

Bainbridge Township, Ohio
Board of Zoning Appeals
April 20, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 8:08 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Mr. Mark Murphy. Mr. Mark Olivier and Mr. Donald Takacs were absent. 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 2006-1 by Carol M. Freebairn for property at 16760 Park Circle Drive –
Continuance

The applicant is requesting area variances for the purpose of maintaining a storage facility. The property is located in a LIR District.

Application 2006-4 by Robert and Ann Chaney for property at 17131 Cats Den Road -
Continuance

The applicants are requesting area variances for the purpose of constructing an addition. The property is located in a R-5A District.

Mr. Lamanna made a motion to continued applications 2006-1 and 2006-4 to a special meeting scheduled to be held on May 4, 2006.

Mr. Lewis seconded the motion that passed unanimously.

Application 2006-6 by Jack Gasowski for Antonio and Equanna Westbrooks for property at 16707 Geneva Street - Continuance

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

The zoning inspector's letter dated February 27, 2006 was read and photos of the site were submitted.

Mr. Jack Gasowski was present to represent this application.

Mr. Gasowski testified that he had a representative at the last meeting and the board came up with a solution to this from going parallel to the house to perpendicular as they have it now, to stay 20' from the property line with a three car garage with living space up above.

Mr. Lamanna asked if this is what the applicant would like to get accomplished.

Mr. Murphy asked if there will be additional living space over the garage and not a separate living space.

Mr. Gasowski said it is a family with four children and they need additional space, it is not a mother-in-law suite, there is a way to get back into the house etc.

Mr. Murphy asked if the board is allowed to ask about floor plans.

Mr. Lamanna said yes, certainly.

Mr. Gasowski said they re-worked only the site plan.

The board discussed the new site plan and was in agreement that it looked good.

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

Motion BZA 2006-6 - 16707 Geneva Street

Mr. Lamanna made a motion to grant the following variances for the purpose of constructing an addition in accordance with the plans provided by the applicants:

1. A variance to the minimum required rear yard setback of 90' to 40' which represents an increase in 10' from the previously granted variance for this property for a variance of 50'.
2. A variance to the minimum required side yard setback from 50' to 20' for a variance of 30' which is a reduction to the previously granted variance granted at 36' so it is being reduced by 16'.
3. A variance from the maximum lot coverage of 10% which is an increase from the previously granted variance of 15.6% to 27.92% for a variance of 17.92%.

Based on the following findings of fact:

1. A practical difficulty exists because it is a set of five previously platted lots totaling 100 x 100 sq. ft.
2. The setbacks being granted are consistent with those that have been previously granted in Chagrin Falls Park as well as the lot coverage being consistent with those previously granted.
3. The variances are also consistent with the adjacent development in that part of the park and will not adversely affect the adjacent property owners.

Mr. Lewis seconded the motion.

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

Application 2006-8 by David Vincik for property at 8784 S. Spring Valley Park Drive

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

The zoning inspector's letter dated April 13, 2006 was read and photos of the site were submitted.

Mr. David Vincik was present to represent this application.

Mr. Vincik testified that he hopes to build a 30' x 30' attached garage in the front left-hand side of his house because it is the most practical place. He said if he went to the right, he would have to re-do his drive, it would be on top of his well and if he went to the back of his house, he would still need a variance because he would be too close on the side. He said if he put it on the right-hand side in the back, it would be over his septic tank and he does believe that according to the county or state you have to be ten feet away plus he would also need a variance on that side. He said he would not be covering any more area than is covered already and it will be right in front of his house where the driveway is now and he feels that it won't be taking away from the neighborhood and value wise it would be added to. He said the variance is in the front and the side yards are fine and the rear is fine and he added that he is 11' short on his frontage.

Mr. Murphy asked if this is an 11' variance.

Mr. Vincik said that is correct.

Mr. Murphy referred to the photos and asked if the neighbor's garage to the west is the same.

Mr. Vincik said it is the same, the only difference is, his would be coming in from the front and his neighbor's comes in from the side.

Mr. Murphy asked if the neighbor's garage is 75' back.

Mr. Vincik said it is very close.

The board reviewed the plans submitted.

Mr. Vincik said across from his property is empty property, and to the east and the house is designed the same way, Mr. Tax's house actually sits 20' – 25' behind his house and on the other side the garage is basically the same as he intends to build, the only difference is he would be coming in from the front and not the side. He said it would be the most cost effective and practical way of doing it.

Mr. Murphy asked if there are any complaints about the way it is presented now.

Mr. Vincik said the only person here is Mr. Tax.

Mr. Murphy said this is a proposed 30' x 30' addition and it does not take 30' to park a car.

Mr. Vincik said no but it would be for storage too.

Mr. Murphy said if you take 11' off of the 30' it would be down to a 19' garage and you could park a car in a 20' deep garage.

Mr. Vincik said the present one now is 22' x 30' and he had three cars across in there and a freezer and that is about it. He added that Mr. Tax as seen the garage and he knows what it is like and it is not outrageous.

Mr. Lamanna asked if the garage would be wider and not quite as deep.

Mr. Vincik said he believes it is 22' from his neighbor's side, Mr. Tax, and on the opposite side or left side, he has a sidewalk to enter his house and it would end up in the middle of the sidewalk and it would be actually taking away from the design and this 30' would bring it up the end, up to the sidewalk and the reason he is going 3' over is so they could have a walk coming into the house instead of going into the garage and going into a man-door and if he did something like that, it would not be a selling effect for the house, which he is not going to sell anyway but he would not think of doing that. He said he is extending his family room another 13' and putting in another room that is 16' in the existing garage for exercise, sewing and computers, it is not for any business, it is for his own personal use.

Mr. Murphy asked Mr. Vincik if he was going to fill in the garage doors.

Mr. Vincik said yes said there will be a wall to separate the garage and a fire wall will be included.

The board discussed the location of the proposed garage and the location of the current driveway.

Mr. Vincik said he may have to put in an apron at the edge of the driveway but he would not be near the side property line.

Mr. Murphy asked what is at the east end of his house.

Mr. Vincik said there is just gravel, but nothing else, empty space.

Mr. Lamanna said his one issue is he is not sure a 30' deep garage is needed and explained that since it is going on the front of the house, a reasonable garage should be put on the front, 22' deep, for a smaller variance, it may not be exactly what the applicant wants but what is a reasonable accommodation and that extra depth is just to make it more useful, it does not make it non-functional. He said if more room is needed, the room could be taken from the existing garage. He said there has to be a practical difficulty to grant a variance and this is a reasonable sized addition, so the board has to decide how to keep the variance to a minimum and still accomplish what the applicant wants to accomplish. He said the board grants the applicant just what they need to overcome the difficulty.

Mr. Vincik said the only reason he is asking for that size is that he has no basement and no attic, just a crawl space and he has to put a couple of lawn mowers and a freezer in a 22' x 22' garage.

Mr. Lamanna suggested that he keep part of his existing garage and use part of that for storage.

Mr. Vincik asked the board for a suggestion.

Mr. Lamanna said if the length is only 22', it would only be a 3' variance.

Mr. Vincik said it would put the addition in the middle of the sidewalk but if this is what the board feels is right, he will have to work with it.

Mr. Lamanna said the board has to look at what the practical difficulty is and added that six feet could be kept for storage.

Mr. Murphy asked if the GIS photo is current.

Mr. Vincik said no.

The board discussed the location of the present sidewalk.

Mr. Joe Tax testified that either way is fine with him and said he did not think it would hinder his view at 22' or 30'.

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

Motion BZA 2006-8 – 8784 S. Spring Valley Park Drive

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

1. A variance to the front yard setback for the purposes of constructing a garage that will now be 30' wide and 22' deep so the variance will be for 4' from 75' to 71'.
2. The variance is granted from the 75' setback because that was the original setback in the Spring Valley area and the applicant will be maintaining the existing side yard setback so no variance will be required for that aspect of the project.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant can't add to the side of his house without creating issues with the side yard setbacks and expansion to the rear is defeated by the existing well and septic system fields.
2. This variance will not be inconsistent with other structures in the neighborhood or adversely affect the neighboring properties.

Mr. Lewis seconded the motion.

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

Application 2006-9 by Richard and Delores Ricciuti for property at 8300 Bainbridge Road

The applicants are requesting an area variance for the purpose of constructing a storage barn. The property is located in a R-3A District.

The zoning inspector's letter dated April 13, 2006 was read and photos of the site were submitted.

Mr. and Mrs. Ricciuti were present to represent this application.

Mr. Ricciuti testified that he wants to build a storage barn and the lot is 150' wide and he has to stay 50' from his neighbors and he is requesting a side yard variance from the road. He said there is only one house and his other neighbor is Millbrook Drive.

Mr. Lewis said this used to be a through street.

Mr. Ricciuti said yes and explained his neighbor's house and said the front of the house used to be the back of the house. He said he can't go any closer because of the location of the leach fields.

Mr. Lamanna asked if there was anyone with questions or issues regarding this application.

Mr. Lewis said he cannot see any impact on the neighbors.

Mr. Murphy said people will be looking at it from the freeway.

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

Motion BZA 2006-9 – 8300 Bainbridge Road

Mr. Lamanna made a motion to grant the following variance for the purpose of constructing a 24' x 24' storage barn according to the plans submitted.

1. A variance from the minimum required side yard setback of 100' to 76' for a variance of 24'.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant's lot is only 150' wide and because the one side of his lot is on a corner, it is subject to a 100' setback on that side.
2. This is a short dead-end street that ends 200' beyond the property and the building will still be 76' from the side yard with the 24' variance and will not adversely affect any of the neighboring properties.

Mr. Murphy seconded the motion.

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

Application 2006-10 by Kris Babetski of Archer Signs for Sky Bank for property at 8420 East Washington Street

The applicant is requesting an area variance for the purpose of installing a wall sign. The property is located in a CB District.

The zoning inspector's letter dated April 13, 2006 was read and photos of the site were submitted.

Mr. Steve Miller of Archer Signs was present to represent this application.

Mr. Lewis asked Mr. Miller if he had power of attorney for Sky Bank to represent them with this application.

Mr. Miller submitted a letter to the board from the bank.

Mr. McIntyre testified that he did advise the sign contractor to send a representative from the bank to the meeting.

Mr. Lamanna said the alternative is for the bank to give you authority to speak on their behalf. He suggested that this application be placed on the agenda of the special meeting to be held in two weeks on May 4, 2006 and that the board will look at this application unofficially. He explained that the person making the application must be present or give authority to someone to speak on their behalf. He asked Mr. Miller what was previously in this space.

Mr. Miller testified that Metropolitan Bank was previously there.

The board discussed the application.

Mr. Murphy asked if this was before the board years ago.

Mr. Lamanna said yes and the board gave the bank the second sign.

Mr. Lewis said it is a lot of signage with three signs.

Mr. Lamanna said the one Sky Bank sign is already there.

The board discussed the variance requests.

Mr. Lamanna said if 18" letters are used, it will take it down 60% of what it is now.

Mr. Lewis asked if the signage is illuminated.

Mr. Miller replied yes.

Mr. Lamanna suggested that the applicant come back with 18" letters and explained that this is a two-sided building.

Mr. Miller asked if he needed to bring in a new drawing.

Mr. Lamanna said yes and the board will deal with this application on May 4, 2006.

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

Motion BZA 2006-10 – 8420 Washington Street

Mr. Lamanna made a motion to continue this application to the special meeting to be held on May 4, 2006.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:56 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 18, 2006

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
April 20, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:56 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Mr. Mark Murphy. Mr. Mark Olivier and Mr. Donald Takacs were absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the March 28, 2006 meeting as written.

Mr. Murphy seconded the motion.

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

Meeting Schedule

Mr. Lamanna made a motion to conduct a special meeting on May 4, 2006 at 7:30 P.M. for the purpose of considering applications 2006-1, 2006-4 and 2006-10.

Mr. Lewis seconded the motion that passed unanimously.

Applications for May 4, 2006

Application 2006-1 by Carol M. Freebairn for property at 16760 Park Circle Drive –
Continuance

The applicant is requesting area variances for the purpose of maintaining a storage facility. The property is located in a LIR District.

Application 2006-4 by Robert and Ann Chaney for property at 17131 Cats Den Road -
Continuance

The applicants are requesting area variances for the purpose of constructing an addition. The property is located in a R-5A District.

Application 2006-10 by Kris Babetski of Archer Signs for Sky Bank for property at 8420
East Washington Street - Continuance

The applicant is requesting an area variance for the purpose of installing a wall sign. The property is located in a CB District.

Applications for May 18, 2006

Application 2006-7 by McMillon Construction for property at 7045 Lewis Drive –
Continuance

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.

Application 2006-11 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 2006-12 by Robert & Ann Chaney for property at 17131 Cats Den Road

The applicants are requesting area variances for the purpose of constructing an accessory building. The property is located in a R-5A District.

Application 2006-13 by Bainbridge North Land Development LLC for property at 7044
Aurora Road

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

Since there was no further business, the meeting was adjourned at 9:09 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 18, 2006

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