

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 17, 2008

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass. The following matters were then heard:

Mr. Lamanna noted that there are three applications and then the board will be going into executive session to deliberate on a continuing application and added that the board has two continuances to deal with first.

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 2008-2 by Meredith M. Wilkes and William F. Pobega for property at 8510 Chase Drive - Continuance

The applicants are requesting area variance(s) for the purpose of maintaining a residential shed. The property is located in a R-3A District.

The zoning inspector's letter dated March 20, 2008 was read and photos of the site were submitted.

Mr. Todd Lewis recused himself from consideration of this application.

Mr. Lamanna asked the applicant to report on where they are with this application.

Ms. Meredith Wilkes and Mr. Bill Pobega were present to represent this application.

Ms. Meredith Wilkes testified that since they were last here, they got together with Ms. Joy Gallagher and various members of the homeowner's association of Peppermill Chase and first they did a walk of the property and the question was, was this shed really in the best place possible keeping in consideration line of site and keeping it basically out of the line of site and they walked around and took a look and the folks that were on the architectural review committee agreed that they put it really in the best place they could. She said the second thing they talked about was the landscaping plan to shield it from the street and from the neighbor's views and Ms. Gallagher brought a power point presentation for them to take a look at with proposed suggestions for a landscaping plan that would keep everybody happy and they agreed that they would comply with that landscaping plan and they will certainly put some trees in and the only open item would be whether or not their neighbor would agree to allow them to come onto her property to put some trees in to block it from her line of site. She said they did that and took some measurements from the garage to the shed and that is 22' and from the gazebo to the shed is 34' and that is what they have done so far.

Ms. Gallagher, President of the Peppermill Chase Homeowner's Association testified that as Ms. Wilkes mentioned they met in a real spirit of community cooperation in trying to resolve the issue. She said that one of the officers Ms. Mary Ann Long was also present. She said they feel that what she gave the board is a recap of their meeting on April 12<sup>th</sup> pretty much states the fact that we totally understand the situation that they were in, in moving here from out of state, how things can happen and in walking the lot with them, it is truly an odd shaped lot and the placement of the house is odd, not odd it looks beautiful, but truly they tried to camouflage the shed and by pushing it back where they did in that wooded area makes the most sense versus trying to meet the 90' setback, they would have to have it out somewhere in that open area which would be even harder and more difficult to camouflage. She said they went and met with the next door neighbor whose house you can see there to the left, Mrs. Bush and when you come up her front walkway you can clearly see the back of the shed and suggestions were mentioned that we had spoken about and if she were open to that as a solution for her and she is very open to that so that is a non-issue. She said also as you are driving in Peppermill and look through that wooded area you can see the shed so possibly two trees or so up there, Mrs. Bush would be open to having them there to block the view of the shed and then coming down Chase Drive, (she supplied the board with a sheet with all of the photos that have the placement of the proposed trees drawn in) so the landscaper would be the best one to advise them. She said she really feels that it would be blocked from view and essentially that is what we care about that the homeowners have what they need to manage their equipment, tractors, etc. but when you drive through the community you shouldn't really see it, we do our best to see that it is screened naturally and Mr. Pobega and Ms. Wilkes were open to all of those suggestions and they are going to get three bids from landscapers and then work with a landscaper on a timeline and based on these suggestions move forward so they signed an agreement to that effect and we feel that they are very sincere and hope that things will work out for them.

Mr. Lamanna said so you have a concept that you have agreed upon and that is going to turn into a specific written plan within how long.

Ms. Wilkes said it would be by the middle of June to turn that over to Ms. Gallagher and the homeowner's association.

Mr. Lamanna said the plan.

Ms. Wilkes said yes.

Mr. Lamanna asked Ms. Wilkes and Mr. Pobega when they plan to have this whole thing finished.

Ms. Gallagher said their best efforts are working with the landscaper and according to the timeline they would have that completed by September 21<sup>st</sup>.

Ms. Wilkes said they are having their first contractor coming on Monday.

Mr. Lamanna said he wanted to go back to the measurements once again and asked the applicant to provide the board with the measurements.

Ms. Wilkes said the distance from the edge of the driveway, you can see those burning bushes, to the front of the shed is 22'. She referred to the GIS aerial map displayed and said the gazebo to the shed is 34'.

Mr. Murphy asked from the shed to the property line towards the Bush house, do we know what the distance is.

Mr. Pobega said he thinks it is 62' and that is based on the measurements up here (he referred to the aerial map on display).

Ms. Wilkes said it is 28'.

Mr. Lamanna said it is 28' to the property line.

Ms. Gallagher said you can't see it in the photo there but there is a ravine with a wetland.

Ms. Wilkes said so we couldn't put it back in there.

Ms. Gallagher said Mrs. Bush can't do anything with that property and neither can they.

Mr. Joyce noted the contours of the property and said they are 2' and the green ones are 10' apart.

The board discussed this application and the variances requested.

Mr. Murphy asked if an approval has been given and if there is anything signed and approved by the homeowner's association.

Ms. Gallagher said the board has two versions, she had dropped one off earlier that we have not yet completed but she at least wanted the board to be able to see the steps that we have unitedly taken to try to resolve the problem so we feel that the stipulations will work for a resolution and it has an end date. She added that she has the commitment from the other three board members, they were just unable to be here this evening, so they will have it signed and it will be unanimous.

Mr. Murphy said in reading over the idea that there should be an attempt to plan the style of the building and just coming into this new tonight, just looking at the pre-fab kind of shed roof, the real low pitch roof on the shed, it is so different structurally, architecturally to the rest of the neighborhood, and asked Ms. Gallagher if they are okay with that as far as the homeowner's association is concerned.

Ms. Gallagher said if you read through our requirement it does call for the pitch of the roof to be a matching pitch to the house but since this is deemed a special circumstance and with the fact that Ms. Wilkes and Mr. Pobega went to a great effort to make sure that the shingling on the roof match the shingling on their home and that the color and siding match their house to pull the roof off and put another one on did not make sense at this point in time and she thinks that the screening and where this is placed, there is an umbrella of trees behind it, she doubts that it will be noticed at all.

Mr. Murphy asked if there is anybody from the Bush family here or a response.

Ms. Gallagher said she will give her sworn testimony that Mrs. Bush is open to the suggestion of putting something at the end of her walkway.

Mr. Murphy said so they are not here objecting to it.

Ms. Gallagher said no.

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

#### Motion BZA 2008-2 – 8510 Chase Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of maintaining a shed that was previously constructed.

1. A variance from the minimum required rear yard setback of 90' to 28' for a variance of 62'.

With the following conditions:

1. The applicant must complete and carry out the landscaping plan which has been agreed upon between the applicant and the homeowner's association. That plan is supposed to be completed by mid June and at the time it is completed, it will be submitted to the zoning inspector and if it is satisfactory to the homeowner's association and the zoning inspector sees that it otherwise appears to accomplish the screening of the neighbor's property, at that time a zoning certificate will be issued.
2. The entire plan will be completed by September 21, 2008.

Based on the following findings of fact:

1. A practical difficulty exists because of the nature of this lot and the fact that the house is situated so deep on the lot which is also a corner lot, that it leaves virtually no area in which to put an outbuilding and maintain the 90' setback requirement.

Motion BZA 2008-2 – 8510 Chase Drive - Continued

2. The board also finds that by adding the landscaping plan and otherwise complying with the conditions to pass this variance that this location will not have an adverse impact upon the neighboring property owner nor will it be inconsistent with the other use and development of outbuildings in the neighborhood.
3. The board notes that it would not find in favor of granting this variance unless the conditions were complied with.

Mr. Olivier seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Application 2008-4 by Kenneth Lauer for property at 17372 Snyder Road - Continuance

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

The zoning inspector's letter dated March 20, 2008 was read and photos of the site were submitted.

Mr. Kenneth Lauer was present to represent this application.

Mr. Lamanna said the board had a couple of questions from the last hearing.

Mr. Kenneth Lauer testified that the main thing that his son reported was that the board did want him to merge the properties so he spent the money and retained J. W. Daniel and Associates and they are in the process of merging the properties for him.

Ms. Sass said perfect, it helps a lot.

The board discussed the application and the requested setback variances.

Ms. Sass asked Mr. Lauer if he was going to take the other shed down.

Mr. Lauer said one is going to be knocked down, when he builds the new one, he will move the stuff into it.

Mr. Lamanna said the other question the board had was what is the greatest distance over that the building can be moved before it runs into something that causes a problem.

Mr. Lauer explained per the site plan where he was going to build it and the location of a surface drain and a sub-ground drain and he had problems in front of the house about 25 years ago so he dug a drain going back into the woods there so he really does not want to get on top of that drain so he thought about that and what he can do to help out a little bit instead of making the front here (he referred to the site plan), he can push it back about 20' and that all would be moved over about 5' and then he could still swale it around that corner if he moves it back so he would have about 100' back there and put it over about 5' more.

Mr. Lamanna said so about 30'.

Mr. Lauer said 30' or so and if that is satisfactory, that is the best that can be done without starting to run into those drains.

Mr. Lamanna asked if there is a house on the next property.

Mr. Lauer said there is a house that is about over in here (he referred to the GIS map displayed).

Mr. Lamanna said so it is way over on the other side of their property.

Mr. Lauer replied yes.

Mr. Lamanna asked if any of the neighbors are present.

Mr. Murphy said he was not here for the last meeting and asked if the gravel or asphalt driveway will be taken back to this barn.

Mr. Lauer replied yes.

Mr. Murphy asked from the front of his house if he is going to go across the front yard and around to the right to get back to that barn.

Mr. Lauer said he looked at the barn to come off of this driveway here (he referred to the GIS map) but there are a lot of huge trees right there and the road department offered to re-do his entrances, because these are pretty skinny entrances here so when they re-do those, he was going to ask them to re-do this one and he was thinking of relocating one of them to give him a straight shot back in there and then he could continue the circle driveway around and he was thinking about that as a possibility. He said if he tries to go around here (he referred to the GIS map) he would have a lot of big trees and roots to deal with and would rather not take down those big trees.

Mr. Murphy asked if you have a circle driveway in the front of the house how do you get back to the barn.

Mr. Lauer said right now what he was going to do for construction purposes, he was going to come straight in and what he thinks will work out is to eliminate this driveway (he referred to the GIS map) and make that part of the circle right there, just move that access driveway over about 20' on the other side of the pole, that would give a nice shot to the barn and would give nice access there, he has to re-do that driveway anyway, it is starting to crumble. He said he tried to contact the road department to confirm and he talked to the road department about three years ago and they said when you are ready call us and we will dig it up and put a bigger wider access in there and he figured now is the time to do that because you really don't want to swing out on the other side of the road to turn in like you do now.

Mr. Lewis said last month we also talked about the use within the structure and we were trying to get a solid differentiation between personal use versus assurances that it is not a shop for commercial purposes and revenue.

Mr. Lauer said their relatives are getting older, they have antique cars stored here and there he has to find a home for, his son has an antique tractor hobby with a 1924 Centaur and a 1923 John Deere that he has stashed in various people's barns and he wants to get them out so it is definitely a tractor hobby and car hobby, they will work on their stuff there, but that is it.

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

#### Motion BZA 2008-4 – 17372 Snyder Road

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of constructing a barn, the size as shown on the applicant's submittal.

1. A variance from the minimum side yard setback requirements of 50' to 30' for a variance of 20' and the applicant is going to move the building back approximately 20 or so feet as per the location currently shown.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has existing drainage features on the property and an existing ravine which makes it impractical to move the building any farther over, otherwise it would impinge on those areas.
2. The adjacent property owner's house is on the far other side of their property and the barn will be in the back area of the lot and it will be less visible so it should not adversely affect the neighboring properties or be inconsistent with the neighborhood.
3. The applicant also has an existing 10' x 10' shed which with the addition of this new building would otherwise violate the number of separate structures rule but the board will allow the applicant to maintain that additional shed for a period of time until 30 days after completion of construction of the new building by which time the old building will be cleaned out and demolished.

Motion BZA 2008-4 – 17372 Snyder Road - Continued

With the following condition:

1. The applicant will complete the lot merger that he has underway.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Application 2008-6 by Bainbridge North Land Development, LLC for property at 18813 North Marketplace Drive

The applicant is requesting area variances for the purpose of installing signage for the Flower Factory. The property is located in a CR District.

The zoning inspector's letter dated April 17, 2008 was read and photos of the site were submitted.

Ms. Allison Morse of Cogna Sign Company was present to represent this application.

Ms. Morse presented a letter from the Flower Factory giving her authorization to represent them.

The board reviewed the application and variances requested.

Ms. Morse testified that they are looking for a sign height variance and they have a difference of 14' that they need a variance for and then the area allowed for square footage for a single sign, no sign shall exceed 50 sq. ft. and they need an additional of 203.7 sq. ft. total.

Ms. Sass asked why so much.

Ms. Morse said because of where the store is located, it is at the far side of the property and from the road, it is really hard to see, there is a Home Depot and they all have the same large signs so in an effort to maintain that type of signage and because of where they are located they are looking to do the larger sign.

Mr. Lamanna asked what the total sign limitation is for the building frontage.

The board reviewed the proposed signage requested.

Mr. Murphy asked if the board could see a GIS aerial map of this property.

Mr. Joyce projected the GIS aerial map of this property.



The board discussed the other buildings on the property and their locations and the existing signage on the other buildings.

Mr. Lamanna said Flower Factory is a little longer and suggested scaling the letters down to 4' high which would bring it down to 170 sq. ft. which will be a little more consistent.

The board reviewed what was granted for the Home Depot.

Mr. Lewis said it is pretty consistent with what we have been doing, it is a huge building with a deep setback.

Mr. Lamanna said based on the other ones, he does not think it is out of line.

Mr. Olivier said the height seems consistent.

Mr. Murphy asked if the Flower Factory elevation that the board has if that is just the Flower Factory building and not the two proposed buildings.

Ms. Morse replied yes it is just the Flower Factory.

The board discussed shrinking the letters to 4' but that it could also shrink the length.

Mr. Lamanna said he thinks the 5' is consistent with what the board has previously granted.

The board discussed the location of Home Depot and how far off the road it is.

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

#### Motion BZA 2008-6 – 18813 North Marketplace Drive (Flower Factory)

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of installing signage for a Flower Factory sign.

1. A variance for a total size as shown on the application of 253.7 sq. ft.
2. A variance from the maximum height requirement of 15' to 29' high for a variance of approximately 14'.

Based on the following findings of fact:

1. With respect the height, the sign is part of the architectural structure of the building.

Motion BZA 2008-6 – 18813 North Marketplace Drive (Flower Factory)

2. It is located in a logical place on the building for a sign so it does not extend above the building nor is it located in a place that is unreasonable given the size and scale of the building or in a manner seeking to gain additional impact from the location.
3. With respect to the overall size of the sign, the total signage is within that permitted by the total for the entire building length.
4. With respect to the scale of the building it is reasonable.
5. This building is located at the far back of the shopping center and the maximum distance from Rt. 43 so additional size letters are needed for reasonable visibility.
6. It is also consistent with the size of the signage that has been permitted on other large stores in this and the adjacent shopping center.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road  
– Continuance

The applicant is requesting a conditional use permit with variances for the purpose of constructing single family cluster homes. The property is located in a R-3A District.

Executive Session

Mr. Lamanna moved that the Bainbridge Township Board of Zoning Appeals go into executive session to consider application 2006-33.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

The board of zoning appeals recessed its public hearing at 8:32 P.M. in order to go into executive session to consider application 2006-33.

The board of zoning appeals returned from executive session after considering application 2006-33 and reconvened its public hearing at 10:46 P.M.

Since there was no further testimony, the public hearing was closed at 10:46 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Lorrie Sass

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

Date: May 15, 2008

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 17, 2008

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:46 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Ms. Lorrie Sass.

MINUTES

Mr. Lamanna made a motion to adopt the minutes dated March 20, 2008 as written.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis aye; Mr. Murphy, aye; Mr. Olivier, aye; Ms. Sass, aye.

Meeting Schedule

The board discussed holding a special meeting for deliberation purposes only and to be held in executive session, regarding BZA application 2006-33 by Voproco Properties Limited at 16941 Savage Road.

Mr. Lamanna made a motion to hold a special meeting on May 22, 2008 at 6:30 P.M. in executive session only for the purposes of deliberating on BZA application 2006-33.

Mr. Lewis seconded the motion that passed unanimously.

Applications for May 15, 2008

Application 2008-7 by Agile Sign for University Hospitals for property at 8185 E. Washington Street

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

Application 2008-8 by Watkins Lighting/Joel Frezel for Justice Just for Girls for property at 7125 Market Place Drive

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CR District.

Application 2008-9 by Raymond N. Uhlir for property at 8855 Apple Hill Drive

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for May 15, 2008 at 7:30 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 11:00 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Lorrie Sass

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

Date: May 15, 2008