

Bainbridge Township, Ohio
Board of Zoning Appeals
May 14, 2020

Pursuant to notice by publication and ordinary mail, the *special* public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present via Zoom were Mr. Brent Barr, Alternate; Mr. Michael Corcoran; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Ms. Karen Endres, Zoning Inspector was present. Mr. Jeffrey Markley, Bainbridge Township Trustee was present to monitor and host the Zoom meeting.

Due to the COVID-19 Social Distancing guidelines this meeting was held virtually via Zoom.

Others present via Zoom were: Mr. Steven Bozarth; Mr. Frank Simcic; Mr. Larry Moore; Mr. Kevin Matsako and Mr. Dave Dietrich.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and stated that individuals will be sworn in when the application is started.

Mr. Lamanna swore in Ms. Karen Endres, Zoning Inspector and he let the record reflect that Ms. Endres had been duly sworn.

Application 2020-2 by Steven and Clare Bozarth for property at 17188 Sunset Drive -
Continuance

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

Mr. Steven Bozarth was present to represent this application via Zoom. Mr. Lamanna swore in Mr. Bozarth and he let the record reflect that Mr. Bozarth was duly sworn.

Mr. Bozarth testified that the board may remember that he came to the January meeting for a request for approval for his shed and at that time they had built the shed last year without zoning or Lake Lucerne ARB approval but they have since submitted their application for approval. He said at the time of their January meeting as you may recall they did not have approval from the ARB at that time but they have since received approval from the ARB based upon modifications that they will make to the shed upon zoning approval as well. He said those modifications are reducing the overall height of the structure down to 11'8", adjusting the footprint of the shed to 10' x 14' so it is 140 sq. ft. overall and in terms of the placement he thinks the board had a question related to the placement at the last meeting but where they decided to place the shed was based upon a number of factors, one was visibility from the road itself from the frontage so they put it as far out of site as they could while at the same time giving considerations to the overall topography of the plot of land they are on in a place where it is not going to present any issues so it was placed in the highest as well as the flattest part of the property. He said again, they have received the approval from the ARB, he submitted that

to Ms. Endres, Zoning Inspector and she should have a copy of that and he also has a copy of the embossed version of that. He said he thinks that should cover it all and he will take any questions.

Mr. Lewis thanked Mr. Bozarth for attending to this with the ARB, it was a wonderful thing to see have happened. He said he had some questions on the structure itself. He asked if this shed has gutters or downspouts for any run-off.

Mr. Bozarth said no it does not, actually what they have done to help contain that is we have put down stone around the perimeter of the shed because it is on concrete piers as well as around where the run-off will occur.

Mr. Lewis said he was looking at the various elevations and he sees that it has been changed to over 10' x 14' and he sees in the front of it that there is a pretty substantial overhang. He asked is that the part that is facing towards your house.

Mr. Bozarth said yes, if you look at the overhead dimension it is actually the part of the building that faces south so if he is standing in the doorway looking out it is actually facing south.

Mr. Lamanna said it is facing into your yard then.

Mr. Bozarth said it is facing into my yard yes.

Mr. Lewis said that was the verification he was looking for, thank you.

Ms. Karen Endres, Zoning Inspector testified that it is not projecting into the required yard, it is projecting into the backyard.

Mr. Bozarth said correct.

Mr. Lewis said thank you.

Mr. Bozarth said you're welcome.

Mr. Gutoskey said he doesn't have a problem with it, the shed is tucked behind the shoulder of the house and the parcel behind it is wooded, it is kind of an open space for Bridgeway there and 10' is pretty much typical for what we see for sheds here in Lake Lucerne.

Mr. Lamanna said just out of clarification is the actual setback 9'8" or is it 10'.

Mr. Bozarth said that is a good question, the original measurement of 9'8" was being made from the overhang of the roof, he was looking at it as a plane of the building but when we met with the ARB their recommendation on the actual measurements for the setback was from the side of the structure not from the overhang of the roof so that is where they measured the 10' from.

Mr. Gutoskey asked if there is anyone else interested in this application.

There was no response.

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

Motion BZA 2020-2 - 17188 Sunset Drive

Mr. Lamanna moved to grant the applicant the following variances to maintain a modified accessory building on his property.

1. A variance to the minimum rear yard setback from 90' to 10'.
2. A variance to the maximum lot coverage from 10% to 15.5%.
3. The shed will be modified as shown in the revised application to a height of 11'8" and a footprint of 10' x 14'.

Based on the following findings of fact:

1. There is a practical difficulty due to the lot shape, size, location and the placement of the house on the lot and the topology of the lot.
2. There are limited places to place the shed.
3. It has been placed so that it is behind the side of the house so it won't be visible from the street.
4. There is very limited rear space because of the triangular shape of the lot and the position of the house.
5. The lot to the rear will not be adversely affected by this placement of 10', there are no buildings there.
6. The placement and size of the shed are consistent with the neighborhood as well and it will not adversely impact the neighborhood.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2020-7 by Frank Simcic for property at 18813 Chillicothe Road

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

Mr. Frank Simcic was present to represent this application via Zoom. Mr. Lamanna swore in Mr. Simcic and he let the record reflect that Mr. Simcic was duly sworn.

Mr. Simcic testified that he wants to build a 20' x 20' garage in the back of his property and he is told that the zoning ordinance only allows a 300 sq. ft. max and this is a 400 sq. ft. garage that he would like to put up. He said it will be well off the road and behind his house, it will be barely visible from Rt. 306. He said he spoke to his neighbor about it, the neighbor to his north, and he had no problem with it and that is his request for a 400 sq. ft. garage.

Mr. Lamanna asked if anybody had any issues with this, it is fairly straight forward, given that he has 1.6 acres and still only has 7-1/2% lot coverage, it certainly seems that a 400 sq. ft. accessory building is not unreasonable for this lot nor inconsistent with the neighborhood and does not adversely affect the neighboring properties.

Mr. Simcic said it is going to be well built, it is going to have nice siding and a nice roof on it, it will be a nice structure, it will not be an eyesore.

Mr. Lamanna asked the board members if they had any issues.

Mr. Lewis said he just wanted to observe that this structure is going to have a metal roof.

Mr. Simcic replied yes.

Mr. Lewis asked if Spring Valley has a homeowner's association.

Mr. Simcic said it is very loose and he doesn't know of any actual restrictions on building a garage like this on his property.

Mr. Lamanna said to just be aware that if there are any it is your responsibility to satisfy them and the fact that you get an approval from the Board of Zoning Appeals or you get a zoning certificate does not in any way reduce that obligation or obviate the obligation in any way so we add that notice on there that if there is a requirement for approval that you must obtain such approval before you commence construction.

Mr. Simcic said he appreciates that, that is a good point and he will look into that.

Mr. Lamanna said just to be safe it is wise to check with them.

Mr. Gutoskey asked if there is anybody else here that is interested in this application.

There was no response.

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

Motion BZA 2020-7 – 18813 Chillicothe Road

Mr. Lamanna moved to grant the applicant the following variance.

1. A variance from Chapter 165.10(b)(3) to have a maximum accessory building size of 400 sq. ft.

Based on the following findings of fact:

1. This is a non-conforming lot but it is still a 1.65 acre lot therefore a 400 sq. ft. building is not an unreasonable size for this size of lot.
2. The lot coverage will still be well under the permitted 10%.
3. A building this size is not inconsistent with the character of the neighborhood.
4. Given the large size of this lot and its placement will not adversely affect any of the neighboring properties.
5. The accessory building will be for personal storage only and not for commercial purposes.

Mr. Lewis seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Mr. Lamanna noted for the record that the applicant still has to satisfy any requirements of Spring Valley Subdivision and this does not in any way change that obligation.

Application 2020-9 by Bainbridge Associates Ltd. for property at 16725 – 16785
Chillicothe Road

The applicant is requesting a new conditional use permit for the purpose of permitting an existing shopping strip center and an addition of a propane refill station. The property is located in a CB District.

Mr. Larry Moore was present via Zoom to represent Bainbridge Associates Ltd. and Mr. Kevin Matsako was present via Zoom to represent Blossman Gas, the company installing the propane refill tank.

Mr. Lamanna swore in Mr. Larry Moore and he let the record reflect that Mr. Moore was duly sworn.

Mr. Moore testified that what they are doing is in the back of Ace Hardware which is a new tenant for us to have a propane filling station and they did not have that in their original lease nor did they have that with the zoning permit to open their hardware store so what they have asked us to do is give them the ability to do that and in order to do that we wanted to come before you to get that variance if possible. He said he believes Ace Hardware has submitted to the board with that regard with where they wanted to put that and asked if that is correct.

Ms. Karen Endres, Zoning Inspector answered that is correct.

Mr. Moore said good.

Mr. Gutoskey said he has some questions. He said they have it tucked in just south of the building, the part that sticks out, kind of over where the drive-through used to be for Drug Mart.

Mr. Moore said the drive-thru will be removed as a matter of fact but that is correct. He said it is scheduled to be in the grass area behind Ace Hardware.

Mr. Gutoskey said the question he had, is 16' off the building for a 500 gallon storage tank of propane far enough for the fire department, does anybody know.

Mr. Moore said he doesn't know if the fire department has been contacted or not, that is a good point, he is not sure, he can't tell you.

Mr. Gutoskey said he had a chance to drive by and take a look and there are three propane cages in front of the store right now and there is also some outside storage in the back, mulch, potting soil and stuff like that and he doesn't know how that is to be handled.

Mr. Moore said he can't answer that question unfortunately, he does not know where that would be moved or whether or not it would be contained in a separate area and what we are concerned with is just the propane filling station and he is not sure if the mulch or the other product would require zoning he is not sure what your zoning would entail with that regard.

Mr. Lewis said our zoning does not permit outdoor storage of materials so he believes everything behind the building, all of those pallets of materials should be indoors. He said he was looking through some of the earlier provisions for this property and he was trying to recall through our board the three propane cages that sit on the front sidewalk by the entrance, he is trying to recall if the board approved those being there in an earlier session or if the board did he does know that when there are multiple tanks they have only been permitting the graphics to appear on one of the cages, not on every single one of the cages so he is thinking maybe there is some housekeeping to do on the propane tank cages and the outdoor storage and then of course the third issue would be the proximity and the distance from the building of the refill, the big tank of propane and safety regulations because he thinks the cage has got to be fenced in and you still have to be able to get traffic flow behind the building and fire and rescue and so forth.

Mr. Brent Barr said just a did quick look at Lube Stop which is the last one we allowed to put in a fill station and theirs is 66' from the building, he just did a Google Earth measurement so it is more than 50', for some reason it sticks in his mind but he would put no money on that being correct, just if anybody wants that information.

Mr. Lamanna asked Mr. Matsako who is representing.

Mr. Matsako said he is representing Blossman Gas.

Mr. Lamanna asked Mr. Matsako if he is the person who is putting in this tank.

Mr. Matsako said yes if you allow us to, also along with Superior Energy Services.

Mr. Kevin Matsako was present via Zoom and Mr. Lamanna swore in Mr. Matsako and let the record reflect that Mr. Matsako was duly sworn.

Mr. Matsako testified that one of the questions that was brought up was the distance requirement, we follow NFPA 58 and 54. He said the distance requirements for a tank is 50' for the dispenser and as far as fencing or bollards, crash protection it would be up to you, typically we do bollards or Jersey barriers, concrete highway barriers around it. He said the cabinet that houses the pump and the outlet for the propane is lockable.

Mr. Corcoran asked if it is 50' for the dispenser, 50' from what is that.

Mr. Matsako said 50' from the building, from any type of structure.

Mr. Gutoskey said this is shown as 16' and 62' on the drawing.

Mr. Matsako said the 16' he is not sure where that is coming from, he doesn't have the drawing in front of him unfortunately, he was called out so he is on the road.

Mr. Gutoskey said that 16' came off the drawings that were submitted with the application.

Mr. Matsako said okay and the tank itself has to be 10' and then the dispersement point for traffic etc. according to NFPA 58, you have 10' of variance from the building.

Mr. Gutoskey asked if it is 10' or 50'.

Mr. Matsako said 10'.

Mr. Corcoran said so that tank itself has to be 10' but the dispersement has to be 50'.

Mr. Matsako said no the tank itself was a 500 gallon tank, he was going off of the old original which was supposed to be a 1,000 gallon tank but they said it was a definite no. He said he apologizes, he was going off of the wrong drawing information. He said once the tank goes over 500 gallons the distance requirements all change.

Mr. Corcoran asked if Ace Hardware has submitted any plans for how traffic would flow going in and out of this area for filling tanks.

Ms. Endres replied no. She said Mr. Markley is sharing right now the site plan submitted with the application for the propane fill station that shows the setbacks we were referring to earlier. She said that 16' is from the south building line and the 62' is from the west rear building line.

Mr. Matsako said those pictures there you are seeing of the cabinet and tank itself are a 1,000 gallon dispenser, just so you are aware so the 500 is a little less than half the length.

Mr. Corcoran said so the structure would be on a beam support system similar to the one pictured.

Mr. Matsako said yes, exactly.

Mr. Gutoskey said he would recommend that we would have bollards all the way around, three or four feet apart, he doesn't remember what we did at the Lube Stop on that.

Mr. Matsako said typically they are 48" on center which is what we have on the drawing for the bollards.

Mr. DeWater said Lube Stop was bollards.

Mr. Gutoskey said he would recommend them all the way around even if it is a grass lawn.

Ms. Endres explained per the site plan the location of the proposed tank.

Mr. Gutoskey said it is just off the southeast corner of the bigger building there, that grass area.

Ms. Endres said her understanding was that it was going to go in the parking lot so that we were not creating more lot coverage.

Mr. Gutoskey said that is not what the drawing shows though.

The board reviewed the drawing submitted.

Mr. Lamanna asked what effect does removing the drive-thru, is that going to open up any lot coverage.

Ms. Endres said if they turn it into grass area it would yes.

Mr. Lamanna said they are going to have to off-set it. He said the 16' is the distance from the building.

Mr. Gutoskey said yes.

Mr. Lamanna said for 120' from the lot line and asked if there is an issue on the back lot.

Ms. Endres said she doesn't think there was on the rear lot.

Mr. Lamanna said so it is okay on the other side.

Ms. Endres said she thinks she referenced in her staff letter the internal lot lines. She said there is a series of four lots owned by the other part of the shopping center, four separate lots.

Mr. Lamanna said we actually have two separate shopping centers, right.

Ms. Endres said right but the shopping center on Chillicothe, there are four parcels.

Mr. Lamanna said there are still four parcels.

Ms. Endres said correct.

Mr. Lamanna asked if they never joined those parcels.

Ms. Endres said no.

Mr. Moore said they were all two acre parcels.

Ms. Endres said right.

Mr. Lamanna said the four parcels are just associated with the Drug Mart, Alladins, etc.

Ms. Endres said one of the documents she provided, she has two documents provided to the board and one had the history of all of the variances that were granted and the other is a list of occupants and some of the former occupants.

Mr. Lamanna said they are now 120' away from the Cowboy property line.

Ms. Endres said yes.

Mr. Lamanna said this is just an internal property line.

Ms. Endres said exactly these are internal lines.

Mr. Lamanna asked how we let them get by without merging these lots together. He said it goes back a ways.

Ms. Endres said if they do merge them then you have the situation of multiple ground signs, there is more than one ground sign on the property.

Mr. Lamanna asked what are the multiple ground signs.

Ms. Endres said there is a directory sign there, there is the one that has Mazzulo's, Mazzulo's took over the Drug Mart sign and she believes Ace will be appropriating that one so we have an Ace Hardware sign, there is a directory sign for all of the little shops and she thought there was another one. She said maybe there are just two.

Mr. Lamanna said there is one showing here on Chillicothe Road.

Ms. Endres referred to the site plan and indicated where the signs are. She said there are variances also on the signage over the years, there are a lot of variances on the property. She said this is a good picture that Mr. Markley brought up.

Mr. Lamanna said okay.

Ms. Endres said there is a directory sign that she mentioned and the old Drug Mart sign.

Mr. Lamanna asked if they have a variance for that.

Ms. Endres said she believes there are variances involved and added that CVS is a different parcel.

Mr. Gutoskey said the CVS sign is on the CVS parcel.

Ms. Endres said right CVS is a different parcel. She said that is the directory sign she was referring to.

Mr. Lamanna said those are all in the other shopping center aren't they. He said he thinks the board allowed them that sign because the road goes back there.

Ms. Endres said that was one of the variances right.

Mr. Lamanna said so it is really not signage for this parcel, it is really signage for the other parcel that we allowed, it is off premises.

Ms. Endres said right and added that there are variances to allow for this already.

Mr. Lamanna said that is not really a separate sign for that shopping center.

Ms. Endres said she would have to look at the variance.

Mr. Lamanna said the other sign is for the other shopping center, that is all on the east side and he thinks the board allowed that because the access road goes back there and it would otherwise be difficult. He said he is just wanted to pull this all together.

Ms. Endres said she agrees.

Mr. Lamanna said he doesn't think that changes anything and he thinks we are okay on the location.

Mr. Gutoskey said the location is okay, he did a quick check and he is correct on the setbacks for a 500 gallon tank, it is 10'.

Mr. Lamanna said and we are good on the bollards all the way around.

Mr. Gutoskey said yes, he would recommend that.

Mr. Lamanna said part of this will be, we have to compensate on any lot coverage, whatever amount of lot coverage is created by this is going to have to be offset somewhere else. He said at the end of the day when you take down that drive-thru you may have to remove some pavement somewhere to compensate for that but we will let you figure out where to do that and you just need to submit plans to the zoning inspector that shows where the offset is and we will give you creative license to figure out where you want to find that.

Mr. Moore said will do.

Mr. Lamanna asked if anyone else has anything they want to address. He said he has one pet peeve on this property that he wants to address and that is the entrance by CVS off of Chillicothe Road because we get cars turning left off of Chillicothe Road into that entrance and turning left out of that entrance onto Chillicothe Road both of which are extremely hazardous actions given the amount of traffic going through there and not to mention the fact that you do have the double yellow hatch lines which are technically not supposed to be entering that area and also trying to make a left-hand turn out of there on Chillicothe Road with traffic turning right off of Washington Street and a left-hand turn signal off of Washington Street and the fact that the traffic comes flying through there and you are trying to cross over opposing lane traffic, cars trying to get into the left-hand turn lane onto Washington Street and the fact that most of the time you've got traffic stacked back down Chillicothe Road. He said he is through that area all of the time and when this was done originally this issue was brought up as being a potential problem and his observation is that it is now a real problem and it creates a lot of hazardous situations and you get cars stopped to turn in there, that blocks off the traffic from stacking into the left-hand turn lane so it is obstructing that intersection and like he said we get people trying to turn out of there and make a left-hand turn and that is just really given the proximity to the intersection that is not a place where we should have left-hand turns so he would like to see that made strictly a right-hand in and right-hand out so that it is configured with signage that says right turn only for the people exiting and a sign that says no left turn and usually you would end up with some little triangular curve in there to make it obvious that that is not a place to do that. He said we already have a similar situation, the Heinens entrance. He said the Heinens entrance or exit really on E. Washington Street which is somewhat similar but it is actually a little farther away from the intersection, there is a no left turn out of that exit onto E. Washington Street, you have to go all the way down to the end of the shopping center and come out so it would be the same type of thing here and in that case they have a left-hand turn lane to actually turn into that so it is different because there is no really left-hand turn lane here so he thinks he would like to see that moved because it is accidents waiting to happen, it disrupts traffic and it just needs to be modified.

Mr. Moore said he apologizes that he doesn't get all of your comments but he knows the gist of what you are saying.

Mr. Lamanna said so basically we want that to be a northbound Chillicothe Road entrance, you have to exit also northbound on Chillicothe Road, no left in and no left out.

Mr. Gutoskey said he agrees and an island would be the best with signage.

Mr. Lamanna said it is easier enough for people to go down to the other entrance if they want to come in or come out there or go around the corner and come in on the other side if they really want to avoid having to cross the traffic.

Mr. Gutoskey said come out on Washington.

Mr. Lamanna said there is a left-hand turn lane going into the other side so traffic coming southbound on Chillicothe there is a left-hand turn lane, there is already a left-hand turn lane built so there is no reason that people need to go beyond that to save five seconds of time maybe but this way they are stacked out of traffic and not clogging it up so there is really no good reason to be making left-hand turns in and out of that spot, it is fine for people coming northbound on Chillicothe or continuing northbound but he thinks we would like to see that change made, it is necessary to improve the traffic flow there from a safety standpoint.

Mr. Moore said we will consider that.

Mr. Lewis asked if that driveway is on the CVS parcel or is that on this other parcel.

Mr. Lamanna said it is on this parcel, most of it is.

Mr. Gutoskey said it is mainly on the Market Square parcel, there is another drawing in the packet that shows the whole development there.

Mr. Lewis said it looked like the lot line cut down part of the driveway.

Mr. Gutoskey said he thinks that island would be just within the Market Square and if the applicant wants to submit some to the zoning inspector he can review that with Ms. Endres as far as how that would work on that entrance.

Mr. Moore said good.

Mr. Lamanna asked if anybody had any other thoughts.

Mr. Gutoskey said just addressing the propane tanks in the front and the outside storage in the rear.

Mr. Lamanna said technically if it is not being offered for sale there, if it is truly just being stored there that section he is not sure applies, he just went and looked at that and it says "no equipment or merchandise or food shall be permanently displayed for sale in the open or outside any building".

Mr. Gutoskey said the one section they are probably going to have to take off is the placards with the prices on them.

Mr. Lamanna said if they are just keeping it back there, it is in the back of the building, he thinks the bigger problem is when people have stuff piled up out front with buy here, pick it up and grab it, if they have some overflow storage and the way this building is set up if nobody is going in the back and seeing anything generally, it is out of the line of site of the retail there and not that he has ever seen an access to get back there, you are not going to go wandering back and out the door to see that and the way they've got the building set up there is no internal access to it to the general public so he thinks given where it is and the fact that it is not really there being advertised for sale where people can come up and take it or see it that it really doesn't fit as long as they continue to do it that way. He said he doesn't know if they plan to reduce the number of cages if they get the tank there or if they still want to have three of them in front.

Mr. Moore said his understanding is they want them in front if possible, yes. He said he understands you wanted to eliminate the graphics except for one cage, is that his understanding.

Mr. Lamanna said yes, he thinks that is what we have done in other cases. He said it is a pretty big building so three cages is not unreasonable. He said if we just reduce the advertising signage to one cage, you can leave the safety signage such as flammable on there but the Blue Rhino or whatever it is, the advertising portion should be removed. He said the items in the back, if it looks like it just being kept there for storage there shouldn't be any prices and descriptions and things like that that makes it look like it is for sale there, it is out of the way, he doesn't know why you would need to do that but we definitely don't want to see anything that has been advertised for sale.

Mr. Lamanna asked Ms. Endres if she talked to Mazzulo's about their sign.

Ms. Endres said she talked to Mazzulo's at one point and he was very upset with the suggestion that he not have the sandwich board sign and after Drug Mart moved out the big sign will self-resolve because Ace is going to be putting their signage on the previous Discount Drug Sign and that is a discussion she is going to have to have with Mr. Mazzulo.

Mr. Lamanna said as far as the shopping center owner goes he has a tenant that has a sign in violation of the zoning code.

Ms. Endres said she talked to the property manager about this already and it gets to the point that if she has to send a violation letter she will be citing both the tenant and the property owner so Mazzulos really needs to be more cooperative with their non-permitted signage.

Mr. Lamanna said that is an issue out there that is going to have to be addressed Mr. Moore, this Mazzulo sign, you are the landlord so you are going to have to be involved with it, we will leave this to be resolved another day, we will not include it as part of granting this conditional use.

Mr. Lamanna asked if there is anything else that needs to be addressed here.

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

Motion BZA 2020-9 – 16725 – 16785 Chillicothe Road

Mr. Lamanna moved to grant the applicant a conditional use permit to make this existing shopping center a conditional use under Section 143.02(b) subcategory Shopping Strip Center for a period of five (5) years.

1. Since this is an existing shopping center the board will adopt with respect to the center all of the previous variances which have been granted by the board with respect to the center.
2. The board also notes that they will also have to comply with all of the requirements in Section 143 or in Section 117 with respect to conditional uses.
3. As a clarification, this Shopping Strip Center is comprised of four parcels and it is the board's preference that ultimately these parcels be consolidated because we are now treating these parcels as a single entity so we would not have to deal with internal lot lines and since we are treating this now as a single entity as a Strip Shopping Center these parcels cannot be separated without undoing all of the prior provisions and conditional uses that are being granted with respect to these lots being operated as a single strip center.
4. With respect to the Ace Hardware store, with respect to the modification of a conditional use:
 - A. One is for the addition of a propane fill station, 500 gallon tank as shown in the application, location shown on the application with the adjustment that there will be four foot bollards spaced at four feet all the way around the tank on all sides. Whatever the final footprint of the propane filling station is with respect to the amount of lot coverage that the applicant will submit plans for the approval of the zoning inspector showing that another area of the property that is currently counted as lot coverage will be modified so it is no longer counted as lot coverage, there will be no net gain or loss in terms of the amount of lot coverage.
 - B. With respect to materials stored outside of the building at the Ace Hardware as long as they are not being offered for sale at that location they can continue to do that within reason but they cannot have any advertisements with the price or any other indications that it is for sale at that particular spot.
 - C. With respect to the propane cages for propane tank exchange Ace Hardware will be permitted to have three (3) cages with the proviso that only one cage may have identifying logos on it with respect to the advertising or identity or other things related to the product excluding those that are related to safety or hazard markings that are required by law.

Motion BZA 2020-9 – 16725 – 16785 Chillicothe Road - Continued

5. Finally, after reviewing the egress and ingress onto Chillicothe Road at the southern end of the property adjoining the CVS property the board has determined that this entrance and exit needs to be limited to a right-hand entrance from Chillicothe Road northbound and right-hand exit from the center to Chillicothe Road northbound plus there will be no left turns permitted from Chillicothe Road into that driveway or from that driveway onto Chillicothe Road southbound. The applicant will prepare a drawing for review and approval of the zoning inspector showing appropriate signage saying right turn only and preferably including some physical changes to discourage left-hand turns that are prohibited.

Mr. Lewis seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Since there was no further testimony, the public hearing was closed at 8:15 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

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

Date: June 18, 2020

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
May 14, 2020

The special meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:10 P.M. by Mr. Michael Lamanna, Chairman. Members present via Zoom were Mr. Brent Barr, Alternate: Mr. Michael Corcoran; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Ms. Karen Endres, Zoning Inspector was present. Mr. Jeffrey Markley, Bainbridge Township Trustee was present to monitor and host the Zoom meeting.

MINUTES

The board was in agreement to defer approving the minutes for April 16, 2020 and April 30, 2020.

EXECUTIVE SESSION

Mr. Lamanna recessed the regular meeting at 8:10 P.M. in order to go into executive session.

The Board of Zoning Appeals returned from executive session and reconvened their special meeting at 8:37 P.M.

APPLICATIONS FOR NEXT MONTH

Application 2020-10 by Marla M. Lucarelli for property at 17310 Tall Tree Trail

The applicant is requesting area variance(s) for the purpose of maintaining an accessory building. The property is located in a R-5A District.

Application 2020-11 by Marla M. Lucarelli for property at 17310 Tall Tree Trail

The applicant is requesting area variance(s) for the purpose of maintaining a fire pit. The property is located in a R-5A District.

Application 2020-12 by Debbie Collins for property at 8724 Taylor May Road

The applicant is requesting area variance(s) for the purpose of installing an above-ground swimming pool and deck. The property is located in a R-3A District.

Application 2020-13 by Jason Fischer for property at 9217 Kingsley Drive

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

Application 2020-14 by Jeff Varney for property at 19036 Brewster Road

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

Application 2020-15 by Lisa Meyer for property at 17122 Sunset Drive

The applicant is requesting area variance(s) for the purpose of constructing a shed and maintaining a driveway extension and house expansion. 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 June 18, 2020 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 9:13 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

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

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