

Bainbridge Township, Ohio
Board of Zoning Appeals
May 21, 2015

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:04 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

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 2015-9 by V & V Lakeshore, Ltd. for property at 7040 Aurora Road -
Continuance

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

Mr. Vince Fond, Jr. and Mr. Vince Fond, III were present to represent this application.

Mr. Vince Fond, III testified that they are continuing this application from last month so he will give a brief overview of the signage package again. He said they have reduced all of the signage to come to a total variance request of 9.2% under the 10% they discussed at the last meeting by making some eliminations and modifications. He said this is subplot 3A at the Shops at Marketplace and if anyone has been by lately there is a building standing there now. For the next sight they are looking at two phases for this project and the Phase I building is up called the Mattress Firm and another small shop tenant and they have a proposed grocery store for the Phase II portion of the project. He showed a current site photo showing the proposed signage that will be seen on the building and this is heading from the municipal boundary between Bainbridge and Solon driving into the shopping center on Aurora Road so you can see the two front signs for Mattress Firm and the proposed Suite B sign and also you can clearly see the side sign they are proposing which is quite visible from Aurora Road. He said the next slide shows the proposed pylon sign and this is the same we discussed last time, we did not make any modifications, they will have Mattress Firm and the remaining signage for the Aldi store. He said the next slide is the conceptual rendering for the Mattress Firm signage and this signage was reduced from their previous application and we are now looking at 34.1 sq. ft. at both the front and side building signs where before they were at 56.58 for the front and 36.27 for the side so basically they reduced the front sign down to the size of the side sign so for Bainbridge zoning they calculated this using up to a 10-sided polygon. He said this is what they are proposing for 7040 Aurora, this will be Suite B next to Mattress Firm and again since there is no concrete tenant here they are just allowing an allowance of 22.5 sq. ft. for both front and side sign so we have the front sign facing Aurora Road, the sign will be facing the eastern side of the building.

Mr. Fond, III continued by saying for the proposed Aldi signs the Aldi and Food Market is remaining but after having some conversation with Aldi since there was an issue on the Cart Return signs given the size and questions regarding if it was advertising or not per their request we just removed the signs and so there will be no Cart Return signs at this location. He said that is the presentation so they can go from here and also down the road they are looking at proposing a lot split between these two buildings and as you are aware if there are three tenants on a lot that is a conditional use in Bainbridge and for a lot split that would involve the Aldi sign being on a separate parcel than the Aldi building so in this application not only are we looking at the area there but also we just want approval because that is considered off premises advertising even though it is the same shopping center, it is a technicality.

Mr. Lamanna asked if they are going to split the lot something like that as shown.

Mr. Fond, III said yes and it shows Phase I and Phase II and that is because of the parking variance they discussed with the board before. He said they designed that so it is 150' that would meet the zoning requirements for a lot split.

Mr. Murphy asked if they will sell off the white space on the lot.

Mr. Fond, III said no, make the yellow and the blue space separate lots. He said they would maintain ownership of those lots basically for housekeeping.

Mr. Fond, Jr. said the white space is BW3 which we own.

Mr. Fond, III said the other space on the right side is owned by Chick-Fil-A.

Mr. Lamanna said there have been other lot splits in this development before and generally the pattern has been we will allow the split with the understanding that this is still a single integrated development subject to the development rules that have been prescribed for that area and with the understanding that you have to fit into the overall guidelines with everybody else and satisfy those guidelines, we sort of ignored the lot splits for development purposes as long as everybody understands that.

Ms. Karen Endres, Zoning Inspector testified that she called that out because of the way the sign regulations are written and when two different lots are sharing signage, who takes the hit for the signage so she would say in the future we will probably be looking at those two sites together when it comes to figuring out signage.

Mr. Lamanna said what happens is once you go down that road everything is inexplicably tied together and you can't do one without the other.

Mr. Gutoskey said it probably makes sense to have one monument sign instead of two, one on each parcel.

Mr. Lamanna said right.

Mr. Lewis said we have a reduction on the square footage on the sign and he thinks the board has achieved what it was after.

Mr. Murphy said he does not have a problem with it.

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

Motion BZA 2015-9 – 7040 Aurora Road (V & V Lakeshore, Ltd.)

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of providing the signages for this parcel as shown in the applicant's revised application.

1. A total signage of 368.72 sq. ft. This represents a variance of 30.1 sq. ft. or approximately 9.2% of the total otherwise permitted.

Based on the following findings of fact:

1. Given the size and shape and location of the buildings with internal roads it is reasonable to have slightly additional signage for that purpose.
2. The signs being proposed are consistent with those on the other buildings in the shopping center and will not be different from or inconsistent with the character of all of the signage in that area of the township.

Mr. DeWater seconded the motion.

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

Application 2015-10 by Cynthia Cooke, James Cooke and Lee Jones for properties at 8377, 8379 and 8381 Washington Street - Continuance

The applicants are requesting area variance(s) for the purpose of lot splits and consolidations. The properties are located in a CB District.

Mr. James Cooke, Ms. Lee Jones and Mr. Kerry Jones were present to represent this application.

Mr. Lamanna stated that this is a continuation of a proposed lot split for three existing businesses that are located on a single lot at the moment and from the last meeting the board made some proposed changes and the applicant looked at those changes and came back with a revised plan addressing most of those.

Mr. Cooke testified that they widened it 90 degrees and had the bump-out and there was also a concern about the greenspace on the frontage and around the existing sign for the lube station so they increased the greenspace there to try to address those concerns.

Mr. Murphy asked what is different on this drawing as opposed to a month ago.

Mr. Cooke said they changed the lot line where the easy driveway is and fixed the roads for two purposes so that when someone is coming in and someone is exiting and it also is now perpendicular to the road which was a concern and they added a bump out, once you get past the building, the bump out is so if anybody is exiting the storage units and someone is entering to be able to pass and the other thing that was done is they added the greenspace around the existing lube station sign.

Mr. Lewis said we still have, it looks like five cuts into Washington Street, two in front of the restaurant, one for the driveway going to storage and two cuts for the lube place.

Mr. Cooke said that is correct and they looked into trying to eliminate those but the problem with the restaurant is that western entrance is one-way traffic and we have parking spaces that are angled and if we got rid of that we would lose four parking spots because there is not enough area to have them regular perpendicular so we didn't want to lose those four spaces and then the problem they have with the lube station is the nature of that business, cars use that driveway to line up so if they use the other side of the building for any other type of existing business in the future, they are going to need a dedicated driveway for that business and also have some possible safety concerns with emergency vehicles etc. when that one driveway is backed up.

Mr. Lamanna asked in the restaurant you have one that is an entrance only, is the other one going to be an exit only.

Mr. Cooke said the 2013 aerial view shows it pretty good but the one-way entrance is the one that is the furthest west and then the other entrance is two-way so if they enter from the western side it is one-way with angled parking and they would exit on the eastern lot.

Mr. Murphy asked don't you have all kinds of parking behind that building, the loss of four spots in front, does that really affect the business model.

Mr. Cooke said that was one concern and that was to meet the requirements for parking so if they lose four they will be further out of compliance.

Mr. Murphy said but you are asking to split that entire lot and he knows there is some lawn back there but it is gravel half-way back, there is a lot of parking behind the restaurant.

Mr. Kerry Jones testified that he does know that there are a lot of trucks that go back there to deliver food.

Mr. Murphy said people deliver food in the tightest spot you can imagine, he is not going to worry about a semi going to have to turn around in the backyard.

Mr. Gutoskey said the other problem that is being created is since you are splitting it into three if things start to get sold off down the road you have to make sure that each parcel can support itself and support its own use such as the restaurant should have all of its parking on its own parcel and he would like to see how the parking lays out for the restaurant so that we make sure there is enough parking per the code because when it is split and variances are created we should at least make sure that things are conforming relative to parking and access. He said he doesn't know if the fire department has looked at it for access and when you look at how the driveways are such as for the mini-storage going back, how are you going to separate between the driveway and the parking lot for the lube station and then for the restaurant to keep people from driving across.

Mr. Murphy said and it becomes one giant parking lot which is almost what it is now with a little bit of greenspace and we are going to now make a driveway.

Mr. Cooke said they are not going to take all of the greenspace and from basically from where that one sign is, they already removed the sign because it is too close to the drive. He referred to the aerial view and showed the board the area that is going to stay and they are going to increase 8' to 10' on both sides of the sign so anything they are going to move they are making up here. He said they are still going to have this green space here and the angle parking. He said they enter here and come around and then they exit here and if we block that off, the new entrance is here and they come around so they would remove these four parking spots. He said for the little that they gain and even if we do increase parking in the back this is a patio here and the front entrance.

Mr. Lewis said the primary entrance is on the side of the building so the distance from the rear of the front parking lot is about the same and he has been to the property and the patio entrance and the front entrance onto the patio area typically is only active during the warmer months as it is a direct walk-in into the bar, not into the restaurant, typically your family entrance.

Mr. Cooke said the main entrance is here (he referred to the aerial view).

Mr. Lewis said so as it is now the west entrance is inbound, the east entrance is 50' further down and is both in and outbound so we have three activities going on, two of the same within about 50' of one another and we have picked up zero green space on the frontage along Washington Street on that parcel.

Mr. Cooke said on that parcel, that is correct.

Mr. Lewis said there is a lot of space, there is a lot of room in the rear of the building for parking.

Mr. Gutoskey said when you look at how the spaces are set up, normally when you have an angled parking situation like that the spaces are about 18' the drive aisle is 18' and you have a line of spaces that are 18' and when he looks at it, it would be 118' from edge of pavement to edge of pavement but the lot is only 110' wide so there is not even a setback. He said the spaces are substandard from what is normal per the code and they are jammed right on the property line so there is no setback from the property line. He said if you hold it as it is and he is not sure where this new property line hits relative to the parking spaces, it looks like the edge of the parking spaces are pretty much on the edge of the proposed property line.

Mr. Cooke said correct.

Mr. Gutoskey said you are a foot or two off there it looks like but still the spaces are substandard, they are squeezed and you have the room in the back so there is no real good answer just because of the width of the lot. He said what could be done is use the two-way drive coming in and have spaces in and out there and then come around to the back with the rest of the spaces, you will get the number of spaces that you need and then part of the lot to the west could be grass or open space because you already had part of the gravel in the back so you could pick up some green space on the west side of the property and then put the rest of the parking in the back. He said you will have to look at the code to lay out the parking spaces and if you sell it then it needs the zoning code at least for the parking for standard width and property setbacks.

Mr. Cooke said even if you add parking to the back he doesn't know how many times they overflow to the back but you are still going to give up parking in the front to gain a little bit of green area along the road there.

Mr. Lewis said he looks at that as a replacement on that whole stretch because you are essentially paving the entire green triangles separating the three properties so now we have one continuous piece of asphalt the full length of all three parcels.

Mr. Cooke said that is why they are adding the green space in here.

Mr. Lewis said he understands, where the monument or ground sign is you are putting a little more green around and he appreciates that but he doesn't see that has much impact on what we are trying to establish.

Mr. Cooke said it is only four spots so if that is going to be the showstopper we could probably live with that, the concerns at the meeting was the parking to begin with.

Mr. Murphy said it is not just four spots, we talked about eliminating one of the driveways in the restaurant, you have got asphalt from property to property, you have three lots that you are basically going to pave all the way across three fronts and you are asking us to say yes it is okay but you have a little bit of grass there and you are going to put in another driveway in the middle of a grassy spot and so when it is done there is no grass and no green except for 8' of grass around the monument sign for the oil change doesn't really cut what the board tried to ask you to do, to look at it and try to put in three single driveways. He said he gets that you may want to have two driveways in and out of the oil change, the building is tipped sideways compared to the building next to it, you have tough situations on all of these but everything you are asking with this letter he does not think seems to have addressed the things we asked you to try to do which is rethink it and you are asking to make three lots here and you will be gone and there will be three other owners so we are trying to get you to take a look at it, make it prettier and nicer for Bainbridge and better for your businesses.

Mr. Cooke said he thinks they are making it better and the other option is there are three separate lots and we will just put the easements on and attach them to the deeds but everybody including Mr. Dave Dietrich at Geauga said they frown upon easements so we are trying, there are all kinds of encroachments we are eliminating so we think that, and Ms. Endres did the statistics and we are more in compliance with the plan approved than we are right now and do we want to have easements attached to the deeds, we don't but we think we are making it better.

Mr. Gutoskey said the way he looks at it is you can't see the property lines on the ground so to him to try to make something work, he is not so concerned about how the setbacks work, it is more what the buildings look like as you drive by but if you look at that picture you can see across the street how far back the parking starts and the lot right there, to the east, how far the parking and setback is from the road so we are trying to work with you but we are trying to somewhat clean up Washington Street a little bit too. He said the board, even before his time, has been making progress in cleaning up what Washington Street looks like down there with the signage and how the parking is with the road.

Mr. Cooke said adding some green to that one sign, don't you think that it is an improvement.

Mr. Murphy said but you have taken the whole middle greenspace and put a driveway right down the middle of it, he does not think it is an improvement, you basically eliminated the little grassy triangle in the middle, it will be gone.

Mr. Cooke said that is 8' per side and the entrance is 20', you are right but getting rid of the encroachments, getting rid of the shared driveway and not having any easements attached to the deeds when we distribute them.

Mr. Murphy said that would be good for you guys.

Mr. Gutoskey said he doesn't have a problem with the encroachments, you could fix them with the property lines but again, you can't see the property lines when you drive down Washington Street.

Ms. Lee Jones testified by asking if they can fix the encroachments and continue with the shared driveway, that is another option, that is how we are doing it now, it worked but in the future would other owners think about that.

Mr. Lamanna asked if they have to have cars come in the front and go out the back and go the other way.

Mr. Jones stated that the building really wasn't set up for oil changes and the pit is off center of the door and there is not very much turning space back there and it is uphill in the back that could be improved, but there is not enough place to turn around back there.

Mr. Lewis asked Ms. Endres if we need 26 parking spots for the restaurant based on square footage.

Ms. Endres said she believes so but she doesn't know how many seats there are, there are two ways to calculate parking requirements, square footage of building and number of seats. She added that the number of seats could change too.

Mr. Gutoskey asked about the location of the dumpster.

Mr. Jones said it is in the back.

Mr. Cooke asked the board if they would be agreeable if they just got rid of the encroachments and redid the lines and then just kept a shared driveway with the lube and the easy, that is more preferable than putting in a separate driveway and adding greenspace. He said obviously it is not ideal but he thinks it is something they could live with.

Mr. Gutoskey said what would really be ideal is one entrance that shared a spur on Washington.

Mr. Murphy said the board has to grant an area variance for this to go forward.

Mr. Lamanna asked how much access the curb cuts total for all of these.

Mr. Gutoskey said he gets about 124' total of apron on Washington.

Mr. DeWater stated this new driveway and this new lot is going to take greenspace out and at a minimum it should be at least establishing that amount of greenspace back in, whether it be on one of those other lots and you might lose those four but if you come across the western driveway back to your first parking space up against the property line, you may move those four spaces to the back and then go straight in, it would actually give your customers more maneuverability in that parking lot he thinks.

Mr. Murphy asked if this is close to accurate, are all those parking spaces on the middle lot.

Ms. Endres said yes this is fairly accurate.

Mr. Murphy said you are asking to split this and you are still going to keep half of the parking for the restaurant, you are going to eliminate all of those. He said when those spaces will be eliminated, there will be a single driveway to the back, you can't drive from one lot to the other, you will make these three separate lots. He said right now if you are facing the oil change from the road on the right side of the oil change building there you have got two-car lanes, on the east side as you go in there is one single car lane, on the west side there is plenty of room for two cars so we are not even talking about it being one-way in and one-way out, you have got three lanes to the back of that building that we haven't really changed.

Mr. Cooke said when they add the greenspace the entryway is going to be more attractive, they are going out 8'.

Mr. Murphy said at the back of the building you still have enough room for three cars to pass on the right side or left side the way we are looking at it. He said if you have to get to the back of the building or come out from the back of the building those could be single lanes. He said there is 30' of gravel and asphalt and paved surfaces.

Mr. Jones said there is some room in the back for more green and we are trading green for green.

Mr. Murphy said he doesn't think we have traded, we have lost green. He said that is a major semi-highway going down the right side of that building when you pull in, you could have three cars pass each other on the side of that building and you want to keep it three car lanes from the board's view, the left side is the lube stop for what because there are some cars parked along the side of that. He said you are going to have a new driveway and still keep the 30' of the gravel, basically anything from building to building across the middle you almost eliminated all of the grass in the triangle and you have added just a little bit of grass around the front and he doesn't think that it was understood the board's request last time that we tried to change the streetscape a little bit. He said you have plenty of room for parking for the restaurant behind it and for extra parking for the second business on the building on the right and you are asking for variances here and we are trying to improve the look of Bainbridge and those three properties you have got asphalt from one end to the other, other than the grassy stretch and you are going to pave that.

Mr. Jones said they have been in business for a long time and we didn't build it that way.

Mr. Murphy said he gets that, but can it not be changed now and there is a chance, because what you are looking to do, to possibly make it prettier.

Mr. Cooke said he is not necessarily opposed to that if you want to add greenspace there and make it a single he would not be opposed to that. He said depending on what the businesses are he does not think they currently have enough parking spaces but you are telling them you would rather have green because of the streetscape.

Mr. Murphy said he is not sure of everybody else but you are asking for a variance and he knows what has been the model of the Bainbridge trustees for what is going on on the main highways, we are not against commercial business but there should be a little bit of nice.

Mr. Lamanna said the board is looking at some of the spaces shown here and you have an entrance only shown at 20' and an entrance/exit at 40' and why do we need 40' why not only 24'.

Mr. Jones said the one entrance on the left of the lube could be small but we still need it.

Mr. Lamanna said if you are going to have an exit on one side, how wide do you need for an exit.

Mr. Cooke said the one way entry into the restaurant could be narrow.

Mr. Lewis said the board has made its point that we are not real happy with this presentation as it stands so maybe it makes sense to take one parcel at a time and dress them up separately. He referred to a proposed site plan, by the board, and said this is a concept if you are running 20' of greenspace across the front of it you will eliminate the west entrance, this curb cut stays two-cars wide in and out and now you have come straight in and you have head-in parking on both sides so there is approximately nine spots here and 11-13 here so you are picking up 22 spots before you get to the front door, they could still put their sidewalk in off of these if they wanted to, to go in the patio door. He said then you have ample room back here even with the re-situation of that and if you are looking at this parcel on its own merit which also satisfies your desire for lot splits for future sales or family business, we have cleaned it up and also have placed all of the greenspace so you can put in your ground sign and your streetscape appearance is substantially better, it certainly goes a long way in fulfilling the township's desires but also it substantially dresses up the front appearance of this property as opposed to another half-acre of asphalt. He said if we go into the lube stop place and look at the west cut first, he thinks that everybody here agrees that it needs to be two lanes wide or 1-1/2 wide, down to 20' and then if you go to the right, the easterly exit which is 28' to 30' so if we take the most westerly which is your primary entrance.

Mr. Jones said he notices that people go past the sign and swing around.

Mr. Lewis said one of these he wants to skinny down to 12' as an exit only so what he is suggesting is pick one, which one is going to be your entry, which one is going to be your exit, if one is 12' and the other one is 18' to 20' whatever is in between those is going to be green space 20' in the exact same way that the restaurant would be so we are going to narrow those driveways and you are going to have a center block that is going to be a lot of greenspace so for the sake of your business, pick one.

Mr. Jones said the one on the west would be the one to make smaller.

Mr. Murphy said you are eliminating the storage unit from your driveway now.

Mr. Jones said there is an office at the lube station so he has people coming in and out making payments or signing a lease etc. He said he definitely would have to make the exit a certain way.

Mr. Lewis said we talked about your office for the storage units but you said you had an office in one of the storage buildings.

Mr. Jones said they do but.

Mr. Lewis said if the desire is each parcel operates 100% in all aspects as a standalone for the business and the nature of it the conversation is, is it your responsibility to staff the office on the other property, this is what you have to decide. He said he doesn't want to redesign the property based on the fact that they have to come and pay their rent for the mini storage up at the lube place.

Mr. Jones said even if they are not paying the rent there half of that building is unrented and we don't know what that half is going to be and you have got cars lined up you don't have access there.

Mr. Lewis said and you have pavement at the back of the building now.

Mr. Jones said there are people coming in and going out so sometimes it gets a little crazy.

Mr. Lewis said if the west curb cut is the exit but that is also the side that the primary drive to the rear of the building is at, if people are coming in on the east cut do they have to cut across the front of the building and then hit the driveway to make a left to go behind the building or are they going straight down.

Mr. Jones said they can go around the west side of the building.

Mr. Gutoskey said you may want to add some directional signs, exit only or entrance.

Mr. Jones said they plan to do that when they repave.

Mr. Lamanna asked if they come out on the east side of the building from the lube stop.

Mr. Jones said they could go either way right now, it doesn't matter. He said with his truck he can't make it.

Mr. Lamanna said at some point it comes down to deciding which one.

Mr. Jones said it is pretty tight there.

Mr. Cooke said they would narrow it so it is an exit only so when the cars are lined up someone can still get in.

Mr. Gutoskey said that gives them separation between the driveway going back to the mini storage.

Mr. Murphy said he thinks if there was some attempt to landscape the divide, just something.

Mr. Cooke said if you have cars lined up here there has got to be some kind of concern about safety vehicles and fire trucks getting in etc. because you have only got one way in and one way out.

Mr. Gutoskey said he gets his oil changed there and he has never seen them out to the street.

Mr. Jones said sometimes on Saturdays, not always though, they were out to the street last Saturday.

Mr. Cooke said go 20 here and 12 here and when cars are lined up someone needs to get in to access the other part of the building.

Mr. Lewis said he would be more inclined to revisit that down the road because if some day to have a tenant in there and the nature of their business puts pressure on the traffic flow in and out he would much rather revisit it at that time.

Mr. Lamanna referred to the site plan and said one large opening and then your sign is here and your cars would come in here and they are coming out over here and there would still be enough room here to get into the other building so if you stack cars here, there is a 32' wide cut so you have got basically an exit lane, an entrance and then another entrance, a narrower entrance where cars can line up and stack.

Mr. Gutoskey said and you can stripe it so the cars know where to come into the oil change.

Mr. Murphy said so remove the sign from the middle of the driveway and move it over in the greenspace.

Mr. Lamanna said so everybody is coming in on the one side of that sign and you have got the exit on the one side and then you have got sort of a middle lane, a narrower lane where cars can stack up to go into the oil change so you could stripe that for the oil change so you have got an entrance to the other building and replace the stack for the people going into the oil change.

Mr. Gutoskey said you have to have room for people to come around and get out.

Mr. Lamanna said they will be coming around the back and coming out an exit lane and that would be the people coming around the back or the people pulling out from the parking in front of the other building.

Mr. Cooke said it is one large cut that we could get three vehicles.

Mr. Lamanna said 2-1/2 vehicles because two of them are active lanes and one of them is a place where you get cars parked and that would be an 8' or maybe two 12's so that would be a 32' wide entrance.

Ms. Endres asked if this would be changing the lot line.

Mr. Lamanna said no.

Ms. Endres said the board is going to want to see a landscaping plan. She said this plan shows where the parking lot and driveways are but it is vague where the gravel starts and the gravel stops so it is very difficult to see if they are in compliance with the landscaping expectation.

Mr. Murphy said what we need is parking spaces start and stop of paving and the 26 spaces for the restaurant and he is not sure of the existing lube stop when you rent the other half of the building and it is a commercial enterprise.

Mr. Jones said it has to be something that doesn't require a lot of parking. He said they can draw it in there even though they are not planning on using it until the future.

Mr. Murphy said at this point it should be planned.

Mr. Lewis said there are places that people would be most likely to drive over your lawn, you could put shrubbery or a split rail fence or something other than concrete pylons.

Mr. Murphy said he isn't sure that is the best parking for the front of the restaurant.

Mr. Lewis said the idea was to reduce it to three curb cuts, substantially put green out in front on Washington Street which he thinks gives nice appeal to the properties.

Ms. Endres said the current parking requirements are 9' x 20'.

Mr. Gutoskey said they could go to 9' x 18' because there is grass the cars can hang over.

Mr. Lamanna said the board can act on this but the applicant will have to submit a final plan showing the location of the driveways and the landscaping in those places for the Zoning Inspector's approval. *He noted that the board is entering into the record a drawing showing the conceptual plan for the curb cuts of the property.* He added that there are no changes to the lot lines. He said the board can approve it subject to the applicant submitting final plans showing the final locations of the driveways and the landscaping and green space.

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

Motion BZA – 2015-10 – 8377, 8379 and 8381 Washington Street (Cooke Properties)

Mr. Lamanna made a motion to grant the approval of the proposed lot split in accordance with the revised plan set forth by the applicants for three lots with the following additions and variances.

1. With respect to the curb cuts to be made there will be a limit of three curb cut entrances for the properties and they will be in accordance to the conceptual drawing that has been added to the record during this hearing after review by the applicant.
2. The applicant will prepare for the Zoning Inspector's review and approval, part of the granting of the certificate, a landscape plan showing the exact location of the curb cuts and the landscaping to be provided along the frontage on E. Washington Street, which landscaping plan will also include plantings on the green areas to be created between the curb cuts whether there will be shrubbery and at least some small trees planted not less than six small trees total along that area.
3. With respect to the revised lots that are being created the board will grant the following variances.

8377 Washington Street (PP# 02-076300)

- a. A variance on the road frontage to 129.23' for a variance of 20.77'.
- b. A variance on the lot width to 110.8' for a variance of 39.2'
- c. A variance on the lot coverage to a maximum of 59.4% which number should actually come down to the adjusted when the final landscaping plan is completed to the actual amount of coverage in that plan.
- d. A variance on the building setbacks. The board will allow zero feet on the west side as a setback.
- e. With respect to the parking spaces on this lot the board will allow a 9' x 18' parking space size because of the existing space size and the adjustment of the number of spaces to accommodate the single entrance.

8381 Washington Street (PP# 02-076300)

- a. A variance on the road frontage to 72.16' for a variance of 77.84'.
- b. A variance on the lot width at the building line to 134.4' for a variance of 19.6'.
- c. A variance on the lot coverage to 52.8% for a variance of 12.8%. It is a maximum subject to being adjusted to the actual amount shown when the landscaping plan is completed.
- d. A variance of .073 acres for the lot size.
- e. The building setbacks on the east side to 10' for a variance of 10'.
- f. To the extent of the existing parking lot, a variance to the actual location on any paved parking lot, it does not apply to gravel parking lots, gravel parking lots ultimately have to be brought into compliance if they are out of compliance.
- g. If there is a paved parking lot the board will grant a variance with respect to whatever that setback lies at the moment.

8379 Washington Street (PP# 02-076300)

- a. A variance on the road frontage to 79.87' for a variance of 70.13'.
- b. With respect to the driveway at the rear of this lot, it will need to be removed and returned to a non-impervious area so that it doesn't cross over to another lot line into another subdivision.
- c. In addition, because this thicker lot will now have 37% lot coverage in consideration of the fact that the other two lots are going to have an excess of the permitted 40% lot coverage.
- d. The applicant has agreed that the lot coverage on this particular parcel will be limited in the future to the existing 37% lot coverage.
- e. In addition to the landscaping the applicant will also provide landscaping along the driveway to the rear parcel in the critical area where it is passing in the narrow slit between the two adjacent properties so that there is a clear delineation there and the users can see that they are not supposed to traverse from one parcel to another through that area and a description of what that will be shall be included as part of the landscape plan and show in that area what will be planted there that can provide a delineation.
- f. Within 45 days the applicant will submit the landscape plan to the Zoning Inspector.
- g. The driveway portion and landscaping shall be completed within six months from the time the lot splits are filed with the Geauga County Recorder's Office.

Motion BZA – 2015-10 – 8377, 8379 and 8381 Washington Street (Cooke Properties) - Continued

Based on the following findings of fact:

1. A practical difficulty exists because there are three existing businesses on overlapping properties.
2. At the completion of this lot split the three businesses will each be on their own separate properties and a number of encroachments will be eliminated.
3. Additionally it will improve the frontage area along E. Washington Street.
4. The actual number of non-conformities will end up being reduced by this.
5. The variances granted are the minimum required to be able to come up with a feasible plan for accomplishing this lot split of the three businesses and buildings.

Mr. Gutoskey seconded the motion.

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

Amended Motion on June 18, 2015

Mr. Lamanna moved to amend the decision on BZA 2015-10 to reflect the fact that additional information has come in regarding the location of a storm sewer on E. Washington Street that the board was unaware of and because of that the egress areas in front of the lube station need to be modified and they will be modified in accordance with the document entered into the record showing the revised ingress and egress and green space area for the property dated as of today's date June 18, 2015, marked Exhibit A.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Secretary's note: Exhibit A is attached to and will become a permanent part of these minutes.

(See minutes dated June 18 2015.)

Application 2015-11 by James H. Smith for property at 17383 Snyder Road

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

Mr. James Smith and Mrs. Kelly Smith were present to represent this application.

Mr. Smith testified that he wants to tear down the old eyesore he has and build a new garage. He said it is 5' from the property line and he wants to go back and build a new 24' x 28' that gives him 35' from the property line in the back and 5' from the side.

Mr. Lamanna asked if the property behind is school property.

Mr. Smith replied yes.

Mrs. Smith testified that it will block the solar panels for them.

Mr. Smith said it is not changing anything except he is just moving it back and putting something nice in there.

Mr. Lamanna asked how big the existing building is.

Mr. Smith said it is 12' x 16'.

Mrs. Smith said it was built in 1943.

Mr. Lewis asked about the height.

Mr. Murphy said it is a 12/4 pitch.

Mr. Lamanna said they are 8' walls.

Mr. Smith said it is a standard building.

Mr. Lamanna asked if the 5' to the property line is from the wall.

Mr. Smith said yes.

Mr. Lamanna said if the board grants a variance for 5' then it is measured from the eave so if you want 5', the board would have to grant a variance for 4'.

Mr. Smith said he has been taking care of that property for five years.

Mr. Gutoskey asked where the septic location is.

Mr. Smith said it is in the front yard.

Mr. Lamanna said the lot coverage would be an additional 11.65 and asked if that is after taking out the exiting building.

Ms. Karen Endres, Zoning Inspector testified that she believes so, yes.

Mr. Gutoskey said the existing building will become driveway.

Mr. Smith said the existing building will become part of the driveway.

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

Motion BZA 2015-11 – 17383 Snyder Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a 24' x 28' new garage in accordance with the plans submitted with the application.

1. A variance for an increase in lot coverage from the maximum 10% to 21.65% for a variance of 11.65%.
2. A variance on the minimum required side yard setback of 50' to 4' for a variance of 46'.
3. A variance on the minimum required rear yard setback of 90' to 35' for a variance of 55'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a .5 acre lot so it is a pre-existing lot of record.
2. The lot is a small size so allowing the increase of the lot coverage is reasonable and consistent with other lots of this size and will not adversely affect the character of the neighborhood.
3. With respect to the setback on the 4' side it abuts the access road into the Kenston School campus therefore it is not going to adversely affect that neighbor.
4. The same with the rear setback, it is also the school property and it is a long distance before it reaches a school building so the reduction in the setback will not adversely affect the neighboring property or adversely affect the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2015-12 by David & Catherine Horschler for property at 9380 E. Washington Street

The applicants are requesting a substitution of a non-conforming use for the purpose of an auto mechanical repair shop. The property is located in a R-5A District.

Mr. David Horschler, Mrs. Catherine Horschler and Mr. Edward Radick were present to represent this application.

Mr. Ed Radick testified that the Horschlers are going to purchase the building from him so what will happen, it will be well taken care of rather than him trying to rent the building out. He said he purchased the building in 1993 and he had Radick's Landscaping in there, they brought the building up as best they could and more or less ran out of parking for the trucks and vehicles and they moved up a little farther on E. Washington Street. He said he tried renting it out and it seems like we get half-way through it and they just don't take care of it the way he thinks the building should be considering it is a corner lot and it is the last corner in Bainbridge and Mr. Horschler has a towing and body shop right next door, he has been in the neighborhood 40 years like he has and he thinks it will be a good fit if the board will let him take over the property there on the corner.

Mr. Lamanna asked Mr. and Mrs. Horschler what they are going to do there and if they are just going to extend the existing business.

Mr. Dave Horschler testified by saying basically yes, we perform all of the mechanical work at the 9400 address and what we would be doing is moving the mechanical portion over there plus we will be opening up a mechanical shop to give us a little more room to do what they have to do over there.

Mr. Lamanna asked about the storage of vehicles.

Mrs. Catherine Horschler testified that she does not think they will be storing vehicles because customers will be bringing their vehicles in so just like they do now, they would come in with their vehicles.

Mr. Lamanna asked if they keep the vehicles behind their building now.

Mr. Horschler said that is a police impound lot.

Mrs. Horschler said that is what is behind there.

Mr. Lamanna asked where the customers' vehicles are that sit overnight.

Mr. Horschler said basically in the shop and being repaired and when they are done they are pulled out front and the customer picks them up. He said very rare is there something left outside overnight, maybe a rental car or somebody dropping off a car, they will throw the rental car keys in the side key box but that is basically the extent of outside parking.

Mr. Murphy said your plan is to keep both facilities open, you are just expanding the business and adding another property for more of the mechanical work.

Mr. Horschler replied yes and the body work will be at the body shop.

Mr. Murphy said which is the existing.

Mr. Horschler said yes, 9400 is the body shop.

Mr. Murphy said you are expanding the body to do more mechanical work.

Mr. Horschler said yes, they do a lot of mechanical right now but he can't do anymore because they are out of room.

Mr. Murphy said you are just doubling the size of the business.

Mr. Horschler replied right.

Mr. Lamanna asked if the office is going to stay in the existing building.

Mr. Horschler said no there will be a separate office.

Mr. Murphy referred to the South Russell issue where you may not have cars sitting outside but if you are waiting on parts and you have got 20 people coming in for a brake job and they drop off their car in the morning then all day long there are 20 cars sitting outside, there is that possibility still.

Mr. Horschler said his employees have to park outside as well and right now they have been doing it at the existing business.

Mr. Murphy said you have got some parking in front and along the side.

Mr. Radick said there is also parking in the back corner of our building if you move to the back where they have always let us park, all the way to the north of the building, that is where the employees usually parked and hardly anybody parked in the front part because there is really no door, it is kind of like the farthest part of the building when you park in the front by E. Washington Street you have got to walk the whole length of the building that is 160' to get to the back so nobody ever parks there.

Mr. Lewis said so if you look at the driveway coming in off of Snyder Road, the north edge of it, the top of it and drew that line straight across until it hit the building, the current restriction or variance on this would be that whole parking was in that back section, nothing in front of that driveway and there seemed to be adequate parking back there and it was also a place to do an overnight storage or something.

Mr. Radick said this is fenced in back there and all the way across there is a timber wall across the back and then this section is all trees so if there was overnight parking, it could be right in there.

Mr. Lewis said right or parallel to Snyder on that side.

Mr. Murphy asked Mr. Horschler if he owns the building next door too.

Mr. Horschler replied yes.

Mr. Murphy said so conceivably you could actually access both driveways to each other in the back, do you have plans on doing anything like that at this point.

Mr. Horschler said not at the moment.

Ms. Karen Endres, Zoning Inspector testified that variances would be required to cross lot lines.

Mr. Lamanna said the whole building now would be a single business.

Mr. Horschler said yes.

Mr. Murphy said or do you plan on leasing some part of the business to somebody else.

Mr. Horschler replied no, not at this point.

Mr. Murphy asked if they are going to use the whole building.

Mr. Horschler said that is his plan.

Mr. Lewis asked if we have to deal with gas and oil disposal.

Mr. Horschler said they are doing everything right now.

Mr. Lamanna said you would have all kinds of issues with hazardous waste and it will all have to be done properly.

Mr. Gutoskey said that is all through the EPA.

Mr. Lamanna said you will not be dispensing motor fuel from there.

Mr. Horschler replied no.

Mr. Murphy said both of these properties are non-conforming in a residential five acre district.

Mr. Lamanna asked what might be the maximum number of cars you would ever want to have there overnight.

Mr. Horschler asked outside overnight.

Mr. Lamanna said yes, maybe five.

Mr. Horschler said he would say yes, and that is their goal, they don't like to have cars outside and the only cars that are really outside are the cars that are in the police impound lot in the backyard, that is it.

Mr. Lamanna said if you keep five cars out overnight such as a rental car or somebody came to pick up their car when it is done.

Mr. Horschler said it would be left outside and they would pick it up after hours.

Mr. Murphy said the police impound lot, is that a function of your business as you own the towing company and then you lease that property to the police.

Mr. Horschler said no that is ours.

Mr. Gutoskey said they impound the cars and charge for the towing and storage.

Mr. Lamanna said they contract with the police department.

Mr. Radick said that is all fenced in from there all the way around (he referred to the aerial view of the property).

Mr. Lamanna asked if all the parking will be in the back beyond the edge of the north side of the driveway.

Mr. Horschler replied yes.

Mr. Lamanna said and you will have no more than five cars left out overnight.

Mr. Lewis said this is our first owner-occupied.

Mr. Radick said he bought it off of Mr. Jim Steiner back in 1993 and he had a parts store and an auto repair.

Mr. Lamanna said it is also becoming an extension of what is already existing and referred to the business next door so it is not going to make things different than it is.

Ms. Endres stated that the substitution of a non-conforming use is you try to have a lesser impact on the residential neighborhood and what she is hearing with only five cars parked out front, there is already a variance on the property so there is no parking in this area right here (she referred to the aerial photo) and that goes with the property.

Mr. Lamanna said there will probably be less traffic going in and out of here with this use than there was with some of the more retail and multiple businesses and he thinks it will lessen the impact.

Mr. Murphy said it will be nice to eliminate the Snyder Road entrance.

Mr. Radick said most people use the Snyder Road entrance because when they turn out they have got the light and with E. Washington Street and with the school buses you almost can't turn in the driveway because there are always cars waiting at the light and then they stop and make a left because everybody takes Snyder Road.

Mr. Gutoskey asked if the extra pavement that you can't park on, the drive coming in off of Washington and off of Snyder, can that be eliminated and just made green, the extra asphalt there that was an old parking lot to the east of the driveway coming in and south of the driveway coming off of Snyder because you can't park there anymore.

Mr. Radick said it is good for snow.

Mr. Lamanna said if paving is ever redone that would be a good time to bring the drive down to 24' wide.

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

Motion BZA 2015-12 – 9380 E. Washington Street

Mr. Lamanna made a motion to grant the applicant a change of use/substitution of a non-conforming use for the purposes of allowing a car repair business to be substituted for the existing used car and basement waterproofing business.

With the following conditions:

1. The existing limitation on parking to the south of the northerly edge of the driveway in from Snyder Road will continue.
2. In addition there will be a limitation of no more than five vehicles to be parked outside through the overnight period.

Based on the following findings of fact:

1. With restrictions and any other existing continuing restrictions this new anticipated use will not be any less appropriate than the existing uses and should actually improve and reduce the impact on the neighborhood since there should be less traffic than there was with some of the more retail aspects of the existing businesses.
2. The board notes that this business is an extension of an already existing adjacent business which is also non-conforming so it is not changing in any way the immediate character of this part of the township as well.
3. There have been no complaints on the exiting business that the new owner already has to the east so there is no expectation that there should be any adverse effect on the township services or traffic or anything else in this area.

Mr. Murphy seconded the motion.

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

Application 2015-13 by Erin and Scott Ballantyne for property of 17425 Long Meadow Trail

The applicants are requesting area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Ms. Erin Ballantyne, homeowner and Mr. Steve Ciciretto, architect were present to represent this application.

Mr. Ciciretto testified that there is an existing deck on the back and will be making a regular roof over it.

Ms. Ballantyne testified that when they bought the house the deck was already there so they don't even know if it was just put on or if they went through the right process or not.

Mr. Ciciretto said there are two additions actually, a sun room in the back and then there is a new front porch. He said the sun room in the back, from the survey, it looks like they are just 14' off the property line to the existing building so they are going to maintain the line of the wrap-around deck, they are not encroaching any further.

Mr. Lamanna asked if the existing house is only 14' from the property line.

Ms. Ballantyne said yes and it is supposed to be 15'.

Ms. Karen Endres, Zoning Inspector testified that it looks like there was a mistake when they originally built the house.

Ms. Ballantyne said they are not planning on moving the house.

Mr. Ciciretto said on the front they have no setback issue but it is adding about 180 sq. ft. and additional lot coverage. He added that it is six-tenths of an acre.

Ms. Endres said Tanglewood was built under a PUD and she can't find any documentation where it was discussed how much of the green space was applied to each lot like in some of the other subdivisions.

Ms. Ballantyne said they have the golf course behind them which is nice.

Mr. Lamanna said the one thing they really didn't do a good job of is when they abolished the PUD, they really created no transitional provision, they had an existing one, now what happens. He said what do you do with what exists and how do you consider what goes on. He said they should have had a transition provision that said existing PUDs can be amended in this fashion and here is the procedure for doing it, here is what can and cannot change.

Ms. Ballantyne stated that she does have a letter from the Tanglewood board approving it.

Mr. Ciciretto said the front porch is an aesthetic thing.

Ms. Ballantyne said she even called the surveyor from when they bought the house and added that the variance was cheaper than the surveyor.

Mr. Murphy said he thinks the porch is very nice.

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

Motion BZA 2015-13 – 17425 Long Meadow Trail

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a sunroom addition on an existing deck area in the back and a new porch area.

1. A variance from the maximum lot coverage of 10% to 25.7% for a variance of 15.7%.
2. The front yard will maintain the existing required 50' setback more specifically required in Tanglewood.
3. The side yard will be allowed at 14' which is 1' less than the normally allowed 15' in Tanglewood.
4. The proposed rear yard of 80' which also exceeds the 50' in Tanglewood.

Based on the following findings of fact:

1. A practical difficulty exists because it is an originally developed PUD.
2. The lots are small and there is typically a much higher lot coverage.
3. This is consistent with the lot coverage in the neighborhood and will not adversely affect the character of the neighborhood or adversely affect the adjoining property owner.

Mr. Lewis seconded the motion.

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

Application 2015-14 by Joseph A. Bernett for property at 18762 Highpoint Road

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

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held June 18, 2015, at the request of the applicant, due to his inability to attend the hearing.

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

Since there was no further testimony, the public hearing was closed at 9:16 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: June 18, 2015

AUDIO RECORDING ON FILE

BZA PH 5/21/2015

-28-

Bainbridge Township, Ohio
Board of Zoning Appeals
May 21, 2015

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:16 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the April 16, 2015 meeting as written.

Mr. DeWater seconded the motion.

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

Applications for Next Month

Application 2015-14 by Joseph A. Bernett for property at 18762 Highpoint Road - Continuance

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

Application 2015-15 by Edward G. Pierson III for property at 7049 Cedar Street

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

Application 2015-16 by Tanglewood Square Delaware, LLC for property at 8535 Tanglewood Square

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

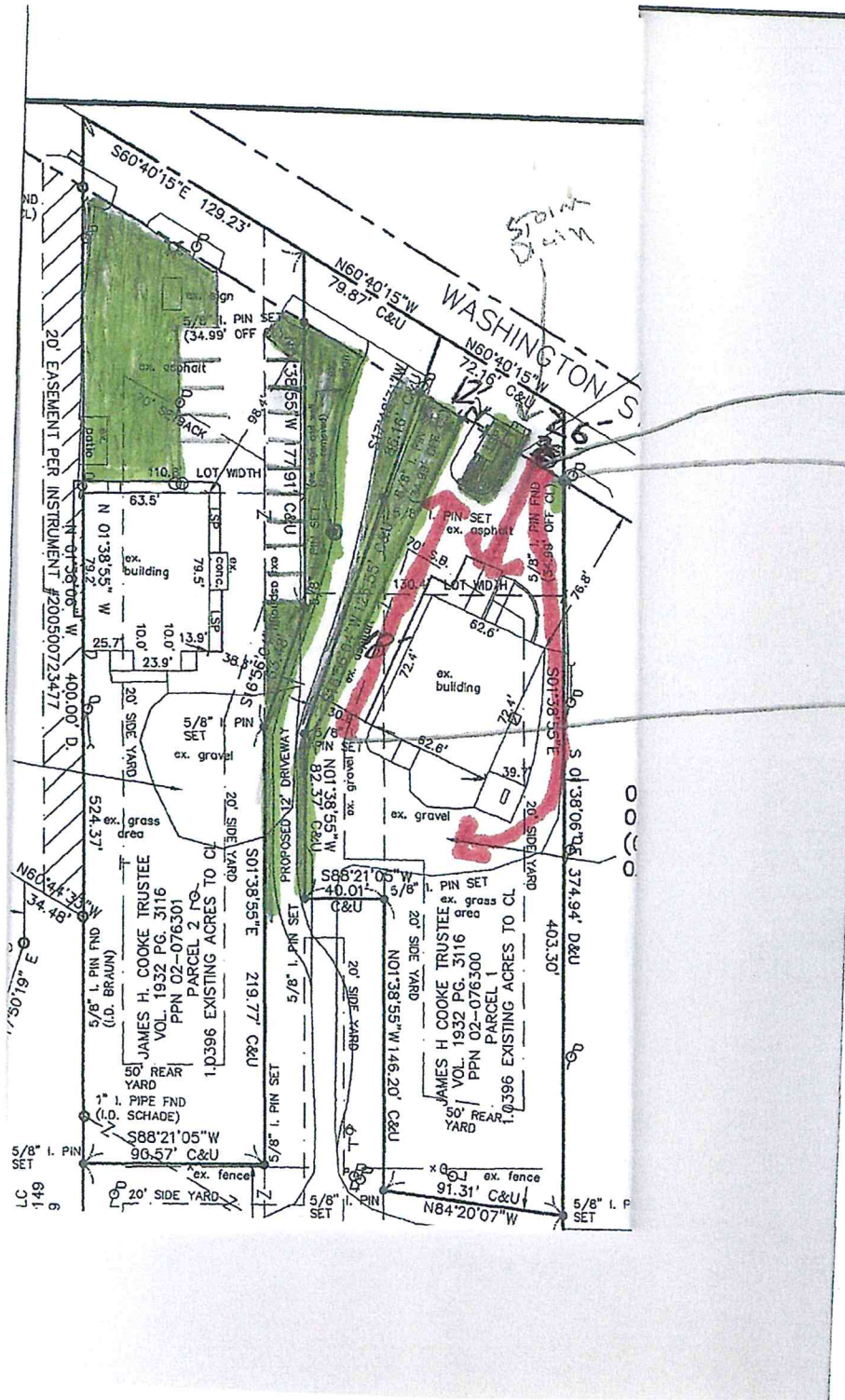
Since there was no further business, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: June 18, 2015



LUBE STATION
ENTRANCE
ENTRANCE
FOR ADJACENT
BUSINESS

EXIT ALL
TRAFFIC

BZA 2015-10 (May 21, 2015) – 8377, 8379 and 8381 E Washington Street

Received by Bainbridge Township
Board of Zoning Appeals
Exhibit A

June 18, 2015