

Bainbridge Township, Ohio
Board of Zoning Appeals
April 19, 2007

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:42 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. The following matters were then heard:

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 2007-12 by Cicogna Sign Company (George Dragon) for Citizens Bank for property at 8555 Tanglewood Square

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

Mr. Lamanna made a motion to postpone this application to the next regularly scheduled meeting to be held May 17, 2007 at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2007-13 by Bainbridge Associates for property at 8586 E. Washington Street

The applicant is requesting a conditional use permit for the purpose of constructing an addition. The property is located in a CB District.

Mr. Lamanna made a motion to table this application indefinitely until the applicant notifies the board as to when he would like to appear.

Mr. Takacs seconded the motion.

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

Application 2007-14 by McMillon Construction for property at 7063 Woodland Avenue

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

The zoning inspector's letter dated April 12, 2007 was read and photos of the site were submitted.

Ms. Twannamy McMillon was present to represent this application.

Ms. McMillon testified that she is here again for the same property and it has not been constructed yet. She said what happened was, they got a variance before to build this house and they built a house somewhere else and discovered that the kitchen was a little small for what people want today in a home so with that in mind, they decided to expand the rear of the house about 2' which would change the dimensions, so they are requesting a variance to change the rear and to have the front setback about 25' from the road and she thinks the original variance was 22' from the road and the side variance would be left the same at 15' and added that this is on the corner of Woodland.

Mr. Takacs said before the setback was 20' and now 25' is being requested.

Ms. McMillon said she thought it was 22'.

Mr. Takacs said the previous motion was 20'.

Ms. McMillon said okay but now they are asking for a 25' front yard setback.

Mr. Takacs said the rear was 45' last time and asked what she is asking for now.

Ms. McMillon said they are asking for 47', two more feet.

The board discussed the proposed setbacks.

Mr. McIntyre said the front yard setback was originally 23'.

Mr. Lamanna said there are two fronts because it is a corner.

Mr. Takacs said they pushed it back 3' and added 2'.

The board continued to discuss the requested setbacks.

Mr. Lamanna said the house will face Woodland.

Ms. McMillon replied yes.

Mr. Lamanna said the front yard did not change it is the other front yard that changed, the one on Bedford.

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

Motion BZA 2007-14 – 7063 Woodland Avenue

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a new single family dwelling.

1. A variance from the minimum required front yard setback of 100' to 25' for a variance of 75' on the Woodland Avenue side.
2. A variance from the minimum required front yard setback of 100' to 23' for a variance of 77' on the Bedford Street side.
3. A variance from the minimum required side yard setback of 50' to 15' for a variance of 35'.
4. A variance from the minimum required rear yard setback of 90' to 38' for a variance of 52'.
5. A variance from the maximum lot coverage of 10% to 30.56% for a variance of 20.56%.

Based on the following findings of fact:

1. This is a small change to a previous action by the board of zoning appeals on application 2005-16 representing moving the house back slightly and a 2' increase in the depth of the house.
2. Those changes are insignificant.
3. The board reaffirms its previous findings of fact from that application as support for granting these variances.

Mr. Takacs seconded the motion.

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

Application 2007-15 by Custom Neon & Graphics Inc. for The Shoe Show for property at 18815 N. Marketplace Drive

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

The zoning inspector's letter dated April 12, 2007 was read and photos of the site were submitted.

Mr. Guenter Metzger of The Shoe Show was present to represent this application.

Mr. Frank McIntyre, Zoning Inspector, testified that they will be looking to put some panel signs on the front panel along with the sign out front. He referred to the ground sign out front on the street and explained that every other store has gone with a panel that was there and supplied by the tenant that this application has not indicated and based on the square footage, a variance would be needed for that also.

Mr. Metzger said he was not aware of that.

The board reviewed the motions from the last month regarding signage for Maurices, Dress Barn and Litehouse.

Mr. McIntyre said the board had Dress Barn reduce their sign.

The board continued to review the variances from last month and the requested variance for The Shoe Show.

Mr. McIntyre said Dress Barn had 35" capital letters and the smaller letters were 14".

Mr. Lamanna said that 30" letters would be consistent with the others and what the board has done for other people and in terms of the percentage of variance, it will be about 40% and typically what everybody else has is about 10% overage. He said with 30" high letters, they can easily be seen from Home Depot and referred to a chart that tells what the readability is at certain distances.

Mr. Murphy asked if The Shoe Show will be right next to Maurices.

Mr. Metzger replied yes.

Mr. Lamanna said 30" letters would be consistent with what has been previously granted by the board.

Mr. Lewis said 30" is consistent with the adjacent tenants, it is proportionate on the building, and the site lines on 30" high letters are 1,250 ft. so the visibility is great, and the sign is illuminated.

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

Motion BZA 2007-15 – 18815 N. Marketplace Drive (The Shoe Show)

Mr. Lamanna made a motion to grant the applicant the following variances:

1. A variance for the total square footage of the sign to 56 sq. ft. representing a proportionate reduction of this proposed sign to 30" high.
2. A variance from the maximum permitted height of 15' to 16' 6" for a variance of 1'6".

Based on the following findings of fact:

1. The variance on the height is granted because it is consistent with the other signs in the area and it is also consistent with the building façade.
2. The height of the letters (30") is consistent with other variances granted in this area.
3. Although it is a 40% variance, because of the small frontage on this particular tenant space, a slightly larger variance is required to maintain consistency with the signage.

Mr. Takacs seconded the motion.

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

Application 2007-16 by Title Xperts Agency, Inc. (David A. Gembala) for Ronald and Debra Scaletta for property at 8633 Tanglewood Trail

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

The zoning inspector's letter dated April 12, 2007 was read and photos of the site were submitted.

Secretary's Note: This application was withdrawn by the applicant.

Application 2007-17 by Chris Vild for property at 7444 Fields Road

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

The zoning inspector's letter dated April 12, 2007 was read and photos of the site were submitted.

Mr. Chris Vild was present to represent this application.

Mr. Lamanna swore in Mr. Vild.

Mr. Vild testified that he built a shed on his property in the wrong place and showed a picture of it to the board. He said he has two lots so it is basically in the center of his property at the end of his driveway.

Mr. Lamanna asked Mr. Vild if he knows exactly where it is located.

Mr. Vild said he has the county map and it is right at the end of his driveway.

Mr. Lamanna said the county map will not tell where it is relative to the property line and asked if there are any monuments on the property that will indicate where the property line is.

Mr. Vild said he does not know he just has the 5-1/2 acres with the shed next door to store the tractor.

Mr. Lamanna asked how close the house is located to the property line.

Mr. Vild said it appears from the county website map, the corner of the house hits the property line.

Mr. McIntyre said those maps are not reliable.

Mr. Lamanna said they show generally where things are.

Mr. McIntyre said the only record the township has on that particular property is the record from when the house was built back in 1962 and it indicated to be 20' off the property line and he has a letter in the file that Joe Orłowski wrote to Mr. Byron Clayton. He proceeded to read the letter, dated 2004. He said if that is the given fact based on Mr. Orłowski's letter back then, the original print may hold true with 20' off the property line.

Mr. Lamanna said but nobody knows for sure.

Mr. McIntyre said correct.

Mr. Olivier asked if the turn around is on the other parcel or could it be sitting on the line.

The board discussed the location of the shed and turn around.

Mr. Lamanna said the board's issue is if there is going to be two lots and if they are going to be kept as separate lots, then treat them as separate lots when they are built on and that means to make sure the house is in the right place and make sure the driveway is on the right property and make sure the accessory buildings are on the right property. If the two lots are treated as a single lot, then they should be consolidated. He said in this case, if all this was is a little accessory structure that was going to be built on the adjacent property the board might be willing to entertain that on the basis that if the property is ever sold, it would have to be torn down first. The problem here is there is a driveway that is not on the property either.

Mr. Vild said he remembers that when he bought the house.

Mr. Lamanna said if someone wants the board to grant a variance to put up an accessory structure on the adjacent property and the property owner does not want to consolidate, the board would want the lot to be conforming. The house and driveway could not be encroaching on the other property.

Mr. Vild said he does not want to break any laws, he could move the shed because there is no foundation, it is just sitting there but he does not know if it could even be considered a building.

Mr. Lamanna said it is a structure under the zoning regulations.

Mr. Vild said it is not attached.

Mr. Lamanna said it would be easier to move the building, but it would have to be moved within the setback requirements.

Mr. Takacs asked if it is 20' or 50'.

Mr. McIntyre said it depends on the location of the existing house on the site and the square footage of the structure.

Mr. Takacs said the drive is an issue too.

Mr. Lewis said yes, because the lots are not being joined.

Mr. Lamanna said the drive is probably okay because it is pre-existing until the property is sold, then it will have to be resolved, but for the moment it is okay.

Mr. McIntyre said it will become an issue when he goes to sell.

Mr. Lamanna said the drive pre-dates the change.

Mr. McIntyre said correct.

Mr. Lamanna told Mr. Vild if he wants a variance, he will have to bring his property into compliance.

Mr. Vild said he was going to go and thanked the board members for their time.

Mr. Lamanna asked Mr. Vild what he was going to do.

Mr. Vild said the board is telling him he can't have it so he is not going to sit here and waste his time, he will move the shed.

Mr. Lamanna said okay.

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

Motion BZA 2007-17 – 7444 Fields Road

Mr. Lamanna made a motion to dismiss this application on the basis that the applicant has stated that he is no longer interested in continuing this application.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:25 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: May 17, 2007

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
April 19, 2007

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:25 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Murphy, Mr. Todd Lewis, Mr. Mark Olivier and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the March 15, 2007 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for May 17, 2007

Application 2007-12 by Cicogna Sign Company (George Dragon) for Citizens Bank for property at 8555 Tanglewood Square - Continuance

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

Application 2007-18 by James B. and Diane S. Thomas for property at 7945 Country Lane

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

Application 2007-19 by Small Hands Big Dreams Learning Centers, LLC for property at 8505 Tanglewood Square

The applicant is requesting a conditional use permit for the purpose of expanding a child care center. The property is located in a CB District.

Application 2007-20 by Bainbridge Food Mart for property at 17800 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of establishing a U-Haul rental business. The property is located in a CB District.

Application 2007-21 by Andrew L. Kenen for property at 18055 Kenston Lake Drive

The applicant is requesting area variances for the purpose of installing an in-ground swimming pool. 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 17, 2007 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 8:30 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: May 17, 2007