, just family only.
 - Mr. Bruce Chittock of Cats Den Road asked for an explanation of cluster housing.
- Mr. Lamanna explained that the township has a special conditional use permit that allows a development of a high local density with a provision of a common area so each dwelling could be on a smaller lot with common area belonging to the entire development.
- Mr. David Bigger testified that they used the cluster term but there will only be four homes on the lot and said this is the best solution.
- Mr. McIntyre said that one of the objectives is to maintain a family compound instead of splitting off five acre lots and according to the people in the county if they go for a condo type set-up, they don't have a problem but said they could carve out the acreage to meet the five acre lots.
 - Mr. Fazio said their intention was to minimize the entrance coming in.
- Mr. Lamanna said the applicant is supposed to have some kind of preliminary document showing how the split is going to be done and said he has the inclination to put this off until next month to explore how this issue can be dealt with, with some kind of legal document that shows the lots and the common property.
- Mr. Fazio said they want to build the main estate and may build a couple of homes in 20 years and are hopeful to get the flexibility of having a family compound. He continued by saying that they would like to get the variance for the height tonight so they can get started with the main part of the house.

- Mr. Norm Schultz of Chagrin Road testified that with cluster housing, they need to put in a road.
- Mr. Fazio said there will be a driveway that the fire department approved.
- Mr. Takacs referred to the road requirement.
- Mr. Schultz said there has to be a road and not a drive.
- Mr. Shannon asked how wide the driveway will be.
- Mr. Fazio replied 14'.
- Mr. Takacs said that according to the zoning resolution, it can be no less than 20' in width.
- Ms. Linda White asked what if there is a divorce or death in the family down the road.
- Mr. Lamanna said there could be restrictive covenants so it would have to be sold back to the family or they could sell it all and move.
- Mr. Chittock asked if they could split the property for nine homes, how many could they have in a cluster development.
- Mr. Lamanna said they could have the same number in a cluster but there would be a larger buffer around the area with cluster.
 - Mr. Chittock asked how far apart the houses will be.
 - Mr. Fazio said between 200' 1,000'.
 - Mrs. Norma Miner of Chagrin Road asked about septic and water.
 - Mr. Fazio said the homes will have septic and well water.
 - Mr. Earl Miner said it worries him that the water situation will rob him.
 - Mr. Lamanna said that there will be only four houses but they could build nine.
 - Mr. Shannon asked what the highest elevation in feet is.
 - Mr. Ted Wolf said the house will be 38.6' plus a walkout basement.

- Mr. Lewis inquired about the proposed re-routed drive.
- Mr. Fazio said they did not talk about a 20' driveway.
- Mr. Marc Dennis testified that he understood that they were OK with a 15' drive.
- Mr. Lewis referred to Chapter 135.04 of the zoning regulations.
- Mr. Bigger said they have one large property without having to split the lot and put a typical drive in.
 - Mr. Lewis said the choice falls into the applicant's hands.
- Mr. Fazio asked if there are ever any variances granted on driveway width because the fire department thought the drive was adequate.
- Mr. Dennis said if he has to build a road, he will build nine homes. He said to keep as much green space as possible it was recommended to him to apply for a conditional use permit for four homes but if we have to cut in a road we will divide the property for nine homes and said he is sure the neighbors won't like it. He asked if it can be part of the conditional use permit.
 - Mr. Lewis said the one thing the board will try to consider is the height request.
 - Mr. Bill Knauer of Brigadoon Drive testified that he is not clear on the height variance.
 - Mr. Fazio explained that they are asking for 5' above the maximum which is 35'.
- Ms. Susan Knauer of Brigadoon Drive testified that this proposed house will be on the highest part of the property from her view and she will be able to see it.
- Mr. Fazio explained the drive and said there will be a gate and access to turn around but there will not be a gate out front.
 - Mr. Bigger said they were encouraged to have the ability to turn around back there.
 - Mr. Fazio said the whole front will be kept as natural as possible.
 - Mr. Dennis said they will never have a house there.
 - Since there was no further testimony, this application was concluded.

Motion BZA 2001 - 15 - #41 Cats Den Road

Mr. Lamanna made a motion to table the request for a conditional use permit for cluster

development to a future date when the applicant is ready to submit the complete application for what they

would like to do in this area.

With respect to the main dwelling, the applicant wishes to build and for which they are requesting

a height variance, Mr. Lamanna made a motion to grant a variance of 5' from the maximum 35' to a

proposed height of 40' for the main dwelling structure.

The only condition applicable to this variance is that the applicant meet the minimum requirements

of the Bainbridge Fire Department for the road of 12' wide and the trimming of trees back at least 3' from

the edges with respect to any driveway.

The board notes that the applicant has indicated that if they go forward with a cluster conditional

use, they will present a request for a variance from the requirements of the road size and will present a

detailed description of the nature and construction of the driveway that they plan to put in with that application.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 10:29 P.M.

Respectfully submitted,

John Kolesar

Michael Lamanna, Chairman

Todd Lewis

Ellen Stanton

Donald Takacs, Vice Chairman

Attested to by: Linda L. Zimmerman, Secretary

Board of Zoning Appeals

Bainbridge Township, Ohio Board of Zoning Appeals April 19, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:29 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

- Mr. Lamanna made a motion to approve the minutes of the March 15, 2001 meeting as written.
- Mr. Takacs seconded the motion which passed unanimously.

Applications for next meeting

Application 2000-15 by Stoneridge Land Co. for property at the northwest corner of Chillicothe Road and Pettibone Road

The applicant is requesting an amendment to a previously granted conditional use permit for the purpose of establishing a cluster housing development. The property is located in a R-5A District.

Application 2001-19 by Noreen Bordonaro for property at 7025 Pine Street

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

Application 2001-20 by Geauga County Habitat for Humanity for property at 16690 Geneva Street

The applicant is requesting area variances for the purpose of constructing a storage shed. The

property is located in a R-3A District.

Application 2001-21 by Frank and Doris Lanza for property at 8410 E. Washington Street

The applicant is requesting a conditional use permit for the purpose of an auto sales and lease display area. The property is located in a CB District.

Application 2001-22 by Bainbridge Land Development, LLC (Heritage Corporation) for property at 7185 Aurora Road

The applicant is requesting an area variance for the purpose of installing a temporary development sign. The property is located in a CR District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for May 17, 2001 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:36 P.M.

Respectfully submitted,

John Kolesar Michael Lamanna, Chairman Todd Lewis Ellen Stanton Donald Takacs, Vice Chairman

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