

Bainbridge Township, Ohio
Board of Zoning Appeals
April 21, 2011

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:00 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Christopher Horn and Mr. Mark Olivier. Mr. Michael Lamanna and Mr. Mark Murphy were absent.

Mr. Lewis welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Application 2011-9 by Robert F. Redmond for Suzanne Y. Woodward for property at 16832 and 16850 Chillicothe Road - Continuance

The applicant is requesting area variance(s) for the purpose of installing a real estate for-sale sign. The property is located in a R-3A District.

Motion BZA 2011-9 – 16832 and 16850 Chillicothe Road

Mr. Lewis made a motion to postpone this application for a continuance to the next regularly scheduled meeting to be held May 19, 2011 at the request of the applicant.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Application 2011-10 by Bryan M. and Joan M. Hartz for property at 7205 Chagrin Road

The applicant is requesting a modification to a conditional use permit for the purpose of expanding a daycare. The property is located in a L.I.R. District.

The zoning inspector's letter dated April 21, 2011 was read.

Mr. Brian Hartz, Mrs. Joan Hartz and Mr. Bill Stone were present to represent this application.

Mrs. Joan Hartz testified that at that location, she and her husband Mr. Brian Hartz own the building and in the building she has a daycare and right now she is licensed for 18 months and older and she would like to expand that to include infants and her understanding from the fire department, Mr. Mark Menary is that she needs a ramp for the infants in the event there is a fire, they can put them in the cribs and wheel them out so that is why they are requesting a ramp.

Mr. Shane Wrench, Zoning Inspector submitted additional prints to the board.

Mr. Horn asked if the prints are similar to what the board already has.

Mr. Wrench testified by replying yes.

Mr. Olivier asked Mrs. Heartz if she isn't expanding the interior space and if she is just adding infants to the same space that she is operating the daycare in currently.

Mrs. Heartz said no.

Mr. Olivier said he knows they are adding a ramp but beyond that are they re-configuring the space.

Mrs. Heartz said there are offices and Mr. Metzger left and they have a door from the daycare that goes into his offices so what they are doing is just going through the door and taking his office and making it into the infant room.

Mr. Brian Heartz testified that their tenant moved out so they are using that space.

Mr. Lewis said the indication he had is they wanted to increase their facility internally by 842 sq. ft.

Mrs. Heartz replied yes.

Mr. Lewis said staying with that before we get to the ramp, he is looking at the conditional use and conditions from the BZA motion 95-12 so it goes back to 1995 sometime and there are six conditions that are related to the use of the daycare center. He asked Mr. Wrench if there are any pending violations with this property now in their operation.

Mr. Wrench said no.

Mr. Lewis said it appears that we are going to talk about some proportions and asked the applicants if they are familiar with the six elements of that motion. He read the motion from application 95-12. He said the first condition was that enrollment would be limited to 50 children so now the space is being increased by 824 sq. ft. so this one should be revisited. He said item number two, no more than 35 children may be on the premises at any time and again proportionate increases. He said there may be no more than six employees so the board will need to talk about staffing this other area. He said item number four probably should remain static, it says the hour of operation of the facility will be from 7:00 AM to 6:00 PM, Monday through Friday, still consistent with the new business model for the infants.

Mrs. Heartz replied yes.

Mr. Lewis said the tenant daycare center will have available to it at least 14 parking spaces and asked Mr. Heartz if he is the landlord.

Mr. Hertz said yes, he and his wife own the building and the daycare.

Mr. Lewis said so the board will probably want to talk about the infant element and parking because there is a significant difference between drop-off and pick-ups in lieu of employees, staffing for whatever their shift is. He referred to item number 6, the age of the children will be between 18 months and five years so it rather appears that four out of these six or possibly five out of the six do require some discussion and that is before we get with the ramp and area variances, side yards etc. He said the square footage for the current daycare is 5,366 sq. ft.

Mr. Horn asked the applicants if they intend to have more than 50 children in the expanded area.

Mrs. Hertz said ten.

Mr. Horn asked if they are not increasing their enrollment, just the types of enrollees.

Mrs. Hertz said the state has to come in and re-license her because in order to take infants, the state has to come in and change her license for infants to school age and right now her license reads 18 months.

Mr. Horn said he understands the age but is she going to have more than 50 children enrolled at her facility.

Mrs. Hertz replied yes.

Mr. Olivier said but what you (Mrs. Hertz) are saying is no more than 60, there will be potentially ten additional children.

Mrs. Hertz said yes, about 60 or 70.

Mr. Bill Stone, son-in-law, asked if it makes a difference what the number is because they never have all of those kids there at one time.

Mr. Horn said those are different conditions, one was the number of enrollment and the other was the number of children allowed on the premises at any one time so those may be different.

Mr. Olivier said the original conditions were 50 total and 35 at any one time and it was mentioned there may be 70 total but how many will there be at one time.

Mrs. Hertz said more than 35 and some of the kids come after school so she has to count them and then she has some preschoolers that just come from 9:00 – 11:30 AM so we are talking absolutely everybody.

Mr. Olivier asked how many will be there at one time.

Mrs. Hartz said the average would be 35 – 40 children.

Mr. Olivier said if this is approved, another 10.

Mrs. Hartz said yes it will probably be 10 more, maybe and it depends on if the state allows her to have 10 in the room that she wants.

Mr. Lewis asked how many beds are in that room.

Mrs. Hartz asked the infant room.

Mr. Lewis said yes.

Mrs. Hartz said if she wants 10 infants, she has to have 10 cribs, if she has 5 infants, she has to have 5 cribs.

Mr. Lewis said the rendering shows five and asked if that is just an initial drawing.

Mrs. Hartz said yes and it could be eight, the state has to okay how many she has because they can only put them so many feet apart and so many feet apart from the play area and she doesn't have it done yet until the state measures it out and tells her how many cribs she can have, ten or eight, she does not know yet.

Mr. Olivier asked if the state regulates her currently under the current operation as to how many people she can have.

Mrs. Hartz replied yes.

Mr. Olivier said so this complies with the state then.

Mrs. Hartz said yes she is state licensed.

Mr. Horn asked if the state license is based on the square footage of the facility.

Mrs. Hartz said square footage per child.

Mr. Horn asked Mrs. Hartz if the square footage of the facility is increased as proposed, what would the state license permit her to do in terms of adding children.

Mrs. Hartz said because she wants to do an infant room, they will just tell her how many infants she can add.

Mr. Horn said based on the size of the room proposed, how many infants would they allow.

Mrs. Hertz said probably not more than ten and added that she doesn't want more than ten, the state may say five or six but she doesn't want more than ten because with ten you have to have two teachers.

Mr. Horn said less than ten, you only have to have one teacher.

Mrs. Hertz said five kids to one teacher.

Mr. Wrench showed the board the occupancy permit that states they are allowed up to 100 occupants for the building.

Mr. Olivier said based on the square footage of the original space.

Mrs. Hertz said yes.

Mr. Olivier said but the state hasn't allowed 100 in there.

Mrs. Hertz said she doesn't want 100 and it is her preference.

Mr. Lewis asked where the expansion will be in the building.

Mr. Stone testified that Medhurst Construction was in there and they left and explained they will be using the existing section of the building, the back section.

Mr. Horn asked where it will be expanded.

Mr. Stone referred to the site plan of the building and said it will be the little back section which is about 600 sq. ft.

Mr. Lewis said the building will not be added onto.

Mr. Stone said no, she is just going to open up that door and go into that area.

Mr. Lewis said and then a stroller ramp will be added.

Mr. Stone said yes and it has to be ADA compliant, it will be a four foot rise on that side of the building.

Mr. Horn said so the building will not be expanded itself.

Mr. Stone said no they are just putting in a ramp.

Mr. Horn asked how that calculation impacts it if they are using the square footage which is a ramp, it is not actually a building.

Mr. Lewis said the operation size is 842 sq. ft.

Mr. Olivier asked if the 842 sq. ft. includes the ramp.

Mrs. Hartz said it is just the interior space.

Mr. Horn said the space is in a building that already exists.

Mrs. Hartz replied yes.

Mr. Stone said she is just occupying the empty space.

Mr. Lewis asked Mrs. Hartz about the age of the infants she is talking about.

Mrs. Hartz said the state says six weeks on up to 18 months for the infants and then they have to go into another room which is 18 months which she already has.

Mr. Lewis said these are state regulated so he was looking at the current condition on the age of the children which is 18 months to 5 years but if the board changes that to six weeks and five years, what room and how they are cared for is state regulated.

Mr. Stone said there are different kinds of regulations for the infants so that whole new section she would be occupying, the state would come in and inspect it and make sure all of the cribs are properly spaced and there is enough square footage.

Mr. Horn said as he recalls for younger children they require more teachers than for the older children.

Mrs. Hartz said yes as they get older, you don't need as many.

Mr. Lewis asked Mrs. Hartz how she sees her employee staffing count change to support the infant care portion.

Mrs. Hartz said if she has over five infants she will have to have two teachers so she would assume she would want more than five, six, seven or eight, she would hire two more teachers.

Mr. Lewis said right now it says there may be no more than six employees, we would have to look into increasing that to eight employees giving two more to staff the infants and if you didn't grow into it and you only need one because you have five beds, you are under the threshold.

Mrs. Hartz said she thinks she has seven employees right now but they aren't there all day, she has a morning crew and an afternoon crew and she includes herself as one of the teachers.

Mr. Horn asked how many teachers are on staff at any one time, how many are actually physically there.

Mrs. Hartz said five.

Mr. Horn said and possibly two more would be added.

Mrs. Hartz said yes.

Mr. Horn said so there would be no more than seven working at one time.

Mrs. Hartz replied yes.

Mr. Horn said he noticed in the minutes that there didn't appear to be a regulation regarding parking for something like this and asked if that changed now, is there a parking issue.

Mr. Wrench said the parking would require one space for every three children and then one space for each provider, so if they are increasing by ten, it would be three spaces and then two more employees.

Mr. Horn said if they have sixty children and seven staff they would need 27 spaces.

Mr. Wrench said correct.

Mr. Horn asked if they have 27 spaces available to them.

Mrs. Hartz replied no.

Mr. Horn asked how many spaces.

Mrs. Hartz said for the whole building she does but the parents come and go, they don't stay.

Mr. Horn asked how many spaces she has available for their operation.

Mr. Stone said she probably has about 40.

Mr. Horn said so they are in compliance.

Mr. Stone said the adjoining buildings are way overloaded with cars.

Mr. Olivier asked if they are the 100% tenant in this building or will they be.

Mr. Hartz said there is one small office that is open.

Mr. Horn asked if the written lease provides for the number of spaces available for the customers and employees.

Mrs. Hartz replied yes.

Mr. Horn asked how many that is.

Mr. Stone asked if it matters that she writes the lease.

Mrs. Hartz said probably 15 – 16, six in the front and 10 in the back and on the other side of Process Valve, there are about six of them that they don't use so her teachers park on the side but they are not all there at the same time.

Mr. Hartz said they will have to check the lease.

Mr. Olivier asked if the parking has ever been an issue for all of the tenants and if it has been regulated on how many spaces each tenant gets.

Mr. Hartz said no, and explained the location of the spaces and besides the daycare there is a total of four.

Mr. Olivier said and 40 spaces roughly.

Mrs. Hartz said yes.

Mr. Stone said sometimes there is a tenant who likes to have his name on a sign in front of his door and we do that for him.

Mr. Horn explained the number of parking spaces required and said if it is one for three children and one for the employees it would be about 27 with a maximum of seven employees at any given time and they are seeking 60 total enrollments so it would be 20 plus seven or 27 would be required.

Mr. Lewis said what we dedicated is 14 or 20.

Mr. Stone said if you add in the spaces that were used by Medhurst you would have 12 spaces in front and she also has Process Valve that has three employees but has 12 – 14 parking spaces, she has the teachers park there and they stay on that side.

Mr. Lewis said there are 12 over there and there are five or six people at any given shift so you are sending all of them over there.

Mrs. Hertz said yes, they park on the side.

Mr. Lewis said you have the possibility of nine more spots over there, there are 12 and they are using three.

Mr. Stone said there are a lot of empty spots and if you physically drive around the building during the day you can get the feel for it.

Mr. Horn said there are probably enough spots during the day but the prime time is when the parents drop off in the morning and pick up at night so we want to make sure there is adequate parking for the heaviest portion of the day so parents aren't parking somewhere far away.

Mrs. Hertz said there is.

Mr. Stone referred to the GIS aerial map and explained the 800 sq. ft. area and the parking areas and the area where the teachers park. He said every parent goes in the front door and that is the way they operate and showed the board the spaces that were part of the Medhurst Office.

Mr. Horn asked if there would be access to the infant area in the back and those parking spaces in the back.

Mr. Stone said yes there is a door and a ramp in addition to the door so there would be two doors.

Mr. Olivier asked Mr. Stone to point out where the ramp is coming from and going to.

Mr. Stone explained per the GIS aerial the space and said the ramp will come out along the side of the building and angle to the concrete walkway.

Mr. Olivier said so you are connecting that parking area there where you anticipate the parents bringing the infants by the sidewalk and the new ramp to get to the door.

Mr. Stone said yes and explained where they would park.

Mrs. Hertz said she has a front door and a back door and the parents will go into the back door.

Mr. Horn said at least there is a separate entrance in the back that they can use so they don't have to go all the way around.

Mr. Olivier asked about the emergency exit.

Mrs. Hertz said it is only for emergencies, not even to go outside.

Mr. Lewis asked how many parking spaces are available on the back side of the building in total with Medhurst gone. He said it was mentioned that there are around eight spaces.

Mr. Stone said yes, there are eight back here (he referred to the GIS aerial photo) and they park around the playground fence here and then two across here and there are 12 from here to here. He said this space along this side of the building is a loading dock and there are 13 spaces along here for the teachers (he referred to the GIS aerial photo).

Mr. Lewis asked if they are all parking over there.

Mr. Stone said yes, there are only three people that work on this side of the building.

Mr. Lewis said the count was mentioned that there was a dozen of them.

Mr. Stone replied yes.

Mr. Lewis said it was said there are nine available for teachers.

Mr. Horn asked how many are in the front.

Mr. Stone said five.

Mrs. Hertz said but that is just in front of the school and then you have in front of Arnoffs.

Mr. Stone said there are about 40 total.

Mr. Horn said the zoning inspector indicated that according to the code with the addition that is being requested, they would be required to have 27 parking spaces available for this operation and asked if they are available.

Mr. Stone replied yes.

Mr. Lewis said the board needs to talk a little bit about items one and two and the permit says no more than 100 and the last board of zoning appeals stated that it was limited to a maximum of 50 and no more than 35 may be on the premises at any time. He said the increase in square footage, 842 sq. ft., the overall size of the facility is a 15.7% increase and if it is limited to 50 children that is an increase of 7.5 kids, call it eight and the 35 on the premises at any given time, that is a 5.5% increase, call it 6%, so staying proportionate with the spacing, he wants it to be proportionately consistent with what has already been provided. He said he doesn't know what the current enrollment is, the previous enrollment was a maximum of 50 so it is being talked about to increase that to 58.

Mrs. Hartz said she would like to go higher if possible.

Mr. Olivier said Mrs. Hartz said 61 are currently enrolled and 35 – 45 are on the premises at any time under the current operation.

Mr. Lewis said that goes back to the conversation that of your enrollment and how many are there, you (Mrs. Hartz) are already beyond the limits that were granted your operation under the current conditional use permit. He said it says that enrollment was to stop at 50 and not have more than 35 kids, children on the premises at one time.

Mr. Hartz said that was the original.

Mr. Lewis said that is where that is.

Mrs. Hartz asked if that can be changed.

Mr. Lewis said he would like to know why the limits were exceeded.

Mrs. Hartz said when that was determined she wasn't there, she didn't own the school then, she worked there and the inspector came in and he said we could have so many and the state license person came in and said we could have x amount in each classroom and she saw the building thing that is always posted on the bulletin board by her desk and no one ever said anything and she didn't know.

Mr. Hartz asked Mrs. Hartz what year they purchased the business.

Mrs. Hartz said 1999 to 2000.

Mr. Olivier asked if the board has a basis of why the number of children was chosen.

Mr. Horn said in reading the minutes it appears that that was the representation by former owner Mr. Lambert as to the number. He referred to the minutes and said there were 50 children and there are usually 30 – 35 children at a time so maybe those were figures based upon his original request.

Mrs. Hertz said the state would allow 100 but she doesn't want 100, she wants less and has about what she wants right now.

Mr. Stone said and that 100 is in the existing space.

Mrs. Hertz said yes, the state said she could have that many.

Mr. Olivier said so your desire is taking the number to 70 total.

Mrs. Hertz said which includes the infants.

Mr. Olivier said instead of the 35 – 45 at any one time, it would be 45 – 55.

Mrs. Hertz replied yes.

Mr. Horn said you (Mrs. Hertz) were here when that was approved because you gave some information on the records of parents who sign in and drop their children off, so you were here at the hearing.

Mr. Hertz said they probably asked her to come.

Mrs. Hertz said yes, that is right.

Mr. Olivier asked if the fire chief looked at this and if he feels comfortable from a safety perspective.

Mrs. Hertz said he has to come out every year and inspect it, it is a state license rule and he has to sign off on it and then she has to send it down to Columbus to get it okayed.

Mr. Olivier asked if the fire inspection is part of the state licensing process.

Mrs. Hertz replied yes.

Mr. Stone said the state comes through more often.

Mrs. Hertz said twice a year they come through.

Mr. Lewis asked Mr. Wrench if the deck encroached on the 50' setback.

Mr. Wrench replied no.

Mr. Lewis asked if the lot coverage is okay.

Mr. Wrench said yes, it is actually in the Light Industrial classification.

Mr. Horn said the side yard is going to be 45' from the western sideline and it requires 50' so that is a 5' variance.

Mr. Wrench said it says there is a minimum of a 15' setback from the parcel or lot line and referred to Chapter 155.04(d).

Mr. Olivier said so it is either 50' or 15' depending on if it is the side or the rear of the parcel line.

Mr. Wrench said the building is 50'.

The board reviewed the side yard setback requirements.

Mr. Olivier said probably the accumulative total of both side yards has to be 50' and no less than 15' on one side.

Mr. Lewis said it is 45' so apparently there is not anything to do on that or with the lot coverage.

Mr. Horn asked if they are still at 25% even with adding a ramp.

Mr. Wrench replied yes.

Mr. Olivier said his opinion is to have adequate parking for the additional use of infant care and he does not believe it should be done proportionately, he thinks it should be based on the number of students, children when they are in there and the first one was basically granting the request of the owner on what he wanted so we shouldn't base the increase on that random request and base it more on what the state prescribes.

Mr. Horn said the state prescribes here 84.

Mr. Olivier said this is pre the additional space and we don't know what the state will add but they are still not asking for more than what they are currently allowed by the state.

Mr. Horn asked if they are only seeking 70 total.

Mr. Lewis said 55 at only one time and an increase in employees from five to seven and that is within the guidelines of the state and it seems to allow the board to do a little housekeeping on the current enrollment that has definitely exceeded the bounds of what the first permit was based on and it lets us keep it under the ceiling with the state and it gives her enough elbow room to work the business and it looks like we have come up with the 27 parking spaces.

Mr. Horn said Mrs. Hartz wants to expand the enrollment to 70 and asked if there will be times when all 70 of the children will be in the facility. He asked what the maximum number of children is anticipated being in the facility with the addition.

Mrs. Hartz said 50 and that is a lot because they come and go at peak time and some come at 11:30 A.M. and some don't come until 2:00 P.M.

Mr. Olivier said he would go with the upper end of what she wants.

Mr. Horn asked if there would be more than 55 in the facility at one time.

Mrs. Hartz said no.

Mr. Stone said his daughter goes there and sometimes when he drops her off, there is no one there depending on the time of year.

Mr. Lewis said it can be done on a basis that enrollment or children on the premises at one time will not exceed 70.

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

Motion – BZA 2011-10 – 7205 Chagrin Road

Mr. Lewis made a motion to grant a modification to a previously granted conditional use permit (95-12) for the purposes of running a daycare center.

With the following new conditions:

1. Enrollment and total number of children on the premises at anytime will be limited to a quantity of 70.
2. There will be no more than seven employees working at any time.
3. The tenant/day care center will have available to it at least 27 parking spaces.
4. The age of the children will be between six weeks and seven years old.
5. The hours of operation of the facility from 7:00 A.M. to 6:00 P.M., Monday through Friday will remain the same.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Application 2011-11 by Riser Foods Company for GetGo Partners South for property at 17675 Chillicothe Road

The applicant is requesting a conditional use permit with area variances for the purpose of redeveloping the existing GetGo fuel station property. The property is located in a CB District.

Mr. Lewis stated that the board typically consists of five members and just to get it on the record, there are only three members tonight and should the board act on this application it will require a yes vote from all three board members to carry the application.

Mr. Todd Waldo of Giant Eagle was present to represent this application.

Mr. Waldo testified that he is from Giant Eagle and he is making a presentation on this redevelopment to get some feedback from the board and is not looking for a decision to be rendered not having a full board. He said he is just trying to get some feedback from the board so next month he can come in and have an opportunity to have a decision made. He said everyone is familiar with the existing GetGo gas station at Chillicothe Road and Bainbridge Road and Mr. Wrench has the aerial up there. He said as most everyone is aware they converted the Marathon gas station to GetGo and at that time it was a re-branding exercise, they came in there, put up their corporate signs etc. and the service station, fuel canopy etc. remained as is and they are really excited about the opportunity to redevelop this parcel in conjunction with the improvements and expansion to the Giant Eagle Supermarket Store and with that said, as part of this, there are certain variances that they are requesting. He said they are looking to modify the existing conditional use but there was something that was left out of the application for variances and they are requesting a lot coverage variance as well because they are exceeding the 40% allowed in this zone however they are reducing the lot coverage from what is existing today. He said the best way to start out is to give a comparison on what is existing and what is proposed. He referred to a graphic of the existing facility and said it is an outdated facility and obviously not consistent with their corporate brand at this time and they would like to come in with a better purpose of the GetGo brand so again the existing building will be demolished, the fuel canopy would be demolished and they would come in with a slightly larger building sited further back from the main road and they also proposed a new fuel canopy. He said right now there is approximately four fuel dispensers and they are looking at six fuel dispensers. He said the existing building is roughly around just under 1,500 sq. ft. and they are proposing a building that is 1,942 sq. ft. and the height of the building is a slight increase, existing now is 13' and proposed is 15' all within code regulations. He said parking as it is today is 15 parking spaces and with the redevelopment they added 19 spaces and again that is code compliant as well. He said as he mentioned with the fuel canopy, four dispensers, the height of that canopy right now is about 17' and they will come in with six fuel dispensers and the height of that canopy will be roughly around 21.5' with 17.5' clear space.

Mr. Waldo continued by saying differences between the building and the offerings that are served there now are very limited obviously with a limited convenience store, a smaller building and with the new facility they will be introducing a hot and cold beverage bar consisting of ice coffee, a cappuccino machine, frozen beverage machine and things of that sort. He said they also will be introducing a coffee bar, baked goods station, nothing will be baked at the store, all pre-baked and a hot dog station, condiment bar, grab and go sandwiches and things of that sort, prepared foods, a beverage cooler and then your typical convenience sales of merchandise.

Mr. Horn asked if beer will be sold.

Mr. Waldo said that hasn't been determined yet, they would like to eventually do something like that but it has not been determined, they are still evaluating that potential.

Mr. Horn said he thinks GetGo now has a beer license.

Mr. Waldo said he thinks so but he is not positive but the store obviously does. He said with that said, going through just some of the new style layout, they will push the fuel pumps back away from the road, the building is pushed further back from the road as well and one of the variances they are requesting is a rear yard setback variance and when they looked at this originally, their interpretation was that Chillicothe was the front yard and on Bainbridge there would be two side yards, not a rear yard and they placed the building such that it is 20' off the eastern property boundary and he understands that the interpretation from the township is that the eastern property boundary is in fact the rear yard so they are asking for a variance for that situation. He said they are providing 20', the interpretation is that 50' is required so they are looking for a 30' variance. He said they are also looking for a variance for outdoor sales and storage, ice machines, propane storage tanks, things of that nature, seasonal sales, types of items usually a Red Box DVD rental machine and those would be located along the front sidewalk area and along the sidewalk as well and the front sidewalk will be large enough obviously for those outdoor sales of merchandise and they will not encroach upon the ADA access of the sidewalk and will be sized anywhere from 6' to 9' wide and they can still access the merchandise displays and have plenty of 3' passage for ADA requirements. He said with the lot coverage that he mentioned earlier that was excluded from the application that needs to be included, currently there is a lot coverage of 59.5% and they will be reducing that slightly to 57.2% and right now the code requires 40% but if you have been out there today and you know how busy the fuel station gets, obviously being a facility that was constructed for another user when we took that over, we would like to improve it in such that the overall access to and from the site and within the site is improved, circulation on site is improved and the parking and safety is improved given the separation distances between the fuel canopies, the building and the related parking areas. He said there is also obviously in terms that they have to provide enough circulation for fuel delivery trucks and things of that sort. He said the underground tank location will not change, it will remain in the same area on the north side to provide access from Chillicothe Road exiting off of Bainbridge Road keeping those greater distances between each of those different islands on the site itself.

Mr. Waldo continued by saying they feel that what is being proposed is more in keeping with the surrounding uses all within the same district and they are making a significant investment to improve the overall aesthetics of the building as well. He referred to the elevations and said the architecture of this convenience store would be compatible with the newly remodeled supermarket with the same building elements, colors and things of that nature. He said it will be more attractive and there will be cleaner finishes and the building materials and colors will compliment that. He said at this time they just have signage on the building and they are still evaluating that and will come in potentially in the future and have the signage approved. He asked the board if they have any questions on the elevations and the site plan.

Mr. Horn said he sees in the drawing that they are proposing an entrance and exit through the parking lot to the north which he thinks is positive and added that it is just him speaking but asked if there is a possibility of not having that entrance and exit on Bainbridge Road because that gets tremendously backed up and sometimes it is a traffic congestion point.

Mr. Lewis said the board had that conversation already.

Mr. Waldo said to speak to Mr. Horn's concern, that access on Bainbridge Road is very valuable to them obviously for the passage of their delivery trucks, that is their circulation for entry and exit, they can go out to Bainbridge Road at the signal and then back out onto Rt. 422 so that is a key critical access point. He said they have proposed a cross-connection here and they had discussions with that owner of the shopping center about a cross-access easement.

Mr. Lewis asked Mr. Waldo if he was involved in the previous application.

Mr. Waldo said he was not.

Mr. Lewis said that whole side yard access was spoken at length with this board already from GetGo when they took the station over and talked and at the time GetGo withdrew pushing that forward because the indication from the board is that was not going to be a welcome solution and that the access point into the shopping center goes from the rear of your lot into the main parking lot and asked why don't they go to the left of the newly proposed building. He said go to the rear of the lot on the left side of the new building as there is the potential of a significant impact of using a side cross across the other building into the main access and egress of the entire shopping center so the board pretty much had suggested to find another way. He said in this particular case, his recommendation is, if they are looking for some feedback to delete it which reduces the lot coverage or if they are going to reconsider an access point into the shopping center, head straight back along the left side of the building.

Mr. Horn said as opposed to connecting to the shopping center just at that point.

Mr. Lewis said it should be in the back and there is not another building in the way and the parking spots could be redeployed. He told Mr. Waldo that he was looking for some feedback but unfortunately he didn't get some of the history in advance.

Mr. Waldo said sure.

Mr. Lewis told Mr. Waldo that he wants him to leave with something positive.

Mr. Waldo said they feel that having a cross-connection to the shopping center is very valuable and determining that exact location is the purpose of coming here tonight.

Mr. Lewis said the board doesn't want it anywhere near the main entrances.

Mr. Waldo asked the board if their concern is the potential traffic congestion.

Mr. Olivier said that main drive that you are connecting to the shopping center is very busy and he thinks there are a couple of fears and one is people coming out of the shopping center are trying to get across while people are actively trying to come into the shopping center so if you are leaving the grocery store and trying to make that cross-cut in that general area you are either coming up the longer drive and making a left to get to GetGo or you are coming across the back of the Giant Eagle parking lot closer to Rt. 306, you are trying to cut across an area that is very busy with just ingress and egress.

Mr. Waldo said the board is right, it is a busy drive.

Mr. Olivier said that is the board's concern, if people are making a left, they are dodging a lot of traffic that is in-bound at that main drive right now.

Mr. Lewis said the snow mounding in that southeast corner of the main entrance in gets to be very high so you've got people coming in and somebody will be coming across trying to cross traffic and make a left or a right either way.

Mr. Waldo said there is a lot of congestion along that area and it is busy, there is no doubt about that.

Mr. Lewis said it is dangerous and the board's perception is that it represented a hazard on the residents, on deliveries and it also potentially would stack up traffic if there was an accident on Rt. 306 and it just amplifies exponentially and now is the perfect time because you are refreshing the property, look for a rear access.

Mr. Waldo asked if the board is not opposed to having a cross connection, just the location.

Mr. Lewis said correct, connect it out the back and you are looking really nice.

Mr. Waldo said they feel that having that cross connection side is such that you don't have to displace customers onto perimeter streets that can be contained in the shopping center. He said they will go back and evaluate that and with the comment about the lot coverage they have got pretty much a transfer from here to there so it would be virtually the same but if you want to evaluate that and discuss that further, he just wanted to get that on the record that the board is acceptable of it, just not that location.

Mr. Olivier said he understands what Mr. Waldo is saying, if you get rid of the Bainbridge Road cut, a fuel truck has got to cross two lanes to get southbound on Rt. 306.

Mr. Horn said he understands what he is saying.

Mr. Lewis asked where the tanker sets up to fill.

Mr. Waldo showed the location of the tanks on the site plan and explained where the fuel delivery trucks come in and they drop fuel on the passenger side so they set up on the northern curve line and drop fuel and it takes anywhere from 30 minutes to one hour and apparently the trucks are exiting now onto Bainbridge Road and they want to keep that same circulation pattern as much as possible.

Mr. Lewis said so he crosses in front of the store rather than behind it.

Mr. Waldo said correct.

Mr. Lewis said that is good because it takes away the blind spots.

Mr. Waldo said and plus with the new sidewalk and the increased distances between those two functions, the fuel canopy and the parking area.

Mr. Horn said and the truck doesn't enter there, it just exits there, correct.

Mr. Waldo said yes.

Mr. Horn said perhaps it can somehow be configured to be an exit only and added that is just his thought.

Mr. Lewis asked for the trucks or the customers.

Mr. Horn said you couldn't come in but you could only go out and you could angle the drive.

Mr. Olivier said the exit on this one on Rt. 306 is closer to the intersection, at least no lefts out of there. He said his preference for the southern exit on Rt. 306 is a right turn only, no left certainly out of there.

Mr. Lewis said when you go out of Bainbridge Road and turn right and go up to the light, you have a lot of people in Tanglewood and further on down that are going in those other streets, you have got to give them a way out to Bainbridge Road.

Mr. Horn asked why not go through this new drive through the parking lot.

Mr. Olivier said out through the Kmart exit.

Mr. Horn said it would be farther away from the light.

Mr. Waldo said the exit onto Bainbridge Road is critical to them.

Mr. Olivier said the board is talking more of a left out of there is a difficult turn.

Mr. Waldo said there is no doubt trying to do a left turn out of this entrance.

Mr. Lewis said the board's conversation is if you end up with a rear access point out of there.

Mr. Waldo said one of the concerns there was to not displace all of the traffic through the shopping center whether that be here or there or wherever it may be, if there is just an exiting, they don't want customers going through the shopping center to the supermarket with congestion within the shopping center.

Mr. Olivier asked what is going on with the interchange expansion on any of these roads, he doesn't think Rt. 306 is impacted but Bainbridge Road may be, aren't they going to widen it there.

Mr. Frank Lanza said where the gas station is, they are widening it there.

Mr. Waldo said he knows improvements need to be made there.

Mr. Olivier said he thought something was going on, on Bainbridge Road but wasn't clear as to what it is.

Mr. Waldo said they will talk to the county, he doesn't think they have anything on their books yet.

Mr. Horn told Mr. Waldo to talk to ODOT too.

Mr. Lewis asked if the board could talk about the canopy.

Mr. Waldo said this is just a representative here with corporate colors.

Mr. Lewis said it is his understanding that they want to raise the canopy height from around 17' to 21.5'.

Mr. Waldo said correct.

Mr. Lewis asked if the desire to do that was to provide more clearance from the top of the vehicle to the canopy.

Mr. Waldo said primarily it is to provide better lighting underneath the canopy for better lighting for the fuel pumps and it gives them greater height to achieve that. He said just to correct that, they are planning on demolishing the existing canopy, this is a brand new canopy.

Mr. Lewis asked Mr. Wrench to find out how high the BP canopy is as we have adjacent operations and elevations and being consistent might be of interest.

Mr. Wrench replied okay.

Mr. Lewis said to Mr. Waldo if he looks around at all of the canopies in Bainbridge Township there are no graphics or signage on the valances of the canopies, so while we welcome the color, when you are planning, you know in advance the graphics and signage will go.

Mr. Waldo asked if no signage will be permitted whatsoever and he understands the graphics but asked if the corporate sign will not be allowed.

Mr. Lewis said correct and added that the Speedway on Aurora Road, the BP across the street and the Shell station up at Washington Street and Chillicothe, you can see in advance what is acceptable and you will find that it is consistent and it is a solid color that is showing it is not an array of wild neon graphics. He said we all know that it is a fueling station and your setback from the road is really close and he is going to figure that 90% or more of the patrons are local and they all know there is a gas station there and they are all anxious to buy your gas and buy your food.

Mr. Horn asked if there will be a ground sign in front of it.

Mr. Waldo said yes, there is an existing monument sign and they are planning to relocate that to the north side so the board is not opposed to the blue color but the board is opposed to graphics and design within it.

Mr. Horn said it needs to be consistent.

Mr. Waldo asked if there is no issue with a sign on the building.

Mr. Lewis said you are not here with the sign permit for the signage on the building.

Mr. Waldo said correct.

Mr. Lewis said the board will want to talk about that but he asked about the ground sign. He said he is interested to know whether or not they are going to be using the back illuminated or if they are going to the digital sign.

Mr. Waldo referred to the site plan and said the sign is located here and with the modifications they are doing on the front drive, they probably will relocate that sign to the north side in this location. He said what they are trying to do more of now is having a digital pricer sign, having a corporate sign, a GetGo medallion sign that would be on a base that would match the materials on the building and then having a digital pricer probably with just unleaded and maybe another pricing on there too but they found that from an aesthetics point of view it is a much nicer sign, from a maintenance point of view, it holds up a whole lot better than changeable copies, it prevents our employees from having to go out in potential dangerous areas and change out the sign as well and it holds up better over a course of time as well, more durable etc.

Mr. Horn asked if the one in Chardon has the digital or is that the old one and asked Mr. Waldo if he knows of any in the area that has the digital.

Mr. Waldo said most in the area are older and do have the changeable copies but they are doing it more and more on locations and the newest one will be down in Wadsworth that has the additional pricer, there is one in Broadview Heights as well. He said again it is an aesthetics issue, it is a maintenance and repair issue, better long term use out of it and again a much more attractive sign. He said the existing fuel canopy will have no signage on that, it is a blue color, it was just a retrofit of the existing canopy so that point is well taken.

Mr. Lewis said just so that we get it into the minutes on the digital sign, the township has some pretty well defined allowances and things that are prohibited, particularly frequency of message changing, colors, scrolling, twirling, rotating, flashing and those types of elements so his suggestion is when you (Mr. Waldo) are working with your signage to become acquainted with that section of our code and make sure in advance you are working along with it.

Mr. Waldo said yes, their sign vendor will take care of it and added that it is just their typical digital pricer, it is not a flashing sign whatsoever and that is just the difference between a digital pricer and a digital reader board, those are two distinct differences at this location.

Mr. Lewis asked Mr. Waldo how he is seeing lighting the building itself.

Mr. Waldo referred to the elevations and said there will be various light fixtures, wall packs on the building itself and they would be cut-off types of fixtures that would shine down around the perimeter and imagines on this size of building they would have maybe three along the back, two on each side, the front would probably have one on each side of the main entry, there would be site lighting that would be added and right now it needs some improvement, it is very limited lighting out there. He said they have not laid out their site lighting plan and will pursue that and it will go through engineering.

Mr. Lewis asked about the hours of operation.

Mr. Waldo said it is 5:00 AM to 11:00 PM and does not know if that would be extended with the new facility. He said some of their newer stores are 24 hour stores but they are much larger stores and have different types of offerings within the store. He said typically 5 – 11 would be fine for this type of store but they would still like to evaluate that given the relative location of Rt. 422 and the traffic there.

Mr. Lewis asked where the delivery entrance will be for their supplies and materials because it looks like the sidewalk goes around back.

Mr. Waldo said that is correct.

Mr. Lewis asked if they are going to have a service door.

Mr. Waldo said yes, they will have box trucks and smaller trucks come in to deliver and could be periodic throughout the day and come at off hours such as a beverage truck or a bread truck and they would park in one of these spaces (he referred to a site plan) and utilize the sidewalk at the back of the building, some would be in the front but it is not like they will have full-sized tractor trailer trucks like the main store has, they will be smaller trucks. He said they will be throughout the day and will vary as well but the trucks will be loading from the vehicle itself to the store.

Mr. Lewis asked about outside sales and said it is an interesting conversation as the zoning code is fairly well defined and we do have other merchants in the community that are in the same business as this service station and he understands that you have got to put propane outside and it has got to be caged and secured.

Mr. Horn said it doesn't have to be in front.

Mr. Lewis said no and you (Mr. Horn) are absolutely right.

Mr. Horn said that was before GetGo got involved way back when the prior owner got some approval for some changes that were made and one of the things was to get rid of the propane and it was never done out front, back in the nineties, and that has been an issue ever since.

Mr. Lewis asked if there will be inside sales, a retail store within this.

Mr. Waldo said that is correct.

Mr. Lewis asked if they want to sell ice.

Mr. Waldo replied yes.

Mr. Lewis said ice is in a freezer and asked if it cannot be indoors.

Mr. Waldo said it can be but it allows them to have other merchandise within those beverage coolers, drinks and other types of grocery items and having an ice machine outside is a little bit easier for some folks to grab those bags of ice, purchase them and leave and there are multiple times when those ice bags rip open and there are accidents in the store so it is easier to have it outside at the exterior of the store than inside the store.

Mr. Horn said that Drug Mart has theirs right by the exit inside.

Mr. Lewis said Kmart has theirs inside between the cash registers and the exit door and we are talking about things that are going to come up in conversation.

Mr. Waldo said he understands but with other facilities where there is much larger floor space for merchandise it is different for them to have those facilities contained within the building.

Mr. Lewis said he believes in conversing with our zoning inspector that seasonal agricultural based supplies are permitted which takes you from Christmas trees to mulch but does not say you can stack five pallets of windshield washer fluid and oil and those types of items so keep that in mind. He said as far as the Red Box, his understanding is the purpose of that is DVD rentals.

Mr. Waldo replied yes.

Mr. Lewis said maybe somebody someday can explain to him what that has got to do with gasoline.

Mr. Waldo said it is a convenient store item.

Mr. Lewis said he understands but that machine could be located within the store or rather than out on the sidewalk.

Mr. Horn said there is one in front of Giant Eagle or there used to be.

Mr. Waldo replied yes.

Mr. Lewis said and you are 100' away on the same corner so his recommendation is to school the counter clerks to say to go over there.

Mr. Horn said or have the machine inside.

Mr. Lewis said you (Mr. Waldo) are in the position to do something wonderful and you seem to be getting it. He said you are at a major cross-roads in town and the parent company, Giant Eagle, just invested hugely into the community in remodeling their image and their offerings and here you are at a main cross-roads so we are looking to see something that adds substantially to the community here, not to impair your business but let's not lose sight that you are there to sell gas.

Mr. Waldo said correct and they do realize that they have a need out here and they are trying to come into the market with a product that far exceeds what is existing today and taking into consideration some of the points from the board tonight.

Mr. Horn said there are a lot of improvements.

Mr. Lewis said he exhausted his comments.

Mr. Olivier asked the board how they feel about the 20' rear yard setback and said he thinks it is probably the biggest variance they could grant.

Mr. Horn said he doesn't have a real problem with that if other things are done such as the different cut-through to the parking lot and some other things.

Mr. Olivier said obviously they will be planting some screening back there and there isn't a neighbor that is immediately abutting and there is a significant amount of parking behind there.

Mr. Lewis said he has no objection to it.

Mr. Olivier said he just wanted to know because it is a big variance. He said he doesn't disagree he just wanted it on the record that the board was not opposed to that.

Mr. Waldo asked if there are any concerns about the lot coverage.

Mr. Horn said the lot coverage is being reduced but it is still a variance but less of a variance than the existing one.

Mr. Waldo said yes.

Mr. Lewis said 40% would be nice.

Mr. Olivier said he is assuming they will be gaining green space and losing lot coverage in the rear as well as over there on the south side.

Mr. Waldo said that is correct and explained it per the site plan.

Mr. Horn said if you get rid of the southern entrance on Rt. 306 then that would reduce the lot coverage too.

Mr. Olivier said he was more concerned that they don't make a left from the southern exit but he doesn't necessarily have a problem with an entrance there and would prefer a right turn only there instead of a hard left.

Mr. Horn said that could be configured so it is an entrance only on the southern side on Rt. 306.

Mr. Waldo said the southwest drive and they have tanker trucks that come in there and there could be some signs that could be added if that is a big concern.

Mr. Lewis asked if that is their entrance in or would they use the second one down.

Mr. Waldo said they can come in both ways but it is intended for them to come in here (he referred to a site plan).

Mr. Lewis asked if that isn't kind of a hard cut.

Mr. Waldo said truck drivers will make that turn and it is about a 55' long truck as opposed to a full-size tractor trailer so it is a smaller vehicle but they still have an increased turn radius. He said just to clarify obviously the left turns are difficult if that were reduced to a right-in, right-out type of situation as opposed to just an entrance only and keep it consistent with what the operations are today. He said he thinks there may be a sign out there now that says no left turn.

Mr. Horn said signs don't matter, people are going to do it but you can build the entrance or the exit such that vehicles can only come in or go out sometimes, like at over at Marketplace, the entrance where Target is. He said again we are three out of five and you (Mr. Waldo) may come back next month and the other two folks may have some other comments but these are our thoughts.

Mr. Waldo said he will come back next month incorporating some of the comments and input from tonight.

Mr. Horn asked about the tanks where they are filled up and said they are east/west and why are they not north/south like they are now and is that so the people in the facility can see the cars lined up.

Mr. Waldo said that is one of the points and operationally it is easier to access off the main road and easier for a vehicle to pull into the pumping spaces and again for a visibility standpoint and operations, our clerks will have greater visibility overall as opposed to being blind-sided and loss prevention is a big issue for us.

Mr. Lewis asked Mr. Waldo if he is okay with the board tabling this until next month.

Mr. Waldo said certainly and again he had talked to Mr. Wrench and knew the conditions for tonight and still wanted to have the opportunity to come in and make the presentation.

Mr. Horn asked how long this project is going to take from the time you close to re-open.

Mr. Waldo said about three to four months, that is the timeframe but probably more like four months and obviously with what they are proposing it will be very difficult to operate while they are performing this construction so there would be a temporary shut-down during that duration, especially since they are coming in with a new fuel system and that is something that will have to be closed off. He said due to the fact that they are open and operating now they will try to minimize their shut-down time as much as possible.

Mr. Horn said he hopes the board has been helpful.

Mr. Lewis thanked Mr. Waldo for his candor.

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

Motion BZA 2011- 11 – 17675 Chillicothe Road (Riser Foods)

Mr. Lewis made a motion to table this application to the next regularly scheduled meeting to be held May 19, 2011.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lewis, aye; Mr. Olivier, aye.

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

Respectfully submitted,

Christopher Horn
Todd Lewis, Vice Chairman
Mark Olivier

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

Date: May 19, 2011

AUDIO RECORDING ON FILE

BZA PH 4/21/2011

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Bainbridge Township, Ohio
Board of Zoning Appeals
April 21, 2011

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:40 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Christopher Horn and Mr. Mark Olivier. Mr. Michael Lamanna and Mr. Mark Murphy were absent.

Minutes

Mr. Lewis made a motion to adopt the minutes of the March 17, 2011 meeting as written.

Mr. Horn seconded the motion.

Vote: Mr. Horn, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Applications for May 19, 2011

Application 2011-9 by Robert F. Redmond for Suzanne Y. Woodward for property at 16832 and 16850 Chillicothe Road - Continuance

The applicant is requesting area variance(s) for the purpose of installing a real estate for-sale sign. The property is located in a R-3A District.

Application 2011-11 by Riser Foods Company for GetGo Partners South for property at 17675 Chillicothe Road - Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of redeveloping the existing GetGo fuel station property. The property is located in a CB District.

Application 2011-12 by Tri-County Electric for Marc Vasil for property at 18015 Lost Trail

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

Application 2011-13 by Eric Lofquist (300 MPH Acres, LLC) for property at 16533 Chillicothe Road

The applicant is seeking to obtain a modification to a previously granted home occupation permit or a use variance for the purpose of conducting light commercial – office space with restrooms. The property is located in a R-5A District.

Application 2011-14 by Joseph Stever for property at 8261 Stoneybrook Drive

The applicant is requesting area variance(s) for the purpose of constructing a shed/playhouse. 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 19, 2011 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Christopher Horn
Todd Lewis, Vice Chairman
Mark Olivier

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

Date: May 19, 2011