

Bainbridge Township, Ohio
Board of Zoning Appeals
May 17, 2007

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

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

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

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

The zoning inspector's letter dated May 11, 2007 was read and photos of the site were submitted.

Mr. George Dragon of Cicogna Sign Company and Mr. Richard Katz of Tanglewood Partners were present to represent this application.

Mr. Frank McIntyre, Zoning Inspector testified by explaining that the ground sign is being removed and they are looking for a second wall sign.

The board reviewed the variance request and the submitted application.

Mr. Lamanna asked if the board is dealing with the second wall sign.

Mr. Dragon testified by saying correct and the monument sign that was proposed in the beginning is not going to be done. He said the bank is known formerly as Republic Bank and they removed the existing monument sign and both wall signs, they got a permit to put the front wall sign up and the existing side wall sign is what he is here tonight for. He said they removed a set of letters (Republic Bank) that was 38.52 sq. ft. and are proposing a 3' 11" x 4' 4" single faced sign to be moved down over the awning to be centered over the Citizens Bank portion of their unit and the old sign used to be centered on the building but was not over the unit, so they are centering it above the unit and it is only 12 sq. ft. He said the sign is a single-face, illuminated routed out cabinet and the only thing that lights up are the letters on the cabinet and the background is aluminum and the logo will light up also.

Mr. Lewis asked Mr. Dragon if he is with the sign company.

Mr. Dragon replied yes and added that Mr. Katz, the property owner is here tonight.

Mr. Katz testified that he is with Tanglewood Partners.

Mr. Lamanna asked if there will be the same amount of signage that was previously on the building.

Mr. Dragon said actually there will be less, there was close to 90 sq. ft. not counting the monument sign, the front sign was approximately 54 sq. ft. existing and the set of letters they took down was 38 sq. ft. and now they are asking for 12 sq. ft. on the side.

Mr. Katz stated that he asked for them to center the sign over their own space, it was centered over the whole building before and there are other tenants such as Mr. Hero in the building.

Mr. Takacs asked which space is theirs.

Mr. Katz said their space is the one closest to Rt. 306.

Mr. Dragon explained that the sign will be centered over the awning and what has been removed.

The board discussed the variance request.

Mr. Dragon said the monument sign was removed and will not be going back up.

Mr. McIntyre said there will be 60 sq. ft. total.

Mr. Lamanna said there will be only two wall signs.

Mr. Dragon replied yes.

The board discussed where the signs will be facing which is the parking lot and Rt. 306.

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

Motion BZA 2007-12 – Citizens Bank – 8555 Tanglewood Square

Mr. Lamanna made a motion to grant the applicant a variance for the purposes of establishing a second wall sign.

Based on the following findings of fact:

1. This is a change of signage on an existing business.
2. There already existed two wall signs and the total square footage of the signage will actually decrease.
3. This is a building that has two fronts that face two distinct streets so it is reasonable to have a second wall sign in this application.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated May 11, 2007 was read and photos of the site were submitted.

Mr. James Thomas, applicant and Mr. Steven Gruen were present to represent this application.

Mr. Lamanna asked the applicant what the propane tank is used for.

Mr. Thomas testified that it is for propane heat and will be used for the swimming pool heater and to heat the enclosed room.

Mr. Lewis asked Mr. Thomas if he started construction on the pool yet.

Mr. Thomas said yes, the pool is constructed.

The board discussed the location of the shed and pool.

Mr. Gruen testified that since the lot is irregular there is no other place to put it.

Mr. Takacs said the board granted them a variance before for the structure for the pool.

Mr. Lamanna asked if the tank is already installed.

Mr. Thomas replied yes.

Mr. Gruen said that Amerigas put it in and they did not know they needed a variance nor did the applicant.

Mr. Thomas said he gave Amerigas the BTU usage and they recommended the tank, they came out and surveyed it and said that for ease of filling and all of the necessary conveniences, they felt that this was the best place to put it and they are the ones that recommended the size and location so we went along with what they said.

Mr. Takacs asked when this was installed.

Mr. Thomas said it was installed several months ago.

Mr. Gruen said they measured off the property lines and it was a suitable spot.

Mr. Olivier asked if the shed was on the corner.

Mr. Thomas explained the location of the fence, pool, shed and tank per the photo.

Mr. Takacs asked where the shed is on the photo.

Mr. Thomas showed the board the location of the shed per the photo.

Mr. Takacs said the tank must protrude past the shed.

Mr. Thomas said it really doesn't, it is directly behind it and explained the location of the driveway and pool.

Mr. Takacs referred to the photo and asked if it is the neighbor's house.

Mr. Thomas replied yes.

Mr. Olivier asked what the distance is between the tank and the neighbor's house.

Mr. McIntyre said about 90' and explained the location of the neighbor's house and added that the neighbor believes it is not 90'.

The board viewed photos of the site.

Mr. Takacs referred to the aerial photo regarding the house, pool, shed and driveway.

Mr. Lamanna asked if there are any fire department rules on where these can be located.

Mr. McIntyre said he spoke to the Assistant Fire Chief and normally 500 gallon capacity tanks are common for houses and most all of these high pressurized tanks are equipped with safety valves and in the event of an incident, it would require the area to be evacuated for ½ mile to 1 mile.

Mr. Lamanna asked if the National Fire Code has any regulations.

Mr. Gruen said that Amerigas follows that.

Mr. Takacs said it would be the NFPA code.

Mr. Gruen said that is what Amerigas uses and that is what they went by.

The board discussed occupied structures versus non-occupied structures such as the shed.

Mr. McIntyre said they could inquire with the fire department.

Mr. Lamanna asked if the shed has a variance.

Mr. McIntyre said the board went through this when the applicant came in for the swimming pool.

Mr. Lamanna said okay and added that there is no practical difficulty here that forces the tank to be in this location, there is already one structure substantially encroaching and this is just going to create a greater encroachment.

Mr. Gruen said they (Amerigas) went by the guidelines when they set it.

Mr. Lamanna said he has little sympathy for the fact that it was set there because if the gas company put it in the wrong place, it is their problem for not thoroughly investigating where they are supposed to put it. He said it is nice for the property owner to hide the ugly tank behind the shed so it is not seen, but the neighbors get it 10' off their property line.

Mr. Thomas said he has no problem putting shrubs there.

Mr. Murphy asked about burying it.

Mr. Thomas said he does not have a problem with that, but does not know if it can be done. He said he went with what Amerigas said and they went by the code and they followed the code of the National Fire.

Mr. Takacs said it could probably be mounded up but not buried.

Mr. Murphy referred to other tanks being buried in another town but the rules have probably changed since then. He asked if a 500 gallon tank would be allowed.

Mr. McIntyre referred to the zoning regulations and said anything over 500 gallons has to meet the setbacks.

The board reviewed the zoning regulations.

Mr. Olivier asked what if it is under 500 gallons.

Mr. Takacs said it could probably go next to the house.

Mr. Gruen said not according to Amerigas.

The board discussed the tank size and the location of it.

Mr. Lamanna said it is not considered a structure, so there is not the issue of multiple structures on the property but the only way it is not considered a structure is it has got to be 500 gallons or less and it can't be in the front yard or within 100' of any side yard.

Mr. Gruen said there is no where on the lot if it can't go in the front, and it is a corner lot and asked what options are left.

Mr. Lamanna explained the definition of a structure and once it is a structure, it must meet the setbacks and because of the size and the fact that it is located within 100' of the lot line, it makes it a structure.

The board reviewed photos of the site.

Mr. Murphy said if it was a 500 gallon tank, it would be a permitted yard obstruction.

Mr. Olivier said if it was 100' off the property line.

Mr. Lamanna said the regulations are saying it has to be set back, but it will not be counted as a structure, it would not go against the accessory structure count.

The board discussed the size being 1,000 gallons versus 500 gallons.

Mr. Lamanna said it is a size issue.

Mr. Lewis referred to the variance for the pool addition and one of the criteria was that the applicant would provide a row of 6' tall pine trees running from behind the existing accessory structure, which is the shed, along the property line to at least the point of the building that is proposed to be constructed. He asked if the trees have been planted.

Mr. Thomas said those are being planted.

The board discussed where the trees are supposed to be planted.

Mr. Gruen explained the fence line and tank location and said there is almost 25' there.

Mr. Lewis said there is room to plant the trees.

Mr. Takacs said the proposed is 30' for a 70' variance.

Mr. Lewis said when the 6' tall screening goes in for the first variance, it will hide it.

Mr. Lamanna asked how many trees.

Mr. Lewis said the minutes show "a row".

Mr. Gruen referred to the photo and the location of the proposed trees.

The board discussed the size of the proposed trees.

Mr. Lamanna asked if there is a reason this tank cannot be moved because it would be no more difficult for them to get in and fill it.

Mr. Lewis asked if the tank sits on portable cradle blocks or if there is a poured footer.

Mr. Thomas said they set them on cement blocks.

The board discussed moving the tank.

Mr. Gruen said the neighbor's view would be worse.

Mr. Lamanna said they would be looking at the end of it and a tree could be put at the end of it, so they would be looking at the diameter of it, not the length of it.

Mrs. Kathy Snedeker of 7985 Chagrin Road and next door neighbor testified that she is along side the fence.

Mr. Lamanna asked Mrs. Snedeker how far away her house is from the tank.

Mrs. Snedeker said their pool is 30' from the property line and her house is probably another 30' from the property line, not very far. She explained per the photo, the location of her house and the fence.

Mr. Lamanna said the board can look at the aerial photograph.

Mr. Olivier asked if it would help her if it was moved to the other side of the shed.

Mrs. Snedeker said she has a concern for the safety of it and said the shed is 10' from the fence so there is not 20' – 25' there.

Mr. Gruen asked if it is not aesthetic, if it is a safety issue.

Mrs. Snedeker said it is both but the main issue is the safety. She said it is an aesthetic issue also because when people come up her driveway, it is first thing they see, it is right there in front of us but the safety issue is the main thing.

Mr. Lamanna said unfortunately there is no one here that can answer the safety issue.

Mr. Olivier asked what is stored in the shed.

Mr. Thomas said mostly lawn accessories, tools etc.

Mr. Lamanna said one of the issues of having the tank next to the shed is if the tank has a problem, it destroys the shed but the more likely thing is if the shed catches on fire next to a 1,000 gallon propane tank it would be a problem.

Mr. Gruen said it would be too late by the time Amerigas shows up there.

Mr. Lamanna said he experienced a shed that caught on fire with propane tanks sitting outside of it and when it went up, it was rather spectacular so that is an issue. He said he cannot answer the issue as to whether or not that specifically is addressing the NFPA code or not.

Mr. Gruen said he knows that is what Amerigas follows and wonders if the code is on-line or not.

Mr. Lamanna said he does not know if they let the public access their codes, most places require you to pay first. He added that his inclination is to postpone this application until next month so the board can sort out this issue of fire codes and safety and to also ask the township fire department what their opinion is of it from a general fire prevention issue both in terms of hazards to the adjacent property and issues with the tank being adjacent to something itself that could possibly catch on fire and create an issue.

Mr. Thomas said when he talked to Amerigas and told them there was a purported problem with the city, they had said that this is typical with five or six other conditions they had in Bainbridge where they had done just about the same thing with tanks that they fill on a regular basis.

Mr. Lamanna asked if they could give the township a list of those to see if they are not in compliance.

Mr. Thomas said he did not want to get into it.

Mr. Lamanna asked if Amerigas owns the tank.

Mr. Thomas said yes.

Mr. Lamanna said maybe they should show up at the next meeting.

Mr. Murphy said a row of plantings may help the aesthetics a lot but not necessarily the safety issues.

Mr. Lamanna said he has a fundamental issue of putting this tank anywhere beyond the shed and there is no need that the tank has to be 10' from the property line, there is no practical difficulty that prevents it to be at least as far away as the shed is.

Mr. Murphy said both sides of that shed already have a variance to be where it is.

Mr. Lamanna said he does not think the neighbors should have to suffer from the risk and unsightliness of a 1,000 gallon propane tank if there is another place on the property where it can go even if it is more inconvenient to the property owner.

Mr. Gruen asked if the board can come out and view the property to see where it can go and added that it has to be within so many feet for them to fill and being a corner lot it will sit on Country Lane.

Mr. Lamanna said that is why he wants to resolve the fire code issues and make sure the board thoroughly addresses that before we say it has to go in a certain place so he wants to defer this application until the board can get a definitive answer on that.

Mr. Lewis asked if there is a delivery charge or trip charge every time plus the volume that is pumped in and if that is the reason for the bigger tank.

Mr. Gruen said no it is the usage of the pool and the actual building and the amount of BTUs per hour and also Country Lane has such a curve to it before it comes to a stop, the truck is backing out of there so if the board is concerned about safety there is a major one there so by using the larger tank, it satisfies the number of BTUs needed and also prevents the truck from coming in and out every eight days versus every 18 days because backing out onto Country Lane with a truck is not the easiest thing especially a huge truck with propane. He said it is about every 20 days with the 1,000 gallon tank so he is only backing out once a month.

Mr. Olivier asked if Amerigas gave any alternate locations for the tank and did the applicant ever ask them for an alternate location for the tank.

Mr. Gruen said for aesthetics, they did not want it facing the main road, it would not be a very nice sight from the main road and on Country Lane, the neighbors would really be unhappy with it there. He said they did take a look around the premises before they decided to put it there and added that Mr. Thomas will be planting trees so it will be out of sight. He said according to the National Fire Code, that is what Amerigas goes off of and that is what they used to set that tank.

Mr. Murphy asked the neighbor if it is shielded behind the trees if she has any objection to that location.

Mrs. Snedeker said safety wise, yes she does.

Mr. Murphy said a 1,000 gallon tank anywhere on that lot, if it goes, there are issues.

Mr. Gruen said yes whether it is 500 or 1,000 gallons and added they are only 80% full to begin with.

Mr. Olivier said if there is a fire in the shed it could generate enough heat to increase the risk of that tank exploding versus it being completely separate from that structure.

The board discussed alternate locations for the tank.

Mrs. Snedeker said she does not know about leakage but the way the property slopes down towards her house, if there would be leakage it would go down hill towards her property.

Mr. Lamanna said propane would go down hill if there is leakage so if the grade is down towards the neighbor's house, it is not a good thing, and it would create a hazard and that is a major issue because of propane's characteristics.

Mr. Gruen said whether it is a 500 gallon tank or a 1,000 gallon tank it is the same thing.

Mr. Lamanna said it is a quantity issue because obviously a 500 gallon tank could vent out less than a 1,000 gallon tank and under any circumstances if it flows out it will go on the ground and follow the contour of the ground.

Mr. Gruen said it comes out the top of the tank; nothing comes out the bottom of the tank.

Mr. Lamanna said if propane is vented off the top of a tank, it goes out and right down to the ground and starts flowing along the ground, gravity will pull it just like it was water.

Mr. Gruen said there is a safety shut-off but he understands.

Mr. Lamanna said it is a safety vent and the tank is vented so it will not explode because it is better to have some propane in the air than to have the tank explode.

Mr. Murphy said or if the tank is physically damaged.

Mr. Lamanna said that is one of the problems by putting it that much closer to the neighbor's house so if anything does happen they are the ones potentially put at risk by the location so the board has to look at this location a little more carefully and see what the topography is etc.

Mr. Takacs asked if they had anything there before, such as a 500 gallon tank.

Mr. Thomas said no, when he gave them the specs, they are the ones that came out and inspected for the tank size and location.

Mr. Murphy asked how the house was heated before this.

Mr. Thomas said the main house is being heated by electric and the pool house and pool itself are being heated by propane.

Mr. Gruen said the only way to heat pools is with gas, you cannot heat them with electric.

Mr. Murphy asked if there is natural gas on the street.

Mr. Gruen said it would be a cost factor and propane is a hotter fuel so you would get more heat and BTUs from it and in the long run it is better and even for the environment.

Mr. Olivier asked if the tanks can be painted or if they have to be white.

Mr. Lamanna explained that tanks cannot be dark because they would absorb more heat. He added that he thinks it would be helpful if somebody from Amerigas could come to the next meeting.

Mr. Gruen said they can bring the national code with them next month.

Mr. Lamanna said it is their tank that is encroaching and they could be sent a citation.

Mr. Gruen said if the board members drive by the lot, he thinks it would really help.

Mr. Lewis asked what the timeline is for putting in the trees from the earlier variance, when is the completion date for that because this is planting time and it should not wait.

Mr. Thomas said it is either going to be done in the spring or fall and the landscaper has the line on the trees and he will do the installation for him.

Mr. Lewis asked Mr. Thomas when he got the occupancy permit for the pool building.

Mr. Thomas said he is not sure he has it yet.

Mr. Lewis asked when it was completed.

Mr. Thomas said four or five months ago.

Mr. Murphy asked if Geauga County did a final inspection.

Mr. Thomas said that has not happened yet.

Mr. Murphy said it is still an open building permit in Geauga County.

Mr. Gruen asked if the trees have to be done to complete the whole project.

Mr. Murphy said Geauga County does not care about the trees.

Mr. Lewis said that was a condition of the variance.

Mr. Lamanna said the expectation is that it would be done contemporaneously with the building project but that expectation is reasonable in light of the construction being done and the growing season etc.

Mr. Gruen asked if the trees should be planted in front of the tank for now.

Mr. Murphy said the addition of the pool has to be screened.

Mr. Lamanna said if they have to move the tank, they won't be able to move it with the trees in the way.

Mr. Gruen said they will wait until next month to see what happens.

The board discussed the planting of the trees.

Mr. Gruen said they will look into the fire codes and try to get a representative here next month.

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

Motion BZA 2007-18 – 7945 Country Lane

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to obtain additional information.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated May 11, 2007 was read and photos of the site were submitted.

Mr. Brian Sprafka and Mrs. Jennifer Sprafka of Small Hands Big Dreams Learning Centers and Mr. Richard Katz of Tanglewood Partners were present to represent this application.

Mr. Sprafka testified that they are in the Professional Building in Tanglewood Square and the child care center is at the north end of the building so they are proposing to expand into the space currently occupied by Bharani Jewelers who is moving out and the space next to it that was formerly occupied by Dr. Bautista who left a couple of years ago.

Mr. Takacs asked if it is in the center of the building.

Mr. Sprafka said correct, it is in the center of the building so they will be abutting up against Dr. Greenberg.

Mr. Lamanna said they already have their outside spot so that will not change and the people coming in and out will not change.

Mrs. Sprafka testified that they have two emergency exits.

Mr. Richard Katz testified that Bharani Jewelers is leaving and Dr. Bautista's sign is down and he does not know if they will center the sign, but it won't increase the square footage.

Mr. Takacs asked if this is the second time they expanded.

Mr. Sprafka said yes, they were here last year and people keep finding a strong need for daycare.

The board discussed the signage.

Mr. Lamanna said this is in the back so there is no worry about traffic.

Mr. Lewis asked if they were okay with the state as far as the sizing and head count.

Mr. and Mrs. Sprafka said yes, they are in compliance.

Mrs. Sprafka said they will have a building inspection and fire inspection.

Mr. Olivier asked about the current capacity.

Mr. Sprafka said they are at 117 children and this will add 28 more.

Mr. Lewis asked if the doors for the jewelry store will become just emergency exit doors.

Mr. and Mrs. Sprafka replied yes and they will both stay there and become emergency exits and will only be used for fire drills.

Mr. Lewis said he does not see that this will have any impact regarding parking or traffic flow, there are no additional entrances into the space, there is no signage, there is no exterior modification to the building at all and it is an expansion of the existing business.

Mr. Murphy asked if the clients are from Bainbridge, Aurora or S. Russell.

Mrs. Sprafka said they come from Chagrin Falls, Bainbridge and Auburn.

Mr. Murphy commented on the amount of traffic in this area and that is why he wondered where the business was coming from.

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

Motion BZA 2007-19 (Small Hands Big Dreams Learning Centers, LLC) – 8505 Tanglewood Square

Mr. Lamanna made a motion to grant an amendment to the currently existing conditional use permit for the child daycare center for the expansion into the additional space requested on the application.

Based on the following findings of fact:

1. Due to an existing business the applicant has been meeting all of the requirements of the conditional use.
2. The same reasoning applied to the board's original decision continues to apply.
3. This expansion will not create any additional burden with respect to factors on the conditional use.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated May 11, 2007 was read and photos of the site were submitted.

Mr. Moutasen Al-Rousan was present to represent this application.

Mr. Lamanna asked Mr. Al-Rousan how extensive of a business he is planning.

Mr. Al-Rousan testified that he will have four to five trucks, there will be three trucks and two trailers, one truck will be 10' the second one 14' and the third one will be 17' and two trailers. He said one trailer is 6' x 12' and the other is 8' x 12'. He said the trailers will be parked in the back of the building as well as one (big) truck and in the front of the building, there will be two trucks, the 10' and the 14'. He said he spoke with his neighbors in the plaza and everybody is okay with it, everyone accepted the idea and the trucks will be insured from the U-Haul Company.

Mr. Takacs asked if he will just rent them and if people will bring them back to him also.

Mr. Al-Rousan replied yes.

Mr. Takacs asked what will happen if somebody brings a truck in from another area.

Mr. Al-Rousan said it will be moved within 24 hours.

Mr. Takacs asked where they will be taken.

Mr. Al-Rousan said the U-Haul Company will come and pick them up and take them to the main office in Bedford. He said he did have a business in S. Russell and worked with S. Russell Village and they accepted it and he was doing well. He said the trucks will not be parked right in front of the store for traffic safety, they would be moved right away.

Mr. Olivier asked where they will be when not dropped off or picked up and will they be at the outer most portion of the lot.

Mr. Al-Rousan said there will be a few trucks in the existing parking spaces.

Mr. Olivier asked if they will be parked at the same angle as the cars are parked.

Mr. Al-Rousan explained the location of the trucks in the parking lot and behind the building. He said there will be nothing bigger than a two axle truck and that is a guarantee and he is not trying to be like a big dealer, just a service for his customers.

Mr. Olivier asked about Kredo Hardware and if they applied for a variance.

Mr. McIntyre explained that Kredo did not come in and apply for a variance because of the district in which it was located; it is not a shopping strip center which is part of the conditional use.

Mr. Olivier asked about this district.

Mr. McIntyre explained that this is located in a convenience business district but shopping centers fall under conditional uses and it was changed two years ago.

The board reviewed the photos submitted and discussed the application.

Mr. Lewis referred to several of the trucks that will be parked in the alcove of the building and some will be parked out front and asked how people will know that there are trucks here for rent.

Mr. Al-Rousan said he will advertise in the Yellow Pages.

Mr. Lewis said that will take six months to a year before they reprint.

Mr. Al-Rousan said he is also hooked up with the main office so when someone calls U-Haul, they ask them where their location is and they will send them over to him and added that there will not be any signs up. He said it will be mostly local people using the trucks and trailers.

Mr. Lamanna asked if this runs afoul of the outside storage of items for sale.

Mr. Lewis said that is what the board dealt with regarding the horse trailers at Snyder Road and E. Washington Street.

Mr. Al-Rousan said when he dealt with S. Russell, they put some rules on him such as he could not have more than 4 – 5 trucks for more than 24 hours so if there is a problem down the road, he could take them out.

The board discussed Sections 143.02 (b) and 143.04 regarding outside sales and service and the fact that these are not for sale, they are for a service.

Mr. Al-Rousan said they are not for sale.

Mr. Lamanna said there will only be five of these and three will be kept in the back, but the board should make sure that the ones that are parked in front are parked actually in front of the business, not down by Rt. 306 at the end.

Mr. Al-Rousan said they will be parked in front of the business and not at the road.

Mr. Lewis asked which sizes will be in front.

Mr. Al-Rousan said the 10' will be in front and the big stuff is going in the back.

Mr. Lewis said so the 10' trucks will fit in a parking space.

Mr. Al-Rousan said yes, they are the same size as an SUV truck or pickup truck.

Mr. Lewis asked if the quantity can be capped.

Mr. Lamanna said it would be limited to three trucks and two trailers.

Mr. Lewis said the surplus would take 24 hours to be vacated and asked if the board is creating a zoning enforcement burden for the zoning inspectors.

The board discussed the enforcement and the fact that they will be located next to the town hall (zoning office).

Mr. Lewis asked about the hours of operation of the business.

Mr. Al-Rousan said his business is open from 6:30 A.M. to 10:00 P.M. Monday through Saturday and on Sunday it is open from 8:00 A.M. to 9:00 P.M.

Mr. Olivier asked if this was a stand-alone structure versus a strip shopping center if it would be a permitted use if it is in convenience business.

Mr. McIntyre said yes.

The board discussed the outside sale of equipment versus leasing.

Mr. Al-Rousan said there is no other service in Bainbridge Township like this.

Mr. Murphy asked if these trailers will be in somebody's way when parked in the back.

Mr. Al-Rousan said no and the only time he would have to move them is if somebody were to come and rent them, he would move them instead of the public going back there.

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

Motion BZA 2007-20 – 17800 Chillicothe Road

Mr. Lamanna made a motion to grant a conditional use permit for the purpose of establishing a U-Haul rental business.

With the following conditions:

1. It is limited to three trucks, the largest of which is 17' and two trailers.
2. At no time will there be more than five vehicles on the premises for more than 24 hours so that if an additional vehicle is returned it will be removed from the premises within 24 hours.
3. The two trailers and one of the trucks will be stored behind the building in the notched-in portion behind the applicant's space.
4. The other two trucks will be parked in the parking spaces that are on the south side of the property in front of the applicant's location.
5. They will not be parked up near either Bainbridge Road or Chillicothe Road.
6. Within the confines of this conditional use permit and restrictions placed upon it, the applicant is allowed to have these vehicles stored outside for the service of rental and has a variance to that extent applicable to Chapter 143.04.

Motion BZA 2007-20 – 17800 Chillicothe Road - Continued

Based on the following findings of fact:

1. The use is not inconsistent with the uses already in this shopping center.
2. Within the conditions placed on the use, the amount of increased traffic or interference with the operations of the center would be minimal.
3. It will not create an undue burden on the neighboring properties or be inconsistent with the other uses in this zoning district.
4. The landlord/owner of the property, Mr. Anthony Campane, acknowledges and consents to this application and the granting of the conditional use permit.

Mr. Takacs seconded the motion.

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

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

The applicant is requesting area variances for the purpose of installing an in-ground swimming pool. The property is located in a R-3A District.

The zoning inspector's letter dated May 11, 2007 was read and photos of the site were submitted.

Mr. Andrew Kenen, applicant and Mr. Ron Shelling were present to represent this application.

Mr. Kenen testified that his property is on Kenston Lake Drive and it won't be a lake much longer and he moved there because he likes swimming and he likes the use of the lake and he is in there all of the time in the summer with his dogs and it is really nice, never dreaming that the lake would be drained so he is asking to put a pool in and the hardship is the back of the lot slopes down, so he can't put it in the back and also the septic tanks are in the back and even when they drain the lake, it appears as though the lake goes straight down so the only level spot is on the side so he asking to put the pool on the side of the house behind the front of the house, but on the side. He said a privacy fence would be put up and it would be fenced in, which is required. He added that the closest neighbor has a buffer of pine trees that he put in and the only window on that side of the house has an air conditioner in it so he does not open the window so that is basically it. He said the front of the house has the leach field so this leaves it as the only spot for the pool and added that he is not using propane.

Mr. Lamanna asked about the proposed fence.

Mr. Kenen said there will be a privacy fence in front and chain link around the sides and the back and added that there is already a split rail fence that his neighbor has but he will put a 6' chain link with a privacy fence in the front and has been looking at the white vinyl ones that will look attractive and the entrance will be from the garage with a gate in the back, but with no entrance from the front, it will be closed off.

Mr. Lamanna asked if some shrubs could be put in there along the chain link fence between Mr. Kenen's property and the neighbor.

Mr. Kenen said there is no room because of the pine trees, but he plans on putting shrubbery in the front.

The board discussed the location of the proposed pool and the neighboring pine trees.

Mr. Lewis asked if the pool deck is elevated.

Mr. Kenen said no it will be an in-ground pool with concrete.

Mr. Lamanna asked how far away the neighbor's house is.

Mr. Kenen said his neighbor's sideline is 40' because he had a variance to build his house, but he (Mr. Kenen) has the full 50'.

Mr. Lamanna said there will be a 4' to 6' high fence along there.

Mr. Kenen said it will be 6' high.

Mr. Shelling testified that he had 4' on the plans and thought that was the code.

Mr. Kenen said he will put the fence up to the property line.

The board reviewed the plans and variance request, the proposed fence and neighbor's trees.

Mr. Lamanna said since the trees are the buffer, he does not want the sides of the trees shaved off to get the fence in there so the fence should be kept about 5' off the property line and given the fact that the pool will be encroaching on that side, the fence should be kept back 5' to get away from the trees and not worry about chopping off the bottom of them.

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

Motion BZA 2007-21 – 18055 Kenston Lake Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing an in-ground pool in accordance to the location contained in the application.

1. A variance from the minimum required side yard setback of 50' to 19' for a variance of 31'.
2. A variance from the minimum required front yard setback of 100' to 97' for a variance of 3'.

Based on the following findings of fact:

1. Regarding the front yard variance, the proposed structure will be even with the front of the house, because the curvature of the road causes it to be only 97' back from the road right-of-way but it is held to the 100' setback.
2. There is a practical difficulty because there is no place behind the house to place the pool because of the rapid slope back from the house to the lake behind the property.
3. Because of the existing screening and location of the adjacent property owner, it will not adversely affect them because it will be screened off and it is in fact a pool so it does not project very much above the ground so it will have minimal impact on the adjacent property owner.

With the following condition:

1. Any fence along that side of the pool will be kept to at least 5' from the property line so it will not interfere with the existing planting buffer on the neighboring property.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:10 P.M.

Respectfully submitted,

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

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

Date: June 21, 2007

AUDIO RECORDING ON FILE

BZA PH 5/17/2007

-22-

Bainbridge Township, Ohio
Board of Zoning Appeals
May 17, 2007

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:10 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Murphy, Mr. Todd Lewis, Mr. Mark Olivier and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the April 19, 2007 meeting as written.

Mr. Takacs seconded the motion.

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

Visiting Public

The board met with Kenston High School students. Mr. Lamanna explained the duties and responsibilities of the board of zoning appeals.

Applications for June 21, 2007

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

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

Application 2007-22 by Aurora Co-op Preschool for property at 8558 Crackel Road (Centerville Mills Park)

The applicant is requesting a conditional use permit for the purpose of establishing a co-op preschool. The property is located in a R-3A District.

Application 2007-23 by TMC Terraplan Management Corp. for property at 8327 E. Washington Street

The applicant is requesting a renewal of a conditional use permit for the purpose of the continuation of a full service carwash. The property is located in a CB District.

Application 2007-24 by Todd Kirkpatrick for property at 8575 Apple Hill Road

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

Application 2007-25 by Robert W. Vaughan for property at 18549 Geauga Lake Road

The applicant is requesting area variances for the purpose of replacing a single family dwelling. The property is located in a R-5A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for June 21, 2007 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:31 P.M.

Respectfully submitted,

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

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

Date: June 21, 2007