

Bainbridge Township, Ohio
Board of Zoning Appeals
June 21, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2001-23 by David J. Burns, Sr. for property at 17643 Millbrook Drive

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

The zoning inspector's letter dated June 12, 2001 was read and photos of the site were submitted.

Mr. David Burns, owner was present to represent this application.

Mr. David Burns testified that when he moved into his house he discovered that he needed to replace the septic system so he removed 33 trees and in doing so, he found a shed. He said that he took that one down and built a larger one in its place four years ago, but was told he would have to move it. He said he did not know he needed a permit and should have done some investigation. He explained the location of the septic system per the site plan.

Mr. Lamanna asked how his lot relates to Millbrook Drive and said it appears to have two separate parcels.

Mr. McIntyre explained the lot configuration.

Mr. Burns said he cannot place the shed 50' off the property line and added that his neighbors are OK with it.

Mr. Lamanna asked how far back the neighbor's house is from the street.

Mr. Burns said it is about the same distance from the street as his house.

The board discussed the site plan and viewed photos of the site.

Mr. Burns said the shed is only 15' from the property line but is screwed together so he could take

it apart and move it although it would be a big project. He said the curtain drain is right next to it and he was told not to put the shed on top of the lines.

Mr. Takacs asked Mr. Burns how he enters his garage.

Mr. Burns said his garage has a rear entrance and added that the old septic was crushed and filled in.

Mr. Lamanna asked Mr. Burns if there was any problem putting shrubs along the side of the shed.

Mr. Burns replied no, and said his neighbors have no complaints against the shed but he would be more than glad to put some screening in.

Mr. Lamanna said that given the way it is currently screened it would be sufficient but if the present trees need to be cut down in the future, an adequate screening needs to be maintained.

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

Motion BZA 2001-23 - 17643 Millbrook Drive

Mr. Lamanna made a motion to grant a variance to the side yard requirements of 50' to a distance of 15' for a variance of 35' for the purposes of maintaining a storage shed.

Based on the following findings of fact:

1. The storage shed is a substantial distance from the street.
2. It only affects the one neighbor to the south of the property along that line.
3. That neighbor's house is substantially in front of where the shed is therefore it is not in close proximity to the dwelling.
4. The existing shed is in a large stand of trees and is fairly well screened from the neighboring property.
5. It would not be reasonably possible to move the shed because of the existing septic system and drain lines limit the location where it could be put more to the center of the property.

With the following condition:

1. To be sure the shed maintains adequate screening from the adjacent property, if the owner removes in any substantial way the existing plantings around the shed which is screened from the adjacent property, they will be replaced with other suitable plantings which would provide reasonable screening from the property to the south.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-24 by Eugene and Teresa Gormley for property at 18016 Lost Trail

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

The zoning inspector's letter dated June 12, 2001 was read and photos of the site were submitted.

Ms. Teresa Gormley, owner and Mr. Joe Cicerio, builder were present to represent this application.

Ms. Teresa Gormley testified that her plan is to build a two car garage addition which will be 30' x 24' deep.

Mr. Takacs asked if she has a garage now.

Ms. Gormley replied yes and said there is a garage but the new garage will beautify the property and the variance will allow for the full 30'.

Mr. Lamanna asked about the adjacent house and if it was the same depth as her house.

Ms. Gormley replied yes.

Mr. Lamanna asked about the side yard setback between the neighbors.

Ms. Gormley said that after the garage is built, there will be 45' between the houses. She added that the Pilgrim Village community approved this plan and the old garage will become part of the house.

Mr. Kolesar stated that because the plans were changed since the Pilgrim Village board approved them, she should go back and show them to the board.

Ms. Gormley said there will be a flower bed between the garage and the neighbor's house.

Mr. Lamanna asked why the garage will be 30'.

Ms. Gormley said there will be two nine foot doors and a mud room.

Mr. Lamanna asked if the proposed garage will be a single story.

Ms. Gormley said yes.

Mr. Kolesar asked for an explanation of the location of the neighbors who signed the Pilgrim Village approval letter.

Ms. Gormley explained the location of the neighbors and said they have no problem with this and the neighbors are appreciative of it.

The board viewed photos of the site.

Mr. Lamanna asked about the driveway.

Mr. Joe Cicerio, builder, testified why the driveway is located where it is.

Mr. Lamanna said he had a concern about the closeness of the driveway to the neighbor's property line.

Mr. Cicerio said that it would be no problem moving the drive over to straighten it out and line it up with the garage.

Ms. Gormley said the back of the garage will have a double door.

Mr. Cicerio said there will be two 3' doors.

Mr. Kolesar said that the issue before the Pilgrim Village board was with the front facing garage door and technically is a violation of its by-laws, but this will be a significant improvement.

Mr. Cicerio submitted a rendering of the front and rear sides of the proposed garage.

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

Motion BZA 2001-24 - 18016 Lost Trail

Mr. Lamanna made a motion to grant a variance to the side yard setback requirements from 20' to 14' for a variance of 6'.

Based on the following findings of fact:

1. The applicant is adding a two car garage to the house.
2. This is the only feasible location to add this garage.
3. There is no other practical place in which to locate the particular garage other than to put

it into the 20' side yard requirement.

4. This will actually have minimal impact on the adjacent neighbors because they are approximately 30' off the property line which will leave about a 45' distance between the two dwellings once the addition is complete and the 45' is more than two times the minimum side yard setback required in this district.

Motion BZA 2001-24 - 18016 Lost Trail (Continued)

5. The applicant will also not extend the drive any closer than 14' to the property line and will maintain it parallel to the side of the addition so as not to further interfere with the adjacent property.
6. The applicant has also already previously reduced the planned size of this garage from that originally conceived once they learned of the side yard setback requirements and as currently proposed the garage size is reasonable and consistent with the remainder of the dwelling.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-25 by David L. MacIntosh for property at 17800 Geauga Lake Road

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 June 12, 2001 was read and photos of the site were submitted.

Mr. David MacIntosh was present to represent this application.

Mr. MacIntosh testified that he will be building a slightly smaller house than the one originally submitted.

Mr. McIntyre submitted a new revised site plan to the board.

The board reviewed the site plan for the proposed house.

Mr. Lamanna asked which street the house will be fronting, Bainbridge Road or Geauga Lake Road.

Mr. MacIntosh said the house will be fronting on Geauga Lake Road. He continued by saying that he thought the measurements were to be taken from the centerline of the road which would give him a 100' setback. He said if he moves the house back, the slope starts to get steep and added that the adjacent

house is 100' from the centerline as well.

Mr. Lamanna said that this is an example of a practical difficulty with the shape of the lot and it is consistent with the other houses in the area.

The board viewed photos of the site.

Mr. MacIntosh said that he just cleared the lot.

Mr. Joe Orłowski, Assistant Zoning Inspector, explained the photos to the board.

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

Motion BZA 2001-25 - 17800 Geauga Lake Road

Mr. Lamanna made a motion to grant the following variances:

1. A variance from the minimum front yard requirement of 100' to 70' for a variance of 30'.
2. A variance from the minimum side/front yard requirement of 100' to 80' for a variance of 20'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a triangular shaped lot.
2. It was originally platted to the centerline of the road. Because of the original platting, the other houses on Geauga Lake Road are set back 100' from the centerline of the road, generally, and this house would end up being set back about that same distance with the granting of this variance.
3. If the variances were not granted, there would be virtually no place on the property where the setback requirements could be met because this is treated as a corner lot so there are two 100' setbacks from each of the two intersecting streets and since it is a triangular shaped lot it makes it extremely difficult to find a location where a dwelling could possibly fit on the property and meet these requirements.
4. Furthermore, because of the triangular shape of the lot, the distance from the back of the house to the street will actually be much greater than is shown when measured in a manner perpendicular to the orientation of the structure due to the shrinking of that distance when you move from the orientation perpendicular to the road so that it will not create any undue issues on Bainbridge Road, nor due to the shape of the lot and the setback, create any issues or affect the adjacent property fronting on that side of Bainbridge Road to the west.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-27 by Frank H. Marincek for property at 8896 South Brook Trail

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 June 12, 2001 was read and photos of the site were submitted.

Mr. Frank Marincek, owner was present to represent this application.

Mr. Marincek said he was not really aware he would need a variance since the other houses in the area have the same setbacks.

Mr. Takacs said that front, side, rear and lot coverage variances are needed.

The board viewed the site plan.

Mr. Marincek said the house will have a 13 course walk-out basement and will be 56' deep total.

Mr. Lamanna asked if the deck will be considered in the setback.

Mr. McIntyre explained how decks are considered in the setbacks.

Mr. William Martin of South Brook Trail testified that he is the next door neighbor and explained his setbacks.

Mr. Marincek said that his neighbor's house has a 60' setback.

Mr. McIntyre explained setbacks on culdesacs.

Mr. Lamanna said there will be quite a distance between the houses.

Mr. Martin testified that he has no objection to this and it will not intrude on his view at all.

Mr. McIntyre said that Tanglewood Homeowners Association already approved the plans.

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

Motion BZA 2001-27 - 8896 South Brook Trail

Mr. Lamanna made a motion to grant the following variances:

1. A variance from the minimum front yard setback requirement of 100' to 62' for a variance of 38'.
2. A variance from the minimum side yard setback requirement of 50' to 20' for a variance of 30'.
3. A variance from the minimum rear yard setback requirement from 90' to 50' for a variance of 40'.
4. A variance from the maximum lot coverage of 10% to 15.3% for a variance of 5.3%.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record that is approximately .58 acres in the Tanglewood Subdivision.
2. Of the various variances granted with respect to the front yard, side yard and rear yards, the applicant is maintaining the original zoning resolution setback requirements for the Tanglewood Subdivision in each of those instances.
3. In addition, the size of the structure being built is consistent with the size of the other structures in the Tanglewood Subdivision, therefore the lot coverage is consistent with the lot coverage in the Tanglewood Subdivision in this area.
4. For these reasons, the construction of this structure and the granting of these variances will not adversely affect the adjacent property owners because they are consistent with the existing development in this area.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-26 by Zarzycki-Malik Architects, Inc. for Church of the Holy Angels for property located at 8602 and 8596 Taylor May Road

The applicant is requesting a conditional use permit for the purpose of constructing a secondary access from Taylor May Road to the church parking lot. The property is located in a R-3A District.

The zoning inspector's letter dated June 12, 2001 was read and photos of the site were submitted.

Mr. Jim Malik, Architect and Reverend Father Labbe were present to represent this application.

Mr. Malik testified that the church is asking for a conditional use permit to install a drive on two

parcels. He explained that one parcel belongs to the Diocese and the church has entered into a purchase agreement for the other one. He said the drive will connect into Taylor May Road and will add another 48 parking spaces.

Mr. Takacs said that the drive comes out on a hill or a little over the hill.

Father Labbe testified that it is not the best line of site.

Mr. Lamanna asked if the drive is 250' - 300' from the crest of the hill.

Mr. Malik replied yes.

Mr. Lewis stated that it appears there are almost three hills coming up to where this drive is proposed.

Father Labbe said they want to take the drive down the middle of the lot and maintain the existing drive which will be 24' and their big issue was safety with only one drive if there was ever an emergency.

Mr. Takacs asked about the home on the property.

Father Labbe said it will remain a residence.

Mr. Malik said the drive will be about 25' from the neighbor's property line.

Mr. Lewis asked if the adjacent lot (pending) will have a bearing on the driveway.

Father Labbe said no, they will use only a corner of the property.

Mr. Takacs asked if the proposed drive could be straightened out to move the drive away from the neighbor's lot line.

Mr. Malik said it could be moved in about 15'.

Father Labbe said it could be moved from 25' away to 40' away from the lot line. He added that they would like to install a board-on-board fence and screening with more evergreens.

Ms. Mary Wander, adjacent neighbor, testified that with the drive so close to their property, they will be going nowhere on Sunday mornings.

Mr. Lewis said it is already a shut down bottle-neck on Route 306 on Sunday mornings which blocks emergency vehicles and between Pettibone Road and Bainbridge Road there are no traffic lights and

if another exit is provided and people turn right out of the drive and go down the hill, he sees an officer shutting down Rt. 306 at Taylor May Road and he is concerned about the site lines in both directions.

Father Labbe said that most people will be turning left to go to Haskins and Snyder Roads.

Mr. Lamanna said the idea of this drive is to alleviate the traffic off of Rt. 306.

Father Labbe said that most people he talked with live on Haskins Road, etc.

Mr. Lewis asked if an officer will be used to direct traffic there.

Father Labbe said yes if it is needed, but they have trouble getting an officer sometimes.

Mr. Lewis asked if these are private officers or if they have to use the Bainbridge Police Department.

Mr. Lamanna said they are off-duty police officers from Bainbridge.

Mr. Lewis asked about the board-on-board fence and the proposed mounding.

Ms. Wander said she just has a stockade fence. She continued by saying that when church lets out on Sunday, she will have a lot of traffic next to her house and it will de-value her property and agrees there will be a double bottle-neck.

The board discussed with the neighbors and the applicant the type and length of the proposed fence and berming.

Mr. McIntyre said that the right-of-way is 30' from the centerline of the road and you cannot put anything in the right-of-way.

Mr. Lewis asked if there is a setback for fences.

Mr. McIntyre said that people are advised to put fences 6" - 12" off the property line.

Mr. Takacs asked about the berm.

Mr. Malik said the berm could trap water.

Mr. Takacs said a berm with evergreens will act as a buffer.

Mr. Malik said a swale may be needed.

Father Labbe said that part of the fence could be buried in the woods.

Mr. Ron Wagner, adjacent neighbor testified that they are scrub bushes only and there is not one good tree on that line. He said he loves trees but not one tree is worth saving.

Mr. Takacs asked about the proposed lighting.

Mr. Malik said the lights will have a cut-off which should deflect the light.

Mr. Lamanna said the lights will not be on all the time.

Father Labbe said the other lights go off at 11:00 P.M. and maybe they will be off earlier.

Mr. Lamanna asked if they considered a much lower intensity light because no one will be walking here.

Mr. Lewis asked what is wrong with 4' tall lights along the driveway because they are only to give guidance out, it is not a parking lot.

Father Labbe said the lights cannot be placed too close to the drive because of the snow plowing, etc.

Mr. Lamanna said lower lights would be better because it is not like a parking lot.

Father Labbe said the idea sounds good and asked for an example.

Mr. Lamanna said a lower intensity could be used as a guide out of the drive.

Mr. Lewis said when the leaves are off the trees 8 months out of the year, the light will travel.

Father Labbe said they will have to do some research on the lights.

Mr. Takacs said this drive will not be traveled everyday like parking lots and shopping centers. He referred to the lights at Beachwood Mall being lower intensity lights.

Mr. Lewis presented a video that he took while traveling up the hill on Taylor May Road to give everyone a sense of the hills and inclines.

Mr. Wagner said that the worst part is heading west toward Rt. 306.

The board suggested that Mr. Malik and Father Labbe speak to Alan Halko regarding signs that indicate a church entrance.

Mr. Wagner asked when this drive will be installed.

Father Labbe said it will be installed by September and they want to do the landscaping before winter. He said it will be difficult to do seeding closer to winter and they want to get that done. He added that they will do research on the lights and will not install any lights until they are approved.

Mr. Lamanna asked about the proposed sign.

Mr. McIntyre said it meets all criteria for signage.

Mr. Malik said the signage will be placed on the west side of the driveway.

Mr. Lamanna said it is more appropriate to be on the west side.

Mr. Wagner asked how much will be cleared.

Mr. Malik said they will not clear out any more than they have to.

The board discussed including criteria for lighting with the approval of the zoning inspector.

Mr. Lamanna said that lights will not be for illumination purposes, but for demarcation purposes.

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

Motion BZA 2001-26 - 8602 and 8596 Taylor May Road (Holy Angels Church)

Mr. Lamanna made a motion to grant a conditional use permit to construct a driveway to an existing church with the following conditions:

1. In granting this conditional use, and in order to reduce and minimize the impact on the adjacent property owners, the applicant is going to construct the roadway in accordance with the drawing as presented except that the roadway will be shifted slightly to the west so as to be more in a straight line from the point at which it leaves Taylor May Road to the point at which it leaves the back end of the designated lots.

Motion BZA 2001-26 - 8602 and 8596 Taylor May Road (Holy Angels Church) (Continued)

2. The applicant will construct, beginning 50' from the road right-of-way, a 6' high board-on-

board fence to the back of the property line of the applicant's designated lots to screen the adjacent property in front of the fence so the applicant will put in a suitable berm with landscaping consistent with line of site requirements to make an aesthetically pleasing barrier and the applicant will also consider other landscaping between the fence and the road that is consistent with the existing vegetation and with the overall objective of making a pleasant looking appearance for the neighboring property.

3. With respect to lighting, the applicant will prepare a lighting plan that uses a low intensity lighting on fixtures no more than 6' high and whose primary purpose is not to provide a significant illumination on the road but to provide a demarcation of the limits of the road and for the purpose of guiding the traffic using the road as to its location and direction.
4. The applicant will submit the final lighting plan to the zoning inspector for determination that it is consistent with the requirements of this decision, otherwise the applicant will be required to re-petition the board for review of that part of the plan.
5. The signage requested will be consistent with that shown on the drawing which is in conformance with the requirements for this district.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Since there was no further testimony the public hearing was closed at 9:21 P.M.

Respectfully submitted,

John Kolesar
Michael Lamanna, Chairman
Todd Lewis
Ellen Stanton
Donald Takacs, Vice Chairman

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

Bainbridge Township, Ohio
Board of Zoning Appeals
June 21, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:21 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Mr. Frank McIntyre, Zoning Inspector met with the board to discuss setbacks for pre-existing lots of records.

Minutes

Mr. Lamanna made a motion that after further review of the minutes for the April 19, 2001 meeting regarding applications 2001-17 and 2001-18 for Tanglewood Square, the board added the words "change in" to the second sentence in item one of the motion.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Mr. Takacs made a motion to approve the minutes of the May 17, 2001 meeting as written and to change the word from houses to sheds in item two of the motion for 16690 Geneva Street.

Mr. Kolesar seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, abstain; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Applications for next meeting

Application 2001-28 by Robert A. Erison for property at 8526 Beacon Hill Drive

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

Application 2001-29 by Sabrina and Harson Abdullah for property at 16800 Dayton Street

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.

Application 2001-30 by Paddle Partners LLC for property at 8345 Woodberry Blvd. (The Wembley Club)

The applicant is requesting a conditional use permit for the purpose of a change of ownership. The property is located in a R-3A District.

Application 2001-31 by Kevin A. and Sandra L. Bock for property at 8483 Trillium Drive

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

Application 2001-32 by Byron Heath for property at 17666 Stockton Lane

The applicant is requesting an area variance for the purpose of constructing a new single family dwelling. The property is located in a R-5A District.

Application 2001-33 by Frank Artino for property at 7395 Chagrin Road

The applicant is requesting a variance for a substitution of a non-conforming use. 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 July 19, 2001 at 7:30 P.M. at the Bainbridge 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.

Since there was no further business, the meeting was adjourned at 9:50 P.M.

Respectfully submitted,

John Kolesar
Michael Lamanna, Chairman
Todd Lewis

Ellen Stanton
Donald Takacs, Vice Chairman

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