

Bainbridge Township, Ohio  
Board of Zoning Appeals  
May 15, 2008

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Lorrie Sass was absent. The following matters were then heard:

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

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

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

The zoning inspector's letter dated May 15, 2008 was read and photos of the site were submitted.

Ms. Nancy Fairleigh was present to represent Agile Sign Company.

Mr. Lamanna asked Ms. Fairleigh if she has any authorization to represent the company or owner.

Ms. Fairleigh testified that she does not know but they don't move ahead until they have it.

Mr. Lamanna asked if she has a letter of authorization for her to appear on their behalf at this meeting and asked about the application.

Mr. Lewis said the sign company filled out the application and not the property owner.

Ms. Fairleigh said the application does not say you need that.

Mr. Lamanna said the problem is that technically the only person that should be making an application for a variance is the property owner because if they make any agreements or anything else or if there are any conditions applied, the board can't enforce them unless the property owner is bound by them so what the board is going to have to do is to make sure it does not take applications from third parties unless they have a power of attorney or a signed letter of authority to do it and because the board doesn't have much on tonight, we will go ahead and hear it but what is going to happen is, the decision is going to be contingent upon the owner signing onto the notice of variance and the other problem is if you put something here that is not true and the board grants a variance based on that and the owner says they didn't know anything about that so he is not bound by it and that is the problem the board has.

Ms. Fairleigh asked if that is with any sign application.

Mr. Lamanna said we make the owners give authority to the sign company so anything they say is held against the owner and if they make an agreement, the owner is bound by that for future reference. He said the board will go ahead and hear this tonight though but somebody from University Hospitals is going to have to sign and agree to the application to whatever the findings are that they consent to that before we issue a zoning certificate. He asked Ms. Fairleigh what she would like to do.

Ms. Fairleigh said they would like a variance from the height requirement and to locate the set of channel letters on the raceway above the awning.

The board reviewed the variances requested.

Ms. Fairleigh said it is 16' 4" to the bottom of the shield on the raceway and the overall height will be 21' 9".

Mr. Lewis asked if there are two awnings.

Ms. Fairleigh said just one.

Mr. Olivier asked if there is an existing one there now.

Ms. Fairleigh said she has no idea about the awning.

Mr. Lewis asked how far this projects from the building (awning).

Ms. Fairleigh said she did not know.

The board reviewed the ground sign.

Mr. Murphy asked if the old sign is going to be removed that is off to the right.

Ms. Fairleigh replied yes.

Mr. Murphy said the double letters, two lines of University Health Systems will come down and what is going up now is just University Hospitals with UH.

Ms. Fairleigh said that is correct.

Mr. Murphy said it will be the same elevation as what is there now.

Mr. Lamanna said it is 8' bigger than it should be and the other sign has a height issue.

The board reviewed the signage request.

Mr. Lamanna said the issue on the UH is just the height.

Mr. Olivier asked about the height of the old sign.

Mr. Lamanna said there was a prior variance granted for the size of the sign so there must have been a sign there, he is not sure what it was.

The board discussed the height of the old sign.

Mr. Lamanna said the ground sign is 8 sq. ft. bigger than 40 sq. ft., it is 48 sq. ft.

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

Motion BZA 2008-7 - University Hospitals - 8185 E. Washington Street

Mr. Lamanna made a motion to grant the applicant a variance for the purpose of installing a sign to the height limitation for a sign whose height will be between 16' 4" and 21' 9".

Based on the following findings of fact:

1. It is a small variance, the height, and it is located below the roofline of the building and it is located in an area that is architecturally consistent with the size and scale of the building.

Mr. Lamanna also moved to grant the applicant a variance for the purposes of installing a ground sign of 48 sq. ft. on the basis that this ground sign will be treated under Subsection 173.12 (b,4) as being for two or more businesses because there actually is a separately incorporated operation here and under these circumstances treat the various parts of the hospital as separate businesses because that is generally the way people come to use the facility.

Motion BZA 2008-7 - University Hospitals - 8185 E. Washington Street - Continued

Based on the following findings of fact:

1. This variance is a small variance and it is consistent with the area and will not create a sign that is unreasonably larger than other signs in the area or for the size of this building.

With the following condition:

1. Since the actual property owner has not submitted the application, no zoning certificate will be issued until the application is signed by the actual property owner and they consent to the granting of the variance.

Mr. Lewis seconded the motion.

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

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

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

The zoning inspector's letter dated May 15, 2008 was read and photos of the site were submitted.

Mr. Joel Frezel of Watkins Lighting was present to represent this application.

Mr. Frezel testified that he is requesting a variance for the height of the sign because there is no place on the building to put the sign other than where it is according to the drawings which is over the 15 allowable feet from finished grade.

The board reviewed the requested variance.

Mr. Lewis asked Mr. Frezel if he represents the sign company.

Mr. Frezel said he represents the sign company but he has submitted with his application approval from the property owner.

Mr. Lamanna said that Mr. McGill has been here often enough that he knows the drill pretty well and he has been good about it.

Mr. Frezel said he is requesting two variances, the first part is for the height of the sign from finished grade and the second one is for approximately four additional square feet for the sign area.

Mr. Lamanna said this sign also sticks out.

Mr. Frezel said it is a projected sign.

Mr. Lamanna said it is a hangout sign.

Mr. Frezel said it is 3' from the wall and the bottom of the sign is 8' from the finished grade so no one is going to walk into it.

Mr. Olivier said it is not above the door it is actually on a column over the sidewalk.

Mr. Frezel said that is correct.

Mr. Murphy said it sticks out 3-1/2' from the wall.

Mr. Lewis said from all the signs on the property on both sides of the street, the board has not gone this direction ever. He said he does not have any problem with the sign but projecting it 3' out is not consistent with anything in the entire shopping center on either side.

Mr. Lamanna said in this case there is an issue here.

Mr. Frezel said that type of sign is pretty much an industry standard in retail and also in development, there may not be many here but almost every shop in shopping centers use those because when people are walking, they can't see the sign above on the wall.

Mr. Lamanna said unfortunately what we have here is a case and he couldn't speak to the history of this but it is pretty clear to him that when they put this thing together, they did not want those kinds of signs.

Mr. Frezel asked who is they.

Mr. Lamanna said the zoning commission who created the zoning and they didn't want that kind of sign because he thinks the 18" projection is also designed to accommodate wall signs that may be mounted on a wall that stick out physically from the wall.

Mr. Frezel said he reviewed the application and when it was reviewed, it was expressed to him that the only variance that he needed for that sign was additional square footage and nothing for the projection.

Mr. Lewis said it is noted on what we have here.

Mr. Frezel asked what the board has.

Mr. Lamanna said ultimately, the fact that somebody says this is required or that is required, they are giving it an off the top of their head opinion when you walk in the door until they actually sit down and go through it and look at it and analyze it.

Mr. Frezel said he does not have a problem with it, what he is saying is that his understanding was when you submit, and his application was rejected at first, he believes, that you apply for a variance and asked the board if that is correct.

Mr. Olivier said it should have been.

Mr. Frezel said at that time it wasn't presented to him that the issue was projection and if it is, it is and at the time it was the additional square footage and he now has to go back to the client and now he is the one who looks foolish but if those are the rules, those are the rules.

Mr. Lamanna stated that we have a new zoning inspector and he has not been here that long and he is probably not intimately familiar with every nuance yet of the zoning code and added that he cannot think of a sign that has come forth like this and it cannot project in front of the building or beyond the building corner so you can't have it sticking out the corner of the building.

Mr. Olivier asked if there is no overhang on this building.

Mr. Frezel replied no.

Mr. Murphy referred to Section 173.08 – Prohibitions which says “No sign shall project over or upon any sidewalk, pathway or street, whether public or private.” He said he was thinking it was just a wall sign issue but that is not really a wall sign anymore.

The board discussed wall signs versus projection signs.

Mr. Frezel said he was quite surprised when he heard that because when he came in that is what he was told he needed.

Mr. Lewis asked if it is a square footage issue.

Mr. Frezel said it is not a square footage issue at this point.

Mr. Lamanna said it is not a second wall sign issue either.

Mr. Lewis said it is only a height issue now.

Mr. Lamanna said if that is the way people think they are going with these kinds of signs, what somebody should do is come in and seek the changes.

Mr. Frezel said the whole issue when you have a property like this, the property owner should come in with a master sign plan and say this is what they want, a ground sign, projecting wall sign or whatever it may be so it is established so then the applicant can walk in and get approved because it is pre-approved.

Mr. Lamanna said the sign pretty well fits in the marquee top of the building and he does not think there is any issue at all with it.

Mr. Frezel said he would be more than happy to comply with the code but he would be putting it in the window then basically.

Mr. Lewis said it is okay with the square footage and there is one sign with a height variance.

Mr. Lamanna said yes.

Mr. Lamanna asked the applicant if he is going to treat the other one as withdrawn or the board can deny it and added that it is better if it is withdrawn.

Mr. Frezel said if it is a separate issue he would rather have it withdrawn.

Mr. Lamanna said that it can be brought up again later.

Mr. Frezel said if those signs were prohibited you would think it would be in the best interest of everyone if the developer didn't say your sign is approved.

Mr. Lamanna said he is not sure they were even aware of it and maybe that is something they should petition to have changed if that is truly the way things are going and also with the shopping centers there may be different considerations that go into the underlying reason for this where somebody would say it made sense when you were talking about freestanding businesses but it may not make sense when you have a strip mall.

Mr. Frezel said you have more strip centers where you are parking your car and walking from store to store and when you are walking you really need the blade type of sign as opposed to when you are driving and need the wall signs.

Mr. Olivier said you don't want people wandering in the street and looking back to see where they are going.

Mr. Lamanna said he thinks people might be amenable to making the change but that is not this board's job to do.

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

Motion BZA 2008-8 - 7125 Market Place Drive (Justice Just for Girls)

Mr. Lamanna made a motion to:

1. Accept the applicant's withdrawal of the second projecting sign on the basis of that would not be allowed under the code.
2. Grant the applicant the following variance with respect to the height of the sign from the limit of 15' above the finished grade to between 16' and approximately 22.6' as shown on the applicant's drawing.

Based on the following findings of fact:

1. This is the architecturally appropriate place on the building to place the sign.
2. It is also consistent with all of the other signs in the center.
3. It is not contrary to the intent of the zoning with respect to the height limitation.

Mr. Lewis seconded the motion.

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

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

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

The zoning inspector's letter dated May 15, 2008 was read and photos of the site were submitted.

Mr. Raymond Uhlir was present to represent this application.

Mr. Lamanna swore in Mr. Raymond Uhlir.

Mr. Uhlir testified that he would like to put a shed in as his drawing shows closer to the setbacks than dictated in the resolution and the reason being is that the back 120' of his lot is woods and there is a perfect void in the woods to put this shed so that he will not have to remove trees and also he assumes with setbacks of 80' or 90' off the back he can't put the shed anywhere else because his house is about that far off the back line and the setbacks for Pilgrim Village Development were 40' off the back line and 20' off the side lines and this was only changed since the three acre lot size resolution in Bainbridge and obviously these larger setbacks create a problem for one acre lots because it puts the shed dead center on the property.



Mr. Uhlir continued by saying there is an area where a couple of saplings will have to be removed and he already has the letter attached that says the Pilgrim Village architectural review board has no problems and are in support of it and there are many other sheds within that development that are even closer to the property lines so this will put the shed back in the woods. He said he assumes the reason why the setbacks or limitations were put in place is to not to have these visible or encroaching on the neighbors but this will put it back in the woods so actually nobody will see it.

Mr. Lamanna asked if there is anybody back there.

Mr. Uhlir said there was property from a development years ago that annexed into Pilgrim Village from Beacon Hill.

Mr. Lamanna said you will be off the back but it is really the side of his property.

Mr. Uhlir said his neighbor and the review board has no issue with it.

The board discussed the setbacks and variance requested.

Mr. Lamanna said the applicant wants to be 40' from the rear property line but it is more from the side so this is basically to find a spot in the wooded area. He asked if there is a side yard issue.

Mr. Uhlir said his address is on Apple Hill but his driveway is on Millstone.

Mr. Lamanna said he has two 100' setbacks so it is a technical issue.

Mr. Shane Wrench, Assistant Zoning Inspector testified that it is a corner lot with two front yards.

Mr. Lewis said the house is consistent, it is a 100' setback for both front yards so he can't put a shed in a front yard.

Mr. Uhlir said those people bought that land from Beacon Hill and it is Pilgrim Village all the way to Haskins and added that his existing shed is 60'.

The board reviewed the setbacks required for front yards and side yards and sheds.

Mr. Uhlir said he could push it to 75', the void runs in that direction.

Mr. Lewis said that would ease it if you could get that to 75' and Pilgrim Village approved.

Mr. Lamanna asked Mr. Uhlir if he can move the shed to 75'.

Mr. Uhlir replied yes.

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

Motion BZA 2008-9 - 8855 Apple Hill Drive

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

1. A variance from the minimum required rear yard setback of 90' to 40' for a variance of 50'. The applicant will stay within the 75' side yard for a cornered lot of 75'.

Based on the following findings of fact:

1. This shed will be placed in a wooded area.
2. It will not be easily visible from the side street or from the rear.
3. At the rear, the adjacent property is a side lot of another house which is a significant distance from the property line so they should not have much view of this and it should not be adversely affected.
4. This shed is otherwise consistent with the other outbuildings in this area.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:12 P.M.

Respectfully submitted,

Joyce Hannum, Alternate  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier

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

Date: June 19, 2008

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
May 15, 2008

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:12 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Lorrie Sass was absent.

MINUTES

Mr. Lamanna made a motion to adopt the minutes dated April 17, 2008 as written.

Mr. Lewis seconded the motion.

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

Applications for June 19, 2008

Application 2008-10 by 8228 East Washington Street, L.L.C. for property at 8228 East Washington Street

The applicant is requesting a conditional use permit for the purpose of continuing an auto repair facility under new ownership. The property is located in a CB District.

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

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for June 19, 2008 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 8:19 P.M.

Respectfully submitted,

Joyce Hannum, Alternate  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier

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

Date: June 19, 2008