

Bainbridge Township, Ohio
Board of Zoning Appeals
May 18, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:38 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 2006-7 by McMillon Construction for property at 7045 Lewis Drive – Continuance

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

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

Mr. Cedric McMillon from McMillon Construction was present to represent this application.

Mr. McMillon testified that with the board's permission, he would like to build a single family two-story dwelling with a two car attached garage located in the Chagrin Falls Park. He said the three parcels are located on Lewis Drive and are approximately 120' wide x 100' deep and the width of the structure is 45'-8" wide and the depth will be 38' plus 14' for the deck and using those measurements, the proposed structure does comply with the setbacks and side yards, the rules for new construction and Chagrin Falls Park and the site plan is provided.

The board reviewed the site plan that was submitted.

Mr. Lewis referred to the proposed structure as being 38' and said his information states that it will be 40' and it looks like there is a 2' out-crop.

Mr. McMillon explained that it is 38' plus 2' for the fireplace that will make it 40' and said it is a 2' jog-out just for the fireplace.

Mr. Takacs asked about another bump-out.

Mr. McMillon said that is a sliding door.

Mr. Lamanna asked how the front setback compares to the adjacent properties.

Mr. McMillon said it is in compliance with what is in the area, but there is nothing there and the closest home is within a 25' setback.

Mr. McIntyre explained the location of the three lots and said the house no longer exists.

Mr. Lamanna said it is setback 20'.

The board discussed the setbacks in the immediate area.

Mr. Lamanna asked about the property behind.

Mr. McIntyre said they are all individual lots that front out onto Franklin Street.

Mr. Lamanna asked about the depth of those lots.

Mr. McIntyre said there is one large tract that the Geauga Park District owns.

Mr. McMillon said it is the Metro Park District.

Mr. Lamanna said his question is whether anything will be built back there.

Mr. McIntyre checked the map and said it belongs to the Geauga Park District.

Mr. Lamanna asked if there were any questions.

Mr. Murphy asked if this house will be built on three parcels.

Mr. McMillon replied yes and said the three parcels will be 120' x 100'.

Mr. Lewis asked if these parcels have already been joined.

Mr. McMillon replied yes.

Mr. Lamanna said it is really like six parcels.

Mr. McMillon said they are equivalent to six parcels.

Mr. Olivier asked how many feet there are between the closest house and the next house.

Mr. McIntyre explained that there are four vacant parcels with different owners and the township owns one.

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

Motion BZA 2006-7 - 7045 Lewis Drive

Mr. Lamanna made a motion to grant the following variances for the purpose of constructing a single family dwelling according to the plans submitted by the applicant:

1. A variance from the minimum required front yard setback of 100' to 31' for a variance of 69'.
2. A variance from the minimum required side yard setback of 50' to 35' for a variance of 15'.
3. A variance from the minimum required side yard setback of 50' to 39'- 4" for a variance of 10' - 8".
4. A variance from the minimum required rear yard setback of 90' to 29' for a variance of 61'.
5. A variance from the maximum lot coverage of 10% to 32.3% for a variance of 22.3%.
6. A variance from the minimum lot size of 3 acres to .275 acres for a variance of 2.725 acres.
7. A variance from the minimum required lot width of 200' to 120' for a variance of 80'.

Based on the following findings of fact:

1. A practical difficulty exists because they are pre-existing lots of record that form a parcel of 120' x 100' which is the equivalent of the normal six lots within the Chagrin Falls Park area.
2. This size lot is consistent with the lots in that area.
3. Given the larger size of the house, the setbacks are consistent with development in this area and will not adversely affect the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2006-11 by Small Hands Big Dreams Learning Centers, LLC for property at 8505 Tanglewood Square

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

The zoning inspector's letter dated May 12, 2006 was read and photos of the site were submitted.

Mr. Lamanna stated that this is an amendment to a previously granted conditional use permit for a daycare.

Mr. and Mrs. Brian Sprafka were present to represent this application.

Mr. Sprafka testified that they have the Small Hands Big Dreams childcare center and are in the Tanglewood Professional Building. He referred to a site map and said the gray area or L-shape represents their current space and now they want to add some more capacity to take care of more children so they are looking to add another 1,150 sq. ft. of the building and attach it to their existing space and added that they have an internal hallway, so there will be nothing added to the outside.

Mr. Lamanna asked if there will be a parking issue.

Mr. Sprafka replied no.

Mr. Lamanna asked if there will be a change in the outside play area or if it will remain the same.

Mrs. Sprafka testified by saying it will be the same.

Mr. Lamanna asked if there are any issues with compliance with any of the current requirements.

Mr. McIntyre testified that all of the current requirements are in effect, and it is a pre-existing structure.

Mr. Lamanna asked if they are in breach of any of the provisions of the conditional use.

Mr. McIntyre replied no.

Mr. Lamanna asked if anyone else is interested in this application.

Ms. Nancy Connell of 8516 Tanglewood Trail asked if more kids will be outside.

Mrs. Sprafka said all of the kids will not be out all at the same time and explained that they will be adding infant and toddler rooms and if they go on the playground, there will not be more kids out there.

Ms. Connell asked if there will be any changes to the outside structurally.

Mr. and Mrs. Sprafka replied no.

Ms. Connell thanked them for putting up the landscaping.

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

Motion BZA 2006-11 – 8505 Tanglewood Square

Mr. Lamanna made a motion to grant the applicant a modification to the conditional use to increase allowable square footage by approximately 1,150 sq. ft. and all other conditions from the conditional use permit will remain in effect.

Based on the following findings of fact:

1. A small expansion to the existing business will not create any adverse effects or change any of the considerations upon which the board based its original decision to grant this conditional use.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated May 12, 2006 was read and photos of the site were submitted.

Mr. Mark Murphy recused himself from this application.

Mr. Lamanna noted for the record that Mr. Murphy has recused himself from consideration of this application because he is an adjacent property owner.

Ms. Ann Chaney was present to represent this application.

Ms. Chaney testified that she is proposing a 1,700 sq. ft. outbuilding for the purposes of an artist studio and woodworking studio and she is requesting a 30' variance on the side lot line because it is the only place on the property they can build this building. She added that they have a couple of springs in the back of the property and Mr. McIntyre has been out to the property and determined that they are headwaters and cannot be moved and the EPA has to get involved should we want to move them and given where they are, we would still have to build 25' away from the water so this would be the only place on the property that we can build. She said the building will be 23-1/2' tall and will sit at the edge of a cliff, 100' plus back from the front of the property in a wooded area so she does not believe that any of her neighbors except for Mrs. Stazzone will actually ever see this building and she may only see a portion of it and she is here. She said she has a drawing of what they propose and there will not be any driveway going to it and there are only man-doors as an entrance to it and we won't be parking any equipment in there.

Mr. Lewis asked if he could see the drawings.

Ms. Chaney showed the east view elevation and said the north side will have a double door and they are proposing a metal ribbed roof and showed the west view of it.

The board viewed the elevations of the proposed building.

Mr. Murphy asked about the proposed color of the roof.

Ms. Chaney said she did not know but it could be an asbestos shingled roof.

Mr. Lamanna said it would be asphalt.

Mr. Olivier asked if it will be a two-story structure.

Ms. Chaney said yes, the main floor will be 24' x 42' and the second floor will be 24' x 30'.

Mr. Takacs asked how they will get the woodworking equipment back there because there is no drive or large doors into the facility.

Ms. Chaney said the driveway comes up within about 50' of where this is and she thinks they can just dolly the stuff in and they have four grown sons that can help.

Mr. Lewis asked if the structure will be a metal or frame building.

Ms. Chaney said it is a frame building.

Mr. Lewis asked if it will be built in a pole barn format or like a home format.

Ms. Chaney said she does not know but there will probably be some supports in there but she does not understand the difference but it will be sent to the architect and will have regular footings.

Mr. Lamanna asked if it will be insulated with walls on the inside.

Ms. Chaney said yes.

Mr. Olivier asked if it will have plumbing, water or a bathroom.

Ms. Chaney said no, there will be no bathroom.

Mr. Lewis asked if the drawing that she is showing is for the lower level or upper level.

Ms. Chaney said it is the lower level and it will be used to store antiques.

The board reviewed the photos of the site.

Mr. Olivier asked if the barn will be completely to the rear of the adjoining neighbors to the south.

Ms. Chaney said it is about 25' behind the back of her house.

Mr. Olivier asked Mr. McIntyre if he walked the property and if this is the most suitable spot.

Mr. McIntyre said he would not say it is the most suitable spot, it is the only spot. He said they measured it off, spoke to the Chagrin River Watershed Partners and added that there are springs and heavy stone there.

Mr. Lamanna asked if this is located here because of a riparian issue.

Mr. McIntyre said yes.

Mr. Lamanna asked what the riparian setback is.

Mr. McIntyre said 25'.

Mr. Lamanna asked if it is feasible to encroach into the riparian setback without affecting the stream.

Mr. McIntyre said they could encroach into that area by no more than 10'.

Mr. Lamanna said if it is moved 10' and the board grants a variance on the riparian setback which still leaves 15' it should not really affect the riparian corridor because of the nature of the flow etc.

Ms. Chaney said there is a boulder there that is in the way.

Mr. Lamanna said it is a free-standing rock.

Ms. Chaney said where it is located they will still have to blast out some of the rock.

Mr. Lewis asked if there is a cliff behind it.

Ms. Chaney said yes.

Mr. Murphy said it is a very steep incline.

Mr. Lewis asked if they are pushing the structure back as far as they can within reasonable allowances of the slope and what is behind it.

Ms. Chaney replied yes.

Mr. Lewis said even though it is going to be tucked back, there are some homes that are at a higher elevation and a lot of the trees in the area are going to lose their leaves and he is curious as to what the character of this structure is going to be because it is substantial, it is a large building, it is two stories tall and things come in different shapes and colors and he does not have a feel other than the size, he sees a significant structure, almost as big as the house and he has no idea what it is going to look like.

Ms. Chaney said she had two drawings that would be a better representation.

Mr. Lamanna asked about the proposed exterior treatment.

Ms. Chaney said it will be board and batten siding.

Mr. Lamanna asked if it will be stained.

Ms. Chaney said yes, either green or beige and she wants it to blend in. She explained that there are no other houses on the cliff and showed the board where the neighboring houses are located and said she does not think Mr. Murphy will see very much of the building because of it being tucked back.

Mr. Murphy asked about the porch location.

Ms. Chaney said it is on the east end.

Mr. Murphy asked if they are planning on burying a good part of that in the grade or if they plan on exposing half of the footers on the front half and added that there is approximately 10' of fall on the back and where they are proposing to put this, it is real steep behind it.

Mr. Lamanna said he assumes they will want to walk in the front of it, at grade level, without having to go up steps.

Ms. Chaney said there is no problem with that.

Mr. Takacs said if it is rock they may have to.

Ms. Chaney said it is pretty good right there.

Mr. Takacs said there is a lot of rock there.

Ms. Chaney said that is true and they will hope for the best and they will add shutters and try to make it blend into the environment as much as they possibly can. She added that they want to stay there the rest of their lives.

Mr. Lamanna asked if the structure will be a neutral color.

Ms. Chaney said the siding will be beige, brown or green.

Mr. Lamanna said the board would like to see a neutral, forest type color and would like to see it put into the ground as much as possible.

Mr. Murphy asked what the function of the porch will be.

Ms. Chaney said it will be for neighborhood parties for the Murphys.

Mrs. Doris Stazzone testified that she lives on the other side and she is fine with this as long as it meets the requirements.

Mr. Lamanna asked Ms. Chaney if they are going to cut down anything between the structure and the property line.

Ms. Chaney said there is little stuff and if we determine that Mrs. Stazzone can actually see this building then we will plant some trees to go in there.

Mr. Lamanna asked if they are going to leave the existing landscaping.

Ms. Chaney replied yes.

Mr. Lewis said he wanted to review that this structure is for recreation use only and not for a business.

Ms. Chaney said it is not for a business.

Mr. Lewis asked if there are any future plans to put garage doors in to store vehicles.

Ms. Chaney said absolutely not.

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

Motion BZA 2006-12 – 17131 Cats Den Road

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of constructing an accessory building.

1. A variance from the minimum required side yard setback of 50' to 20' for a variance of 30' in accordance with the plans submitted by the applicant.

The variance is subject to the following conditions that are agreed to by the applicant. These conditions are a basis for the findings of fact with respect to the reasons for granting this variance and for the minimization on the impact of the adjacent property owners.

1. This building will not be used for a home occupation nor will it be used for the storage of vehicles.
2. The applicant will, to the extent practicable, put the rear of the building into the grade and maintain the front of the building at grade at the front.
3. The applicant will also maintain the existing vegetation in the area of the setback provided and will provide additional vegetation as required if the existing vegetation is removed or dies over time.
4. The siding and roof colors will be neutral colors consistent with a forested location.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a lot with extreme terrain.
2. The lot also has several riparian avenues on it and rock out-croppings as well as severe grade gullies.
3. This is the only location on the property where it would be reasonable and practical to build this accessory structure.
4. In addition, because of its location and the nature of the terrain and vegetation, it would have minimal impact on the adjacent property owners and would not be inconsistent with the development of the neighborhood.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated May 12, 2006 was read and photos of the site were submitted.

Mr. Ben Holliday of Clayton Signs was present to represent this application.

Mr. Holliday testified that the application was submitted by the developer.

Mr. Lamanna asked Mr. Holliday if the developer authorized him to speak on his behalf tonight.

Mr. Holliday replied yes.

Mr. Lamanna asked if there was a document from the property owner saying he has authority to speak on his behalf.

Mr. McIntyre testified that the only document he has is from Mr. Matt McGill with his initials on it saying the façade coloring and style and height is okay with what they want seen in the shopping center but has nothing from Chick-Fil-A.

Mr. Lamanna explained that the applicant must be here or if the applicant is not here, the applicant must provide written authorization for a representative to speak on their behalf and have the authority to bind them or be their agent to bind them because if something is said and it turns out to not be accurate and the applicant does not authorize that, or if something is agreed to and the applicant does not agree to that, the board is in a difficult situation. He said that this application will have to be postponed until the next meeting but the board will take a few minutes and look at what is being proposed.

Mr. Holliday said he has come a long way.

Mr. Lamanna said if the board sees something with the application that needs attention, it will give the applicant the opportunity to change it before coming back.

Mr. Holliday asked if something can be decided on tonight.

Mr. Lamanna said the applicant will have to appear at the next meeting.

Mr. McIntyre said he did request of the developer, Mr. Matt McGill, who was going to request of the sign contractor, the second building elevation to indicate what size sign is going on the second elevation but he has not seen it yet so he assumed that the same sign will be going on both elevations but he has not seen that second elevation.

Mr. Lewis said the board needs to see that information two weeks before it meets.

The board reviewed the variance request.

Mr. Olivier asked if this is going in the new strip shopping center.

Mr. McIntyre said yes it is going on the north side and it is a carbon copy of the south side of the road and there will be a common drive going down between the properties and the private road will swing around there.

Mr. Lamanna asked if they want a sign on each side of the building.

Mr. Holliday explained the main entrance.

Mr. Takacs asked if there was a plot plan.

Mr. Holliday explained the “B” sign and “C” sign for the main entrance.

Mr. Takacs asked if the street side is on the “A” side and asked if that is Aurora Road or the one that cuts through.

Mr. McIntyre explained that the “A” sign is on State Route 43 and the “C” is going to face toward the bank which faces on the corner of Rt. 43 and Depot or Geauga Lake Road.

Mr. Holliday said that side is going to face toward the amusement park area.

Mr. Olivier asked if that side is going to face the back of the bank.

Mr. Holliday said yes.

Mr. Lewis said the “C” sign is the front door.

Mr. Holliday said yes.

Mr. Lewis said the “B” sign is actually the side sign fronting Aurora Road.

Mr. Holliday said yes.

Mr. Lamanna said people coming from the east will most easily be able to see the “C” sign.

Mr. Holliday said correct.

Mr. Takacs said there are no signs shown on the side elevation.

Mr. Holliday said that the applicant submitted everything and had he known, he would have submitted that.

Mr. Murphy asked why it is called a playground elevation.

Mr. Holliday said because there will be a playground inside the building.

The board reviewed the proposed signs.

Mr. Lamanna asked Mr. McIntyre to explain his worksheet.

Mr. McIntyre said there will be two wall signs and explained how he calculated the overall square footage.

Mr. Lamanna asked about the length of the building.

Mr. McIntyre said that is about three times 44.

The board discussed the total square footage of the requested signage.

Mr. McIntyre said with the exception of that 15' above grade level.

Mr. Lamanna said that is going right on the pediment of the building and the board has allowed everything else on the pediment of the building.

Mr. Takacs asked where the ground sign is going.

Mr. Holliday said it is going where "A" is and explained that this is the actual design and is smaller than the existing sign across the street.

Mr. Takacs said it is out by the road.

Mr. Lamanna asked if anyone sees a problem with the size of these signs overall and said his inclination is to allow them, even though they have to come back, and because of the street they will use the longer dimensions for the purposes of calculating the allowable signage and the board also will not count the little box because of the way it is and with those two things, the signs will be in compliance. He added that the applicant has to be here or the board needs a signed letter by them.

Mr. Holliday said he is from Georgia.

Mr. Lamanna said the board understands what the signs look like.

Mr. Holliday said he did not know that permission from the applicant was required or he would have certainly had it and he will let the applicant know.

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

Motion BZA 2006- 13 – 7044 Aurora Road (Chick-Fil-A)

Mr. Lamanna made a motion to postpone consideration of this application to the next regularly scheduled meeting to be held June 15, 2006.

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 8:31 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 15, 2006

AUDIO RECORDING ON FILE

BZA PH 5/18/2006

-14-

Bainbridge Township, Ohio
Board of Zoning Appeals
May 18, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:31 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs.

Guests and Visiting Public

The board met with students that were attending the meeting for a class assignment. Mr. Lamanna explained variances, conditional uses and the powers and responsibilities of the board of zoning appeals.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the April 20, 2006 meeting as written.

Mr. Takacs seconded the motion.

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

Mr. Lamanna made a motion to adopt the minutes of the May 4, 2006 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for June 15, 2006

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

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

Application 2006-14 by Charles Pinnell for property at 18890 Maplewood Lane

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

Application 2006-15 by Luann Capone for property at 17150 Woodmere Drive

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

Application 2006-16 by Judith E. Barthel for property at 17800 Chillicothe Road (Sports Page Tavern)

The applicant is requesting a conditional use permit for the purpose of installing a deck. The property is located in a CB District.

Application 2006-17 by Michael & Carol Carter for property at 8408 Rockspring Drive

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

Application 2006-18 by Billie Erikson, Lifespan Learning Communities/Frank Lanza Omni Lanza Bainbridge, LLC for property at 16716 Chillicothe Road

The applicants are requesting a conditional use permit for the purpose of establishing a school/day program. The property is located in a PO District.

Application 2006-19 by Pat Perrino of P. Perrino Custom Homes for property at 8145 Woodberry Boulevard

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for June 15, 2006 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Proposed By-Laws

A discussion was held regarding proposed by-laws and guidelines for the board of zoning appeals.

Since there was no further business, the meeting was adjourned at 9:52 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 15, 2006

AUDIO RECORDING ON FILE

BZA R 5/18/2006