

Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 16, 2016

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. 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 2016-16 by Timothy M. Morgan for property at 7440 Faraway Trail

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

Mr. Timothy Morgan was present to represent this application.

Mr. Morgan testified that he is here to talk about the request before the board for relief from the rear yard setback. He said the request is for the construction of an accessory structure or simply called a shed that is to be partially within the 50' yard setback as detailed in your staff finding notes.

Mr. Lamanna asked if the pool was installed already.

Mr. Morgan replied yes.

Mr. Lamanna asked how tall the proposed structure is.

Mr. Morgan said 11'.

Mr. Gutoskey asked if there is any reason why you can't move it to 50'.

Mr. Morgan said part of the reason of where it is located from a hardship standpoint is that is the highest point of the lot and there are grade issues in the balance and we felt like putting it from a common sense standpoint at the highest point of the lot so they would alleviate any water damage to the foundation if placed elsewhere on the lot and outside of the setback.

Mr. Gutoskey said we have two drawings and he can see there is a swale that cuts down through and as you go to the left side of the lot it looks like it gets a little deeper three, four or five feet. He asked when he did the pool if he just brought the swale around the back of the pool.

Mr. Morgan said they did.

Mr. Gutoskey said so the reason you need to put the shed there is to stay out of the water.

Mr. Morgan said exactly. He said the topo map you were referring to is obviously the high point on that lot.

Mr. Lamanna asked about the area behind the lot.

Ms. Karen Endres, Zoning Inspector testified that it is common area for Canyon Lakes.

Mr. Murphy said between Bainbridge Road, Canyon and the Chagrin Road Canyons.

Mr. Morgan said he believes it is common space dedicated under the PUD for Canyon Lakes but it is not connected with the other Canyon Lakes if that is what you are referring to so he thinks maybe in a common sense context there is no one behind us that could potentially have interest or objection from a visual line of site.

Ms. Endres referred to the triangular area and said it is Block C of Canyon.

Mr. Lamanna asked what the sliver is behind.

Ms. Endres said she thinks it is Country Lane.

Mr. Lamanna asked where that lot comes out, it looks like it is behind other lots.

The board reviewed the aerial photo of the adjoining lots.

Mr. Murphy referred to a color rendering and asked if this is the structure that is being proposed.

Mr. Morgan said exactly and he thought a visual would be helpful to the board in considering the request.

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

Mr. Murphy asked about the homeowner's association turn-down.

Mr. Morgan said to share with the board, Ms. Laura Cramer who is the head of the HOA of Canyon Lakes suggested that we approach this in a two-step process, instead of approaching her directly for approval that he come first to the Bainbridge Township Board of Appeals and provided that the review is successful he then needs to go to the HOA so this would be step one of the two-step process.

Mr. Murphy said usually the board sees it the other way around.

Mr. Morgan said he appreciates that but he was directed to do what you might consider backwards.

Mr. Lamanna said we don't want to put people in a catch twenty-two situation. He explained that it is inconsiderate of the private bodies to expect that the public body is going to spend its time and effort and the effort and time of the paid public employees so a message should be sent back that they should have consideration of us and not send things to us that they might ultimately not approve.

Mr. Morgan said which is possible.

Mr. Lamanna said he doesn't think it is fair for the BZA to hold the applicant hostage to a situation that cannot be controlled.

Ms. Endres said she would also like to say that the HOA could modify his application putting it in a position that he would have to come back for another zoning appeals review.

Mr. Lamanna said this is a far more formal procedure than that one is if you have to come back so we generally like it if the homeowner's association acts beforehand for that reason. He said this is not really the applicant's issue.

Ms. Endres suggested that if the board approves this, she would have the latitude of a lesser encroachment so she could still approve it.

Mr. Lamanna said yes, if they move it farther away from the line, that is a good thought.

Ms. Endres said if it is a smaller shed with a lesser encroachment that gives her the latitude to approve it without having the applicant return.

Mr. Lamanna said you have to get both approvals, one approval does not let you off the hook from getting the other approval and we have to make sure that people understand that because we have had circumstances in the past where people thought that if they get approval from the BZA they don't have to get approval from the HOA or vice versa.

Mr. Morgan thanked the board for its time.

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

Motion BZA 2016-16 – 7440 Faraway Trail

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a 16' x 12' x approximately 11' high accessory structure for his pool.

1. A variance to the minimum rear yard setback from 50' to 36' for a variance of 14'.

Based on the following findings of fact:

1. A practical difficulty exists because of the existing drainage on the lot and to move it closer or farther from the rear setback line would move it into the natural drainage area of the property.
2. The proposed location would not have any adverse effect on the neighboring properties, especially the ones to the rear since there is a substantial area that is either undeveloped or can't be developed to the rear of the property.

Mr. Murphy seconded the motion.

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

Application 2016-17 by Dorothy Blaschak for property at 18378 Chillicothe Road

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

Ms. Dorothy Blaschak and Mr. Michael Perko were present to represent this application.

Mr. Perko testified that he is helping Ms. Blaschak with her property. He said she currently has a zoning certificate for her shed and they had everything laid out within the certain guidelines for the 90' setback but they found that the building is going to be blocking the view from her gazebo on her property so she wanted to move it back so she is requesting an 8' variance from the 90' required. He added that the property to the south is all wetlands, Stoneridge and behind it is also Bainbrook common area.

Mr. Gutoskey asked if she has approval from the HOA

Ms. Blaschak testified that she is not part of the HOA but she has access to the water and sewer.

Mr. Perko said they told her she was fine because she has never been part of them.

Mr. Murphy said that is Route 306 there Taylor May is across the street.

Ms. Karen Endres, Zoning Inspector testified that she has a subplot number in the subdivision but it is kind of like an out-lot.

Mr. Murphy said you are asking for 8' closer to the back rear yard setback.

Ms. Blaschak replied yes.

Mr. Murphy asked if there was anyone else interested in this application. He said it is three acre zoning but the actual lot is .74 acres. He asked if this was actually part of the subdivision in the development.

Ms. Endres said it is part of the subdivision, subplot no. 31 in the Bainbrook/Laurel Springs subdivision.

Mr. Murphy asked if it was built after the subdivision started and it didn't become a lot until they broke up that property.

Ms. Blaschak said right.

Ms. Endres said her property abuts the open space for the subdivision.

Ms. Blaschak said the property will never be used because it is in a conservatory.

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

#### Motion BZA 2016-17 – 18378 Chillicothe Road

Mr. Lamanna moved to grant the applicant the following variance for the purpose of constructing a 12' x 8' accessory structure as shown in the application.

1. A variance from the minimum rear yard setback requirement of 90' to 82' for a variance of 8'.

Based on the following findings of fact:

1. This is a de minimis variance.
2. The depth of the yard behind the house is only 129' so this would place the structure quite close to the house and this moves it back a small distance.
3. It is consistent with the neighborhood and with the large distance it will not have any adverse effect on the neighboring properties.

Mr. DeWater seconded the motion.

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

Application 2016-18 by Lori C. Bieber for property at 7395 Chagrin Road

The applicant is requesting a change of use/substitution of a non-conforming use for the purpose of establishing a veterinary hospital. The property is located in a R-3A District.

Dr. Lori Bieber and Mr. Dan Walker were present to represent this application.

Dr. Bieber testified that she was raised in Chesterland, she is a West Geauga grad so she knows this area pretty well. She said after she graduated she was a computer programmer for quite a few years and realized that really wasn't what she wanted to do and she decided that she wanted to become a veterinarian so she applied to Ohio State College of Veterinarian Medicine in 1990 and was accepted and she graduated in 1994 and after that she worked in Fairview Park for a couple of months and ended up back in Chardon at the animal clinic and she worked with her mentor for about three years and at that point she decided that she wanted to go out on her own and knowing that she didn't have any client base she wanted to keep her costs low and she wanted to stay in the area and she found a leasehold in South Russell and in January of 1999 she opened South Russell Veterinary Hospital and is the sole proprietor and she has been there for about 17-1/2 years. She said over the course of the years, about 10 years ago she expanded, they were a 1,700 sq. ft. hospital and expanded to about 2,900 sq. ft. and they are kind of crammed in there right now. She said currently she has one other full-time veterinarian that works with her as well as four other employees and they pretty much just take care of dogs and cats, she herself has five dogs, six cats, seven ducks and two horses but they only take care of cats and dogs. She said her husband Dan and she decided that because she is in this cramped little space in this leasehold that maybe they would want to look at other properties and other buildings to see if there is somewhere that was bigger that they could either repurpose or go from the ground up and stay in this area, she did not want to go far since she has a pretty solid client base and that is when they came upon the property here at 7395 Chagrin Road in Bainbridge and they felt that this was a good time for them to look into purchasing this and actually owning their own property and the reason being her leasehold at South Russell is actually ending fairly soon and they also felt that repurposing this building and making it a veterinary hospital would be a good thing for the community, they didn't want it to fall in disrepair, they just want to make it a better building, it is still a nice facility but they want to make it what they need it to be so that is why they are seeking this non-conforming use. She said she would also like it to be a single-owner occupied building so she won't be having any tenants and she wanted this to be done right and she did a lot of research to find an architect and firm that dealt with veterinary hospitals and she hired Terwisscha Construction Inc., TWC for short and they are nationally known, they have been in business for over 50 years and they have had numerous award winning veterinary hospitals and recently the 2013 veterinary hospital was one of their winners so they do a phenomenal job and that is what they are looking to do they want a hospital that looks nice and that people are proud of.

Dr. Bieber continued by saying they have been out a couple of times to look at the facility because she and her husband wanted to make sure that it was doable for what they want to use it for and they felt that this was a good fit for what they wanted to do. She said the front part of the building, the building itself is where the hospital would be, the back part is a barn that they would not use for the hospital, just for storage and behind it is an exercise yard and they would like to put in a fence that would contain the hospitalized animals when they take them out for walks, they will either be ill or post-surgery but still we want somewhere that they are contained so they won't be able to run into the road or run out into the neighborhood, they will be able to just stay right in that area. She said the next picture shows the proposed exterior and what that will look like and she is hoping to get some of that masonry done at the bottom and the last one shows the floor plan and she gives TWC Architects a lot of credit, you give them a space and they develop these beautiful floor plans, the flow is wonderful and she was very happy when she saw this, it is very much to what she was hoping it would look like. She said in talking with TWC obviously they would need to upgrade everything, electric and plumbing to what we need and we would also be renovating and redoing the complete interior and exterior but we would keep that footprint, that footprint would stay, nothing would change with that and we would of course do landscaping to make the front look nice. She said one of the things she really liked about this property was there is a space between the hospital and the barn that is kind of a rectangle and she would like to put a memory garden where people can go whether they are grieving because they lost a pet, their pet is sick and they want some fresh air to be with them without the hustle and bustle of the hospital noise, without the traffic streaming back and forth, it is kind of secluded and that was something that she really wanted in the next facility she would have, she thinks it is really important. She said everything is tentative on zoning and everything is tentative on financing as well as construction, weather and all that but TWC feels we can get in there as early as three months, probably as late as six months. She said the next thing is why she thinks the Board of Zoning Appeals should approve this, we would be renovating this property and obviously the property value would be going up and we feel that that would be an increase in taxes to the community, her business is established and she would be bringing that along with her and her business will continue to grow and that would also give us some taxes. She said we veterinarians are pretty darn successful, she has been in business for 17-1/2 years and started from the ground up you very rarely fail and she thinks too being a neighbor she thinks they will be a pretty good neighbor and where she is currently she is in a leasehold so her neighbors are six to twelve inches away from her and nobody has ever complained in the 17-1/2 years she has been there and she thinks she shouldn't have any problem with that. She said to recap she wants to have a place where she can practice the best pet care she can and to maintain her cliental that she has now, to maybe grow even more so into this 4,000 sq. ft. facility.

Dr. Bieber continued by saying the other thing is her father, Walter Bieber, was a builder in this community, he actually built the first house on Crackel Road in Bainbridge, it was the very first house he built and that is where she was born, he did some spec homes in Tanglewood and then in the mid to late sixties and late seventies he built a very good business, a lot of hard work, a lot of sweat, a lot of tears and his thing was that he worked so hard but nobody took over his legacy and she doesn't want that to happen to her, she wants to be somewhere that in years to come she will be able to leave that and her legacy will continue and that is kind of how she feels about this so she hopes that you can approve this variance for a non-conforming use, she would really appreciate it.

Mr. Lamanna asked if the existing parking area will continue to be used and if that will be expanded or if it is sufficient for their needs.

Dr. Bieber replied yes.

Mr. Lamanna asked if they are going to pave that area.

Dr. Bieber said at this point they weren't.

Mr. Dan Walker testified that it is a consideration but it is going to be contingent on budget for the overall project, it is a very large project, it is an extreme makeover but they would like to.

Ms. Endres brought up the aerial view of the property through Pictometry.

Mr. Corcoran asked if the footprint of the buildings will remain the same.

Dr. Bieber replied yes.

Mr. Walker said there will be one small change actually, there is a shed up in front of the building that will be taken down and will be replaced with a canopy of the same size or an entryway cover.

Dr. Bieber said a covered entryway, yes.

Mr. Frank Artino, property owner, testified that the trellis was for Christmas trees.

Mr. DeWater asked if they are purchasing the property.

Dr. Bieber replied yes.

Ms. Endres said she understands it is not a total demolition, you are doing renovations.

Dr. Bieber said yes.

Mr. DeWater said it would be nice to have a long-term person in there instead of changing over constantly.

Mr. Norm Schultz of 7444 Chagrin Road testified that there is going to be a lot of renovation there and it is going to be a regular commercial building and asked about the septic system, we are talking about one tank.

Mr. DeWater said he would believe that with the property changing ownership that Geauga County would require a septic system test upon the change of that property so you would be required to bring it up to today's standards and they would have to plan for that in their budget.

Mr. Schultz asked if there will be a sprinkler system installed also.

Mr. Walker said there are no plans specifically unless the building code requires it.

Mr. Schultz said he thinks the code would require it.

Ms. Endres said the fire department would make that determination.

Mr. Gutoskey said if it is under the square footage he doesn't think it would be required.

Mr. Schultz said the big thing is the septic system.

Mr. Murphy said he does have a good question in terms of as a residence in a residential district and so far it has been two offices here and there so as you are running a business that may have different requirements from a sanitary sewer sort of thing we would probably want to make sure that you have some sort of approved septic system and it may be that what is there is sufficient but we don't know that.

Mr. Artino said there was a veterinary hospital across the street for many, many years.

Mr. Murphy said there was but they probably didn't share the same septic system. He said he grew up a mile from there and still lives a mile from there and Weibels were there the systems were there but a lot of things happened in 1950 that are probably not acceptable today and knowing what we know and it is a residential area.

Mr. Gutoskey said because of the use it will have to be permitted by the EPA but the local health department will take care of it administratively.

Mr. Murphy said at worst it is an updated septic system.

Mr. Gutoskey said based on what is in here and the use, normally you design it like a four-bedroom house at 480 gallons a day and they are estimating 800 gallons a week so there are numbers in the EPA chart where they will have to come up with a design flow.

Mr. Lamanna said they are also looking at what you are discharging, non-human waste discharge.

Mr. Walker said they are not going to under-size anything.

Mr. Gutoskey said you will have to go through EPA approval.

Mr. Lamanna said it is a commercial operation and they are also going to look at any other potentially regulated discharges as to what might be going down the drain, business waste not human or animal waste so that is another regulatory hurdle you are going to have to get over. He said it may be fairly routine for veterinary clinics, he doesn't know what they would be worried about, it is not like a dentist where they might be running metals down the drain but certainly you are going to have to meet whatever standards are required.

Mr. Walker said they actually did start a process to have a design for the septic system and it is going through EPA approval at the time so they are aware of the requirements.

Mr. Murphy asked if the septic system for that house is part of that backyard. He said the other image showed a huge mowed backyard area and asked if the septic field for that house is there.

Mr. Walker said the leach field is behind the building but the actual tank is kind of in front of the barn.

Mr. Murphy said it looks like there is way more than enough leach field if the soils are good to replace the old one and he is just guessing that it looks like there is enough land back there.

Mr. Artino said it is in the upper half of the property, he doesn't know the technicalities but it has to be a certain distance from the building.

Mr. Lamanna asked how many employees they are expecting to have.

Dr. Bieber said she will have herself, another full-time veterinarian and four employees and she hopes to continue to grow so she doesn't know how many she will have at one time there.

Mr. Murphy said you will have six cars at least without any customers and you hope to have all three rooms filled at any time so you would have nine cars on the lot plus turn-around and added that that is part of what the board has to look at, it is a residential area, there have been other businesses there since forever, since he was a kid anyway, almost forever but the neighbors don't want thirty or forty cars and traffic jams and if it is going to triple the traffic that would be a problem.

Mr. Lamanna said because of what it is and because it is a non-conforming use, that by its very nature limits how much opportunity you have to grow and explained that the new business cannot be no more intense from the old business so if somebody comes in and says they want to have five employees and want to do this and that is sort of where you are and you can't decide that you are going to have ten employees and do twice as much business because that would change the way the board would approach this so to some extent just from the nature of the granting of the substituted use is effectively a constraint on getting bigger and in something like this the board would probably want to address that specifically as to going from four employees to six employees is fine but beyond that then it raises issues about increasing the intensity of use so that is what we have to look at, where is this property today and how is it going to be used and once that is pinned down that becomes the constraint on where you can go in the future so if you are thinking right now you are going to have this level of activity but we really want to have a building with a capacity to be at this level of activity then we need to be looking at where you are going to be and if it is acceptable or not acceptable and only this much is acceptable because both we have the obligation and secondly we don't to leave you in the position where you think you will be able to do this and then you find out no that is not going to be allowed. He said that is why we want to look at these various aspects of it to make sure.

Mr. Walker said we are not talking about expanding the footprint of the building this is as you might imagine a fairly expensive endeavor and you don't want to do this twice so this is the right size for this business.

Mr. Lamanna said if you are starting now and saying you are going to build this much even though you currently don't have enough business to use 100% you are only using 80% of it then you are contemplating that you are going to grow 20% and that is going to be another one or two employees so the board wants to gage how you plan to use this thing going forward as well as on day one because otherwise in theory you are constrained to what the board approves here in terms of how the building is used.

Dr. Bieber said she thinks you can only grow so much.

Mr. Lamanna said obviously if you have the physical space.

Dr. Bieber said you can only accommodate so many people anyway, there are a lot of veterinarians so would we grow by requiring hiring two more vets and six more employees probably not, her game plan is she is hoping in the next ten to fifteen years she would like to retire so yes somebody else is going to come in while she is trying to exit or someone else will work while she works part-time so yes you would need another employee to follow that doctor so she doesn't think that employee wise they are going to grow exponentially she would say at the most maybe three more employees but not all of them there at the same time.

Mr. Murphy said you can't have five vets working in that building anyway with 20 employees.

Mr. Lamanna said obviously the building itself has physical restraints.

Mr. Walker said they would need 10,000 sq. ft. for that.

Mr. Lamanna said we don't ever want to get to the problem where we start having parking issues and people are parking on the grass or along the road.

Dr. Bieber said she can honestly say now when all of them are there at one time there are only two doctors working at the same time and realistically only two clients with their pets are there at the time and yes we have people picking up medicine and we have emergencies that do come in so it is not like it is grand central station and things are going crazy, she would say at most they would probably have maybe five or six clients there at the same time in a busy time when we have emergencies going on and that to her would probably be the extent of it.

Mr. Walker said the staff would probably park in the back in front of the barn so the spaces in the front that were laid out in the Terwisscha drawing would be used by the clients.

Mr. Murphy said between the barn he thought was for the memory garden.

Dr. Bieber said actually there can be two cars between the two.

Mr. Murphy said there is sort of a road behind the shed and asked if there is more parking behind the barn.

Dr. Bieber said yes.

Mr. Artino said not behind the barn, next to it.

Mr. Walker said that is going to be a small fenced-in area.

Dr. Bieber said it is behind the barn and encompassing to the side of the hospital.

Mr. Murphy said hidden from the street. He asked Mr. Artino how many cars could be parked back there by the barn doors, three or four.

Mr. Artino said easily and he does keep three trucks inside that barn so there is indoor parking.

Mr. Murphy said you could probably get three or four cars right there, two doctors, two employees.

Ms. Endres said it is close to 70' across the front of the barn there.

Mr. Gutoskey said he scaled it off and the way the spaces are laid out on the site plan are consistent with 9'. He asked about the treatment on the building and if it fits in with that area.

Mr. Murphy asked the neighbors if they have seen the drawings on what the building will look like.

The board viewed the slide from the power point presentation.

Mr. Walker said it is painted hardboard siding.

Mr. Murphy said it is not unusual for a residence in Bainbridge Township.

Mr. Artino said it is nicer than it is now and it is really not much of a structural change at all.

Mr. Murphy said it is not, no.

Mr. Gutoskey said the only reason he asked is because it is in a residential area and it needs to fit in.

Mr. Murphy said he thinks that horizontal lap siding is just like the neighborhood.

Mr. Schultz said Arrowhead was bland before Mr. Artino bought it.

Mr. Murphy said he has been doing okay back there.

Mr. Walker said they are going to replace the windows and have new siding, it will be reinsulated with all new electrical and all new plumbing, drywall, gutting the interior and totally changing the floorplans.

Mr. Murphy asked if that is a slab.

Mr. Walker replied yes.

Mr. Murphy said he thinks it will be an upgrade for the property value.

Mr. Schultz asked about the gravel driveway.

Mr. Walker said they prefer to pave it but they can't commit to do it now.

Mr. Murphy explained that a gravel driveway is lot coverage the same as if it was asphalt so it doesn't change from our perspective, it doesn't change the lot coverage.

Mr. Lamanna said we would like to see rather than looking in and seeing a lot of cars if there is a landscaped berm there and then you have your driveway in and a lot of that very white area there could probably be eliminated as a parking area which would give a much more residential appearance from the street. He said if you put some landscaping in the front plus it would be a lot less to pave.

Mr. Schultz said it looks like they put a driveway around the back of the building and he doesn't know how much gravel there is in there but that was never there when he bought it.

Mr. Walker said they don't have a plan for that.

Dr. Bieber said they won't be using that.

Mr. Lamanna said the parking could be cut-off in the back.

Mr. Schultz said it was a swamp.

Mr. Lamanna suggested a proposed site plan for the parking in front to Dr. Bieber and Mr. Walker.

Mr. Gutoskey explained the proposed site plan and landscaping to them. He added that the board would like to see some landscaping or buffer to hide the cars.

Dr. Bieber said she would like that too.

Mr. Walker asked about signage and what they can do about the signage.

Ms. Endres said there are provisions for signs for permitted uses in residential districts.

Mr. Walker said they will follow it.

Mr. Lamanna said you can't go flashing or neon.

Mr. Gutoskey asked what the name of it will be since it is going to be in Bainbridge.

Dr. Bieber said South Russell Veterinary Hospital and isn't the Church of Solon also in Bainbridge.

Mr. Murphy said he grew up a mile from there and there was always a vet across the street from where you are, Dr. Weibel and the kennel is right next door so it is between the kennel and Rocker Road. He said he doesn't think it will change too much of what you would see coming and going there. He asked if there are any other neighbors here.

Mr. Schultz said no, they are all watching the ballgame.

Mr. Murphy said he doesn't see it as being a drastic change.

Mr. Gutoskey said the square footage limits what you can do there.

Mr. Murphy said it will look like the home got remodeled and it will look improved, they are asking for a little bit of landscaping and reducing the size of that gravel parking lot, you can still do what you need to do without having all of that limestone up front.

Mr. Walker said part of their overall goal for it but obviously, that is what we want but money is an issue.

Ms. Endres said the sign regulations are drafted, it talks about conditional and permitted uses, this isn't really a conditional use it is a substitution of a non-conforming use.

Mr. Lamanna asked about the existing signage size.

Mr. Artino said it is a hanging sign, there is going to be a sign for S. Franklin Circle there, there is already a sign for the Ardenberry Kennels next door, there is a wrought iron pole that had an existing sign hanging from that.

Mr. Murphy said your property had a sign there.

Mr. Artino said he doesn't now because he sold his business.

Mr. Schultz said you can still see his name on a wall.

Ms. Endres said conditionally permitted uses in a residential area are permitted a 25 sq. ft. ground sign.

Mr. Lamanna asked if that 25 sq. ft. counts both sides.

Ms. Endres said it says 25 sq. ft. in area.

Mr. Artino said he is sure S. Franklin has come in front of the board and they are working on their new sign so it is going to be very close to that sign, so whatever their approval was he is sure the Biebers will want the same.

Mr. Lamanna said this technically doesn't apply because S. Franklin Circle is a conditionally permitted use in a residential area.

Ms. Endres said right and technically this isn't a conditionally permitted use. She said there is a provision here for a sign that identifies a property and it is 3 sq. ft.

Mr. Lamanna asked what kind of sign they were thinking about.

Dr. Bieber said they have not even thought about it because they figured why even start until they know whether or not this will be approved and what the zoning is requiring them to do so they haven't thought about it.

Mr. Walker said he doesn't think it will be square, it will be more rectangular and lower to the ground, it wouldn't be high, it will be lit at night, we hope to light it.

Mr. Schultz said no.

Mr. Walker said whatever the regulation is.

Mr. Schultz said no lighting.

Mr. Walker said it wouldn't be a lit sign like a plastic fluorescent sign by any means it would have an incandescent light on it.

Mr. Schultz said it is in a residential neighborhood.

Mr. Walker said in the wintertime when it is dark at 5:00.

Mr. Murphy said if it is 25 sq. ft., 5 x 5 or 4 x 6 that is a fairly good size ground sign.

Ms. Endres said the board might want to talk about signage size at this time.

Mr. Lamanna said it is hard to address it without a specific proposal.

Mr. Murphy said the lighting is important because it is a residence and at 2:00 in the morning we don't want flood lights on both sides of the sign still burning.

Mr. Walker said we wouldn't want that either.

Mr. Schultz said you can't have it in a residential neighborhood.

Mr. Murphy said everyone in a residential neighborhood has lighting and so you can have lighting, people light up their mailboxes all of the time but we don't want to have a commercial looking sign in the middle of a residential neighborhood.

Mr. Schultz said you can't have a lighted sign in a residential neighborhood.

Mr. Gutoskey said subdivision signs are lighted in a residential neighborhood.

Mr. Schultz said in your by-laws there are no lights on residential signs in a residential neighborhood.

Mr. Walker said he would suggest that they come back.

Mr. Schultz said the dog kennel does not have lights on their sign, nobody has lights on that side.

Mr. Murphy said we will have to work on it.

Mr. Walker said they will come back for the sign, as long as they have some sort of sign.

Mr. Lamanna said the board will allow some sort of sign.

Mr. Schultz said you have a streetlight there right now so you don't need lighting, it lights up the whole neighborhood.

Ms. Endres said home occupations are allowed 4 sq. ft.

Mr. Murphy said there is a lot of parking there, the Christmas tree parking lot, sales lot and staging area.

Mr. Walker said we are trying to find ways to put the money into the building and not pave the parking lot.

Mr. Lamanna said again the only animals being overnighted will be those that require care.

Dr. Bieber said the animals that are generally there are either sedated or sick, she does not want to board.

Mr. Lamanna said you are not boarding animals and any boarding is incidental to their treatment or part of their treatment.

Dr. Bieber said right.

Mr. Lamanna said and they will be inside and enclosed in a space.

Mr. Walker said they can't compete with the kennel next door.

Mr. Lamanna said and you will always worry about the noise from the animals so if they are all inside.

Mr. Gutoskey said the noise from Ardenberry can be heard in the Chagrin Park, you can hear the dogs barking.

Mr. Schultz said he has lived there for sixty some years and those dogs at Ardenberry have never bothered him.

Mr. Lamanna asked if there was anybody else for this application.

The public comment portion was closed.

Mr. Lamanna said regarding the specific issues the board has come up with some ideas on improving the parking. He said there probably will be more cars parked there then there have been in the past on a regular basis, maybe not more traffic going in and out but probably physically more cars at any given moment so one of the things the board would like to see by restructuring this parking area is it makes it look less commercial and more residential by not having a big wide open area in the front but having it reduced down with some landscaping and grass brought into that area. He said it will make it look a lot more like a residential use and by having some berming in front of the parking, facing the street, again when somebody looks at it it seems so much like they are looking at a parking lot of a commercial operation. He said there are some relatively small and cosmetic changes and if you do decide to pave it will be a lot less area to pave and he thinks in the end for this kind of business it will present a much nicer appearance to your cliental when they pull in to have it look like that rather than the way it looks now and he thinks what the board is proposing here is a fairly modest modification and it also reduces the lot coverage as well.

Mr. Walker asked if zoning determines the number of parking spaces that are required.

Mr. Lamanna said yes there is a minimum number that is required.

Mr. Walker said they have to go to the building department too and if they say we need more spaces.

Mr. Lamanna said they are tied together, the building use and type of use translates into the number of parking spaces you have to have.

Ms. Endres said the building department does not require parking spaces.

Mr. Lamanna explained that it is in the township's zoning code, there is a formula based on the use and the square footage.

Mr. Gutoskey said it is well screened on the sides.

Mr. Lamanna said the other thing is we may want to cut off the parking at the back of that building, not to be going beyond the back of that building.

Mr. Murphy said all of that is not visible from the road and the more they can have employees park back there where those vans and trucks were would be better, just from his point of view.

Mr. Lamanna said we are expanding the area and there is a large area there to the left of the storage building already, it looks like it is graveled and just thinking if we can start reducing some of that lot coverage when we don't need it.

Mr. Artino said there are three bays in that building that you can pull into.

Mr. Lamanna said there is one thing the board would like to see is maybe a little more specific plan on the employee parking area and exactly how that is going to function.

Mr. Walker said the only issue with that is if they want to move forward with the planning.

Mr. Lamanna said the board can approve it but with a condition that you submit to the zoning inspector a more detailed plan of how those cars are going to be parked. He said the board wants to reduce the amount of gravel area back there as much as we can.

Dr. Bieber said she agrees with that.

Mr. Lamanna said from the way you are doing everything else it seems to fit into with what you are doing, it is to make this a tighter neater area because you don't have big vehicles pulling in and out with trailers etc. so you really don't need all of that room and in the end it is going to make it a lot better and he would like to see a fixed plan where the parking is going to go and how it is going to be arranged so that we can make sure that it is consistent with not creating any adverse impact and the zoning inspector can be the judge of that with the idea that we are trying to reduce the amount of gravel area to the extent we don't need it.

Dr. Bieber said right.

Mr. Lamanna said he thinks it would also help to do it as well and turn the unused parking area into a pervious area. He asked about outdoor lighting and if they have any plans for outdoor illumination on this building either from a security standpoint.

Mr. Walker said they will need some for security in that fenced in area where the dogs will be going out if an animal is hospitalized at night.

Dr. Bieber said there are times that she has to go in at 11:00 or 12:00 at night to treat them and she doesn't want them going out into darkness, it would be a light she would put on and walk outside and when she is done she would flip it off and go back in.

Mr. Walker said the last property they were looking at they were concerned about the parking lot lighting and we prefer not to have to do that so in a sense of what you are saying it seems that they would not have to light their parking lot.

Mr. Lamanna said no but if you don't want to it would be to the board's preference or if you were going to light it and put in some low level, you are just trying to show people where the parking is.

Dr. Bieber said they would like to have a motion light for the employee parking lot so when they leave they can see but the light doesn't have to stay on.

Ms. Endres said they need to be able to go safely from the parking lot to the door just like any residential home. She said there are provisions for full cut-off fixtures so there is no light trespass glaring on either the road or the neighbor's property.

Mr. Lamanna said we definitely don't want anything that is going to be intrusive or seen from the neighbors, for the walking area it can be set to something that won't be illuminated all of the time and when you go back in you turn the lights back off again. He said the board certainly likes to keep all of it to a minimum, we don't want to see any building security lighting all around the building, this is a residential district.

Mr. Murphy asked if they will come back with a landscape lighting plan that Ms. Endres can approve.

Mr. Lamanna replied yes.

Mr. Walker said they will be happy to do that.

Ms. Endres said if they get the plan to her before the next meeting she will share it with the BZA.

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

Motion BZA 2016-18 – 7395 Chagrin Road (South Russell Veterinary Clinic)

Mr. Lamanna moved to grant the approval of a change of use, a substitution of a non-conforming use from its current use to that use of a veterinary hospital.

1. The property is going to be renovated using the existing structures and the same footprint to accommodate the new use.
2. The new use is a conditional use within the permitted districts and therefore it will also be considered a conditional use at this location and therefore the provisions of 117.13 generally applicable to all conditional uses will apply to this use.

With the following specific conditions:

1. The hours of operation will be generally as indicated in the application with the understanding that because this is a veterinary hospital there will be off-hour emergencies that will occur and that will not be considered normal operating hours.
2. There will be no general boarding of animals, the only animals that will be boarded will be those that it is a necessary part of their care and/or treatment and that will all be conducted within the inside of the structure.
3. The applicant will also assure that the septic system meets all of the EPA and/or Board of Health requirements and will submit evidence of such approval to the zoning inspector when it is obtained.
4. The document that he has before him, that is a markup of the property as Exhibit A, which shows a restructuring of the entrance and front parking proposed and as a revised requirement for that parking.
5. The applicant will provide a more detailed plan based upon Exhibit A as well as a plan for the employee parking which is planned for alongside the buildings so as to show the location of such parking with the goal of reducing the amount of impervious area that currently exists alongside that building and that plan will be submitted to the zoning inspector for her approval to determine that it is in conformance with this requirement.
6. The amount of exterior lighting will be limited to that which is necessary from an operational standpoint and the specific lighting plan will also be submitted as a final design for the property showing the exterior lighting that is planned to be assured that it complies with these requirements. Signage will not be addressed at this time, it will be separately considered once a formal application is made for that purpose.

Motion BZA 2016-18 – 7395 Chagrin Road (South Russell Veterinary Clinic) - Continued

Based on the following findings of fact:

1. Given the description of the business that is going to be conducted here it should not increase the amount of traffic going into or out of the building or have an adverse impact upon the neighboring properties.
2. One side of this property is already an extension of Rocker Street that has been put in there so it separates it from the adjacent property on that side.
3. The improvements that are being made in the improved landscaping and parking in the front will give the building a better appearance as a residential structure which will also lessen its impact upon the neighboring properties.

Mr. DeWater seconded the motion.

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

Application 2016-5 by Tim Roach for property at 7045 N. Aurora Road - Continuance

The applicant is requesting a substitution of a non-conforming use for the purpose of mulch, plant, nursery and outdoor furniture sales. The property is located in the MUP District.

Mr. Tim Roach, Jr. and Ms. Lisa Harry were present to represent this application.

Mr. Lamanna swore in Mr. Roach and Ms. Harry.

Mr. Lamanna asked where the application is today.

Ms. Karen Endres, Zoning Inspector testified that she has another site plan, they received a letter from her regarding her analysis of the site plan and we are getting close.

Mr. Lamanna said as long as we are progressing.

Ms. Endres said one of the big things obviously is establishing the 50% lot coverage and there are a couple of issues. She said the driveway width in the motion approving the business is that the two driveway entrances are to be 24' and the site plan she is looking at reflects a 35' entrance and a 24' entrance and if they were reduced they would acquire more greenspace. She said the area around the building seems to be counted as greenspace but the reality is, especially in the very front of the building where the entryway is, that is going to be lot coverage.

Mr. Lamanna asked if she is talking about the area facing Rt. 43, that little sliver in there.

Ms. Endres said yes, this area right here, that is where the door is.

Mr. Roach, Jr. testified that there are two mulch beds there.

Ms. Endres asked where the main entrance is.

Mr. Roach, Jr. said it is right there and he just considered it greenspace because it was all mulch beds.

Ms. Endres said there is going to be an entryway or sidewalk.

Mr. Roach, Jr. said the door is right inside about 3'.

Mr. Lamanna asked if there was a reason to make the driveway wider.

Mr. Roach, Jr. asked down at the end.

Mr. Lamanna replied yes.

Mr. Roach, Jr. said just for additional parking just in case anybody needs to turn around there.

Mr. Lamanna said you have it showing 35'.

Mr. Roach, Jr. said it is already that wide it is just completely open all the way across the front.

Mr. Lamanna said if you can go down to 24', it doesn't look like you need it to be that wide.

Mr. Roach, Jr. said he knows it is just already that wide.

Mr. Lamanna asked if it looks like it is okay or close on the lot coverage.

Ms. Endres said based on the site plan, it is actually shaped different than the lot you look at on the auditor's website but she doesn't have a level of comfort that the auditor's website is accurate either so without a survey she is not sure if what she is approving is accurate.

Mr. Roach, Jr. stated that there are two pins in the back so that is what he measured everything off of but you can't tell from the front though.

Ms. Endres said it is a real weird angle though, that normally works if you have a square rectangular lot, if it is an odd shaped lot, if you don't have all of the pins she doesn't know if you have an accurate representation of where the lot lines are.

Mr. Lamanna asked if there is a legal description of the property.

Ms. Endres said we have the deed.

Mr. Murphy said these drawings are considerably different in terms of Route 43, if you line them up at the bottom the buildings are not at the same angle, the lot lines are at a different angle so if we don't know if either one of these is correct how are we supposed to know what is going on here. He said it appears that the applicant's is close but not quite.

Mr. Roach, Jr. said he just took the measurements of each building and then for the parking lot area that is just an algorithm that the computer put together for the square footage for that.

Mr. Murphy asked if these concrete bins are what you are using now.

Mr. Roach, Jr. said they took about one-third of them out of the back and moved a couple of them.

Mr. Murphy asked if this is the new plan.

Mr. Roach, Jr. said that is how it was done, it is existing.

Mr. Gutoskey asked Ms. Harry if she is the owner.

Ms. Lisa Harry testified that she is.

Mr. Gutoskey asked if she has a survey of the property from when she purchased it.

Ms. Harry stated no, it was given to her by her father. She said she inherited it and never really had much of an issue of where the property lines are so when they made Rt. 43 wider they took a lot of the property in the front years ago, she doesn't remember what year that was but they made it from two lanes into four lanes and they took a lot of the front and it was about maybe 15 years ago that she came in front of the board and asked for the asphalt to be put in and that is when they approved it and she used the exact same drawing that the city provided and added that she was working with Mr. McIntyre. She said he came out several times and made sure that where we were putting the driveway was the right place. She said when she went to the deed department at the county the man told her that these areas here are usually 10' off and she doesn't know that going by that is right or wrong, he said give or take 10' either way but it is hard to pinpoint.

Mr. Lamanna said the only way to know is to physically go out there and mark it.

Ms. Endres said she thinks it has to be surveyed, even going out there to look at the pins, she does not have equipment to shoot a line at an angle.

Mr. Lamanna said you have to find the right-of-way line.

Ms. Endres said it looks like the driveway skinnies down in front of the property.

Mr. Gutoskey said it goes back to 30'.

Mr. Lamanna said it looks like they just decided they were going to stop at that property line right there for the shopping center.

Mr. Gutoskey said and they took additional right-of-way on the other side. He said they widened the road but to the existing right-of-way, 30' off from centerline.

Ms. Endres said the overlay she has shows the right-of-way as accurately as the auditor's office can make it.

Mr. Lamanna said the only way to know where things are is to actually have the pins put in.

Ms. Harry asked what year that picture was taken (she referred to the displayed aerial photo).

Ms. Endres said it is from 2013 and ideally the surveyor will calculate the area, the lot size exclusive of the right-of-way also.

Mr. Lamanna said you estimated that.

Ms. Endres said right.

Mr. Lamanna said we are pretty close but ultimately this property is going to have to have a survey for almost any use it is going to be put to because we are never going to be able to definitively establish the questions on the zoning without having a survey.

Ms. Harry asked if the board knows any surveyors.

Mr. Lamanna said the board can give you names.

Ms. Endres said she would suggest getting someone who has done work in the area already and is familiar with the area.

Mr. Lamanna said generally what we have here is it looks like it is going to be okay with a couple of changes but it looks like we are close enough and we do have a little bit of slack, we are not at 49.9% so he thinks we are close but there is no way we can bring this to a conclusion without doing a survey and he thinks based on where we are now he feels comfortable letting this go on for at least another month to let you finish it up. He said he thinks it looks like there should be a way to make this happen within that limit.

Ms. Endres said the surveyor should locate the building on the site plan too, they should locate the structures that are on the site plan in addition to marking the lines.

Ms. Harry asked Ms. Endres to send her an email with the exact specific things she is requiring from the surveyor so she will know how to communicate that to them and she wants to be able to be specific on the requirements.

Ms. Endres said certainly and you only want to do it once.

Mr. Gutoskey said he would have them locate the building, paving and structures.

Ms. Endres said right and she would say the building, bins and temporary greenhouse.

Mr. Gutoskey said and whatever pavement there is.

Mr. Murphy said and if you are paying for that survey you are going to want them to put the pins in the front and back corner and flags along the property lines so Ms. Endres can see the line and report back to the board.

Ms. Harry said there was a requirement and Ms. Endres was asking that we put the sign on the roof of the building.

Ms. Endres said roof signs are not permitted, there is no sign permit yet so there shouldn't be any sign right now.

Ms. Harry asked if they can put one on the side of the back building, the warehouse part so it would be up but it would be on the building.

Ms. Endres explained that there is an aggregate number of signs you are allowed so you will need to make an application for a sign permit to get your sign allowed or permitted.

Ms. Harry said she thought that she was told to put it on the roof.

Ms. Endres said no it would be on the front of the building and that would be called a wall sign.

Ms. Harry asked if it has to be attached to the building or can they have it off of the building because her concern is the building, she just doesn't want holes being drilled into the building.

Ms. Endres said if it is a wall sign it has to be on the building but if it is ground sign there is specific criteria that has to be used which includes the monument base etc.

Mr. Roach, Jr. said he thought he was told it could go on the roof.

Ms. Endres said not on the roof, a wall sign is on the wall.

Mr. Roach, Jr. said they talked about it being on the roof.

Ms. Harry said she was very concerned about tornados.

Mr. Roach, Jr. said they talked about the sign before because they weren't allowed to put it in front of the building because it had to be set back so far.

Mr. Murphy said he doesn't think we have ever talked about a roof sign here.

Mr. Gutoskey said we talked about it being on the front wall.

Mr. Roach, Jr. said it is directly in front of the building right now.

Mr. Murphy said let's get you as an accepted business on that lot and then we can make sure you have an acceptable sign too and we really need to put this to bed which means we need to see a true rendition of what the lot looks like, where the buildings are and where the asphalt is.

Ms. Harry said not just your aerial view.

Mr. Murphy said not just this drawing and the aerial is not acceptable and we said this months ago, this has been going on for a long time.

Mr. Roach, Jr. said we went with what Kurtz Brothers had.

Mr. Murphy said we have said it for months now you really need to get it surveyed.

Mr. Roach, Jr. said okay.

Ms. Harry said she understands.

Mr. Lamanna said it doesn't look like there will be an issue with the lot coverage but it has got to be pinned down and it is not just this particular use, you are just going to have to have it going forward for any use of this property, it is a difficult thing with the dimensions etc. He said the board will continue this for two months and we expect you to be back with the survey by then, we will give you some extra time because it is a busy time of year.

Ms. Harry thanked the board.

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

BZA 2016-5 – 7045 N. Aurora Road

Mr. Lamanna moved to continue this application to the regularly scheduled meeting to be held August 18, 2016.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:52 P.M.

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy

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

Date: July 21, 2016

AUDIO RECORDING ON FILE

BZA PH 6/16/2016

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 16, 2016

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:52 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the May 19, 2016 as written.

Mr. Gutoskey seconded the motion.

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

Applications for Next Month

Application 2016-19 by Art Lyons for property at 9310 Stafford 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.

Application 2016-20 by Rob Biermann, Certified Renovations for property at 7071 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 2016-21 by Aidan Kilker for property at 8318 Bainbridge Road

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

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

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy

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

Date: July 21, 2016