

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:19 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Mark Olivier was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna explained that since there are only three members present at this time, three yes votes are required from the board in order for an application to be approved so it would have to be unanimous among the three board members that are here. He stated that a fourth member, Mr. Joe Gutoskey, is expected later and the board will give any of the applicants the opportunity to defer their application until the other member arrives.

The board was in agreement to defer application 2014-4 until Mr. Gutoskey arrives.

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 2014-14 by Timothy Alder for property at 18849 Riverview Drive

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

Mr. Timothy Alder was present to represent this application.

Ms. Karen Endres, Zoning Inspector pointed out that the actual size of the proposed building is 54' x 40', not 59' x 40'.

Mr. Alder testified that the intent is for a place to store his motorhome which is 34' long and he needs a 12' garage door in order to store it. He said the existing barn has only a 9' door and with the property sloping off to the south he would be able to utilize that lower side and going up just a little bit and that would be the 14' to the south side and then 8' x 32' would make the building aesthetically pleasing being square instead of an L-shape and it is currently 32' x 40' (40' wide x 32' deep).

The board reviewed the application.

Mr. Alder stated that he couldn't build further to the north because turning into the garage on that side would be impossible with the house the way it is. He said it is 8' for the depth and 14' to the width and added that it is the motorhome at the bottom of the picture (he referred to the GIS aerial photo) and it is a graveled area right now.

Mr. Lewis asked if the home is a ranch style.

Mr. Alder said it is a raised ranch currently, five or six years ago they raised the pitch on it and then added an addition to the front, an 800 sq. ft. in-law suite.

Mr. Lewis asked how tall the home is.

Mr. Alder said it is roughly the same height as the building would be but it gradually goes downhill to the front.

Mr. Lewis said it looks like on the existing portion grade to the roof peak of the proposed is 20' 6".

Mr. Alder said from this asphalt here, yes.

Mr. Lewis asked how far this is going to drop down.

Mr. Alder said roughly 1-1/2' but he is not positive.

Mr. Lewis said on this elevation to the roof peak add another foot or two.

Mr. Alder replied yes but the property grades off as it goes.

Mr. Lewis said you (Mr. Alder) are proposing to go 11' off of your side yard.

Mr. Alder said it would be where the black area is (he referred to the GIS aerial photo) to between the motorhome and pole barn currently, it would be right there.

Mr. Lewis said you are looking to go from 50' to 11'.

Mr. Alder said the barn is currently at 25'.

Mr. Lewis said he is noticing the property next door and their garage and driveway doesn't face yours so all of their main living quarters are adjacent to your garage area.

Mr. Alder said the bedrooms.

Mr. Lewis said it doesn't look like there is any screening or forest or mature trees in-between.

Mr. Alder replied no and added that he talked to the neighbor and he is fine with it.

Mr. Lewis said if he is not here, he cannot testify.

Mr. Alder said in 1997 zoning provided a 10' side yard setback for the Spring Valley Park Subdivision.

Mr. Lewis asked if Spring Valley has a homeowners association.

Ms. Endres said she does not believe they do.

Mr. Lewis asked if 54' x 40' is 2,160 sq. ft. and what that does to the lot coverage.

Ms. Endres said it is 15.88%.

Mr. Lamanna referred to the prior zoning at 1-1/2 acres and said actually the setback for this building was 30', the setbacks for dwellings and setbacks for non-residential buildings so that means a building that is not being used as a dwelling and right now this building is 25' off the property line.

Mr. Alder replied yes.

Mr. Lamanna asked if the addition could be added on the other way, raising it up and adding the additional space to the inside of the lot.

Mr. Alder referred to the aerial photo and said taking the motorhome around that way would be impossible being 34' long.

Mr. Lamanna asked even if it came in directly where the man-door is there, if you raise the building height there and add a 12' door there.

Mr. Murphy said you can't put the 12' door on this side of the building and add the extra space to the other side.

Mr. Alder said being the truss construction he would have to alter possibly the entire roof but they could cantilever off of the south wall.

Mr. Lamanna said that truss is going to be carrying all that weight in the middle and asked what the new roof is going to be.

Mr. Alder said the rear part would be trusses and the side part would be put onto the existing and there would be poles inside. He said people looked at it and said it could be done because of the weight bearing south wall.

Mr. Lamanna said if you put separate supports under the ridge beam, you might be able to do it, it is still carrying and transferring a lot of weight to those trusses. He said they engineer those trusses to be the roof shape and if another weight bearing roof structure is added to that, you would have to get an engineer to come in and certify that the trusses can carry that weight.

Mr. Alder said the beam in the center would accommodate that.

Mr. Lamanna asked if that would support the entire structure too.

Mr. Alder said it would be within the inside of the structure yes.

Mr. Lamanna said you would have to reconstruct 80% of the building because it is a very large structure that is now creeping right over to the property line.

Mr. Lewis said it is not garage to garage abutting it is near the living quarters.

Mr. Lamanna said the difficulty here is the board has had a lot of other requests to build very large pole barns 20' off the property line and the board has turned them down because of structures of this size. He said it is one thing putting up an 8' x 10' shed which would not have that much impact on the neighboring properties but this is going to be 40' deep so the neighbors will be looking at a 40' side, 14' high blank wall right next to their property.

Mr. Alder said he could plant trees.

Mr. Lamanna asked if there is anyone interested in this property. He said he thinks that 25' off is pushing it, maybe 20' would be doable.

Mr. Alder asked if he means 20'.

Mr. Lamanna said right now the building is at 25' but if it went to 20' that would give an extra 5', the arrangement could be changed.

Mr. Alder said so move the man-door to the side.

Mr. Lamanna said yes or somewhere else and make it so you can drive in right there on the side.

Mr. Murphy said it is huge, it is a giant garage to begin with now and these are very small lots and everything over there is tight.

Mr. Lamanna said it is 1-1/2 acres and he could see coming down to 20'.

Mr. Murphy said he doesn't know that it could be redesigned at this point and the reason being it would simplify the construction but the fact that the neighbor is not here to hear about it or complain about it, it is probably not horrible but he would like to see some kind of plantings there and a couple of windows on that side.

Mr. Alder said there will be windows.

Mr. Murphy said there is no evidence of them here. He said he is not sure what the note is here on the bottom referring to 1977 zoning.

Ms. Endres said back in 1977 they allowed for 10' side yard setbacks.

Mr. Lamanna said if you read farther on, that is for dwellings but for non-residential buildings it is 30' for Spring Valley.

Mr. Alder said his other plans were raising the south side and changing the pitch of the one side but he thinks this way it would look more pleasing and look structurally correct.

Mr. Lewis said this is challenging, the garage is already three bays, it is over 2,000 square feet with this addition. He said talking about pushing it to 11' from the property line and he doesn't know if that is from the side of the building or the over-hang of the roof and the eave and in roughly 10' that is not a lot of room to plant a tree that is going to gain any meaningful height because that would be 5' off the line of center. He asked what would be planted with something that is going to have a branch of 5' or less on the property. He said it is a real extreme structure and he realizes there is a recreational vehicle the applicant is looking to store and to reiterate what he was talking about before, it is not like your driveways and garages face each other, this is so substantial and you are smack dab in the private section of the living quarters of your neighbor's house, they may not be here to express an opinion or not but they certainly won't be the owners of that property forever so he looks at the impact not necessarily on the individual on the property but the impact on the property regardless of ownership.

Mr. Lamanna said the adjacent property owners do have the right to expect that the zoning requirements will be maintained, they don't have to come here and argue in favor of the zoning requirements, whether they appear or don't appear doesn't change the fact that they will be affected.

Mr. Alder asked that this be tabled and he can ask that they come in.

Mr. Lamanna said there are other issues, there is character of the neighborhood issues and size of the variance issues and the fact that your current neighbor says he is fine with this does not eliminate the objections.

Mr. Alder said he understands.

Mr. Lamanna said his concern is that 11' is just totally out of conformance with anything that has generally been done and there is no evidence that anybody else has any buildings this size that close to the property line, a non-dwelling structure.

Mr. Lewis said he doesn't see a practical difficulty with the property line, what he sees is that this is a substantial variance to accommodate the storage of a recreational vehicle and not the building of a new structure but adding to an already fairly substantial structure.

Mr. Lamanna said to him it almost looks as if it would be feasible to be within the current footprint to get the vehicle in there and he thinks if the board gives him another 5' to the property line.

Mr. Alder said he would have to go deeper as well though.

Mr. Murphy said he would have to go deeper just to get the length of the vehicle in the building.

Mr. Lamanna said he would have to go deeper, as you make the building bigger, now it is not just 32' it is suddenly 40' along the line and when it gets longer and longer closer to the line, it is greater and greater.

Mr. Lewis said he thinks 20' allows for some substantial room to put in some 12' pine trees.

Mr. Alder asked if the board is suggesting he re-apply at 20'.

Mr. Lamanna said if you are willing (Mr. Alder) to change the request to a 20' setback the board can consider that and grant a variance for a 20' setback, for a 54' x 40' sq. ft. building and 20' in height and for lot coverage as well and then you could redesign the building.

Mr. Alder said he will have to get someone to look at that, changing the roofline.

Mr. Lamanna said right but you wouldn't have to come back here, just submit your final plans to the zoning inspector.

Ms. Endres said so the size and location conforms with what the board grants.

Mr. Lewis said with the addition of windows and screening.

Mr. Lamanna said all you would have to do is resubmit the plans to the zoning inspector to make sure they conform to the board's decision.

Mr. Alder said okay.

Ms. Endres said she would need the full building plans before issuing the zoning permit.

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

Motion BZA 2014-14 – 18849 Riverview Drive

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

1. A side yard setback variance to 20' for the purposes of expanding the current detached garage.
2. A variance to increase the size of the garage to 54' x 40' and the lot coverage to 15.68% from the permitted 10%.
3. A variance for the building height to 20' 6" high from the maximum permitted height of 15' for a variance of 5' 6".

Based on the following findings of fact:

1. A practical difficulty exists because the use of the extension of the garage is for the use of a motorhome.
2. A slight increase is necessary so that the motorhome can navigate the side of the house and be able to enter the garage.

With the following conditions:

1. In order to reduce the adverse impact on the neighboring property and keep the character of the neighborhood the applicant will add at least two windows to the side of the structure facing the neighboring property.
2. The applicant will also landscape the area between the structure and the neighboring property appropriately to help screen it including at least four evergreen trees at a minimum height of 8' and other ornamental plantings.
3. The applicant will submit revised plans of the building to the zoning inspector including a landscaping plan for approval to determine the plans are in compliance with the decision of the board.

Mr. Lewis seconded the motion.

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

Application 2014-15 by Robert Riffle for property at 17833 Haskins Road

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

Mr. Robert Riffle was present to represent this application.

Mr. Riffle testified that this garage was built in the 1940s and originally there was a breezeway that attached the garage to the home but that has long since been torn out so some of the records he saw in Access Geauga showed it detached and some of them don't but currently it is detached but it is just old and dilapidated and falling down, unsalvageable, so all he is asking is to tear that structure down and build the same size structure on the same footprint except the issue is that over time the state and county have snuck in and taken some of his frontage from him so when the building was in compliance with the setback from the road now it is not and so hence his application was denied. He said those are good pictures of how bad it looks. He said the garage is in front of the house.

Mr. Lamanna said and it has been in front of the house.

Mr. Riffle replied yes.

Mr. Lamanna said it was connected.

Mr. Riffle said correct.

Mr. Lamanna asked if he planned to connect the new one.

Mr. Riffle said no and referred to the aerial photo and you can see this is the home and the road and the driveway comes in here. He said the aerial is a little tough because of the tree cover but you can see that the garage is in front of it and to the side of the home there.

Ms. Karen Endres, Zoning Inspector testified that ODOT acquired part of the parcel for Rt. 422.

Mr. Lamanna said so when it was originally built it was okay.

Mr. Riffle said yes.

Mr. Murphy said they haven't moved the road, it is still exactly the same as it was.

Mr. Riffle said they are measuring from a different spot now.

Mr. Lamanna said when this was built it was a side-entry with the garage connected to the house.

Mr. Riffle said correct. He added that it is beyond repair and a tree grew on the back side of the garage up into the foundation.

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

Motion BZA 2014-15 – 17833 Haskins Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of reconstructing an existing garage area, 24' x 24' in size with a height of 15'.

1. A variance to the required front yard setback of 100' to 75'.
2. A variance to 165.10(b)(3) maximum size of an accessory building from 300 sq. ft. to 576 sq. ft.

Based on the following findings of fact:

1. This garage was originally built as an integral part of the dwelling structure and originally met the required setback but due to the acquisition of right-of-way for highway construction purposes it no longer meets that requirement and it creates a practical difficulty.
2. This change and variance does not affect the character of the neighborhood because it remains on a setback line similar to other houses when viewing it.
3. It does not adversely affect any of the neighbors because it is far away from the side neighbor and there is nothing across on Haskins Road that would be adversely affected by the reduced setback.
4. The distance from the road actually remains the same.

Mr. Lewis seconded the motion.

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

Application 2014-16 by Alex Hillis for Lord of Life Church for property at 17989 Chillicothe Road

The applicant is requesting an expansion and a renewal of a conditional use permit for the purpose of adding an 8' x 12' clothing drop off shed. The property is located in a R-3A District.

Mr. Alex Hillis, Mr. Wally Foster and Rev. Robert Henderson were present to represent this application.

Mr. Hillis testified that Mr. Foster is the president of the church council and obviously the church is applying for this but he is helping them out. He said all of this spawned from setting up a clothing drop-off shed for St. Paul's so he is here helping them out but this is an application for the church.

Mr. Lamanna asked what was noted in the public record with respect to the conditional use permit.

Ms. Karen Endres, Zoning Inspector explained that their conditional use permit has expired and they need a variance and a modification and renewal of their conditional use permit and the phase II parking expansion CUP expired on 8/23/2013.

Mr. Lamanna asked about the pre-school.

Ms. Endres said she did not receive any paperwork on the pre-school.

Mr. Lamanna said the board will have to deal with that separately. He said he wanted to know what was on the public notice as to what the board can act on.

Ms. Endres said the variance is required because they are requesting that the shed be closer than 100' to the side lot line.

Mr. Lamanna asked if the shed will have a foundation.

Mr. Hillis said it will be free-standing on 4 x 4 skids and will be leveled out with wood blocks.

Mr. Lamanna said it will be on the ground then with no foundation.

Mr. Hillis replied yes, in the grassy area.

Mr. Lamanna asked if there is something there already.

Ms. Endres said there is a shed there already and she is not sure what that is all about.

Mr. Wally Foster testified that that has been there for the Boy Scouts.

Mr. Lamanna asked if that is on the parking lot.

Mr. Foster said no it is on the asphalt.

Mr. Lamanna referred to the GIS aerial and asked if that is a walkway through there.

Mr. Foster replied yes, it is for the parsonage.

Mr. Hillis said it is clear from the application as well but one of the major reasons for wanting to locate it there is really aesthetics because there are a lot of trees and buffer from the road and would be the best thing for the aesthetics for the neighborhood.

Mr. Lamanna said there is already a structure there and keeping it over closer to that makes sense.

Mr. Lewis said it is so inconsequential to the property and it is fronting Rt. 306 and the use of the property.

Mr. Lamanna asked if there is anyone present who has an interest in this application.

Mr. Frank Henck of 18081 Chillicothe Road testified that he lives to the south of the church and asked what are the chances of moving the dumpster from the front back there also.

Mr. Foster said it is a paper recycling container and it needs exposure.

Mr. Henck said it is ugly.

Mr. Lamanna said unfortunately the board cannot regulate architectural niceties of the property.

Mr. Henck said he thought the new shed was going to be by the container in the front and asked if they are going to screen it or landscape or something.

Mr. Lewis said it is at the other end of the property.

Mr. Lamanna asked where the other one is exactly.

Mr. Murphy said he has to agree, it does look like a dumpster.

Reverend Henderson testified that they want to be good neighbors and they would be happy to explore moving it.

Mr. Lamanna said if you look at the conditional use permit renewal aspect of this and asked if there are any other issues with the conditional use and if they are in compliance with the requirements.

Ms. Endres said when they had their conditional use hearing several years ago, back in 1999, it sounds like there were several phases that were supposed to have gone in and she thought this would be a good time for the church to update the board on the plan that they presented back in 1999.

Reverend Henderson said the master plan that was done in 1999 is still their congregationally adopted master plan. He said they do have a group looking at that plan but they currently have no plans to expand in the near future but the plan that was approved in 1999 is still their congregationally adopted master plan.

Ms. Endres said it has come in bits and pieces and would the board want to still approve that plan.

Mr. Lamanna said yes, if the board approved the plan in 1999 he would just continue that approval forward unless something that has changed in-between that would say that something has happened that maybe the board would reconsider it but has not seen that there has been any change to reconsider it now. He said if they modify their plan they will have to come in and get that approved but since it has already been approved they will have to adhere to that plan and if it still works for them it will save another trip here.

Ms. Endres said so if they decide to move forward between now and the time that this conditional use renewal expires, she can go ahead and approve it as long as they comply with the master plan.

Mr. Lamanna said right. He asked where the location is of the recycling dumpster.

Reverend Henderson said it is right on the south edge of the parking lot close to the road.

Mr. Lamanna asked if it is 100' from the road and if it isn't it definitely needs to be 100' from the road.

Mr. Murphy said it is at the front corner of the parking lot, it is easy access for people to pull in and use it but right now it looks like a dumpster.

Mr. Lamanna said it needs to be moved 100' back, that is a requirement and it ought to have some kind of screening on the side and back of it.

Reverend Henderson said why don't they just move it to the back of that parking lot where it would be screened by the building.

Mr. Lamanna said that would be fine.

Mr. Lewis said the parishioners and other community people already know it is there so by moving it 50' back, he doesn't think there would be any disruption.

Reverend Henderson said he doesn't remember any conversation about the location and he is guessing the company that put it in place probably just dropped it there.

Mr. Murphy said it might function just as well next to the new clothing shed.

Mr. Foster said that was going to be his question, should they decide to move it around back there would they need a side yard variance for that.

Mr. Murphy said it is a portable structure.

Mr. Lamanna said the board can approve placing it over there next to this building that will allow you to do that if you want or leave it over here at the other end of the parking lot, that is fine too.

Mr. Hillis asked if that would be part of the approved conditional use plan.

Mr. Lamanna said the board can apply conditions to the use to make sure it doesn't adversely affect the neighborhood, especially if it is a permitted use in a residential area so there are conditions that apply to it, there are a dozen conditions in the zoning ordinance that apply generally to any conditional use. He said the board in considering the application and where it is located and other issues can impose other conditions that relate to zoning and making sure they are consistent with the neighborhood and making sure it doesn't adversely affect the neighboring properties along with a list of other criteria as well.

Mr. Foster asked how long the conditional use permit lasts.

Mr. Lamanna said five years.

Mr. Foster said the church council rotates.

Mr. Lamanna said we are working out a system so the board will have these scheduled out so notices will go out as a reminder for the renewals.

Ms. Endres asked if it is okay for the dumpster to remain at the south end as long as it is 100' off of Chillicothe.

Mr. Lamanna said yes and the board will give them a variance if they put it over next to the new shed.

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

Motion BZA – 2014-16 – 17989 Chillicothe Road (Lord of Life Lutheran Church)

Mr. Lamanna made a motion to grant the applicant the following variances and conditional use permit:

1. A variance for the purposes of placing an 8' x 12' shed which will be approximately 48' from the north side lot of the church.
2. A variance to place as well in that same location, of 48' from the side lot, if they choose there, a recycling collection dumpster.
3. The board will extend the conditional use permit for the church for a period of five years from the date the board's decision becomes final.

Based on the following findings of fact:

1. The location is adjacent to an existing parking lot.
2. These are small structures.
3. The structures will be shielded by existing vegetation and the adjacent property is also owned by the church and used as their parsonage.
4. This type of small structure this distance from the property line is not inconsistent with the character of the neighborhood and will not adversely affect any of the property owners in the area.

With the following conditions:

1. Any of the previously existing conditions and all of the conditions provided by the zoning ordinance will continue to apply to this conditional use.
2. The applicant has agreed that it will move the existing recycling collection dumpster to the east end of the parking lot away from its current position within 100' of the front property line.

Mr. Lewis seconded the motion.

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

Application 2014-17 by Drees Homes for M. Drue Lehmann for property at PP# 02-419830 Snyder Road

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

Mr. Lamanna stated that this is an 8.5' rear yard issue.

Mr. Jason Cassidy was present to represent this application.

Mr. Cassidy testified that the lot is 2.69 acres.

Mr. Lamanna said there is a shed on this lot.

Mr. Lewis said with the lot split that is non-conforming.

Mr. Lamanna asked if anyone considered the shed and asked if it is staying.

Mr. Cassidy said it is a complicated situation, it is not a very deep lot and they are removing the shed but they are leaving the concrete pad that is shown.

Mr. Lamanna said it will be sitting back 100' from the road and the lot itself is not that deep. He asked if anyone else is interested in this application.

Mr. Murphy said there is an issue with the sidewalk in front of the property that was provided by the township for the students to walk to the library and he feels it needs to be paid attention to to make sure the construction vehicles don't break it up and the new driveway becomes part of that sidewalk with additional concrete.

Mr. Cassidy said if the future homeowners choose to do a driveway, they would make that sidewalk a 6" depth.

Mr. Lamanna said that is all in the township right-of-way so if the township property is damaged, the applicant will be responsible for it.

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

Motion BZA 2014-17 – PP# 02-419830 Snyder Road

Mr. Lamanna made a motion to grant the applicant the following variance:

1. A variance to a rear yard setback from the minimum required setback of 90' to 81.46'.

Based on the following findings of fact:

1. A practical difficulty exists because the entire depth of this lot is only 257' and after the 100' required for the front yard setback and adding a house of customary depth it is impossible to meet the required rear yard setback.
2. This is a less than 10% variance created by this practical difficulty and will not adversely affect any of the neighboring properties.
3. There is an existing shed on this property which is non-conforming because of a previous lot split and may not have been considered in that but the applicant has agreed to remove that shed so there is no need to deal with the issue of the shed.
4. The applicant shall take due care not to damage or adversely affect the future use of that sidewalk, accessing the property and installing any driveway.

Mr. Lewis seconded the motion.

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

Mr. Joe Gutoskey arrived at 8:43 P.M.

Application 2014-18 by Per Larsson for property a 17823 Lost Trail

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

Mr. Joe Gutoskey recused himself from this application because he is a contiguous property owner.

Mr. Per Larsson was present to represent this application.

Mr. Larsson testified that he wants to build a shed on his property and the big issue is he cannot meet the setback requirements of the township and he would have to put it in the middle of his back yard which would not look too good. He said he would like to put it in the rear but to the side of his lot actually close to one of his neighbor's existing sheds.

The board viewed photos of the property.

Mr. Larsson said right now there is no screening but he can put in some trees or something to screen it from view if needed.

Mr. Joe Gutoskey testified that the property lines in Pilgrim Village, on Access Geauga, are not correct.

Mr. Lamanna asked about the property behind this property.

The board viewed the GIS aerial photo.

Mr. Murphy said that is the Cipiti property.

Mr. Gutoskey referred to the sheds on the neighboring properties and said he has lived there for 22 years and those sheds have been there since then and his has been there at least 25 years, it came with the house so that is why they are where they are at. He said he has a big pine tree to block his from the street and the other ones are just hidden by the landscaping.

Mr. Lamanna said the problem is when the Cipitis sell their property and it gets redeveloped into something else there are all of these sheds that are sitting 10' from the property line and it is clear it is not going to stay in its current state.

Mr. Gutoskey said the property to the left has a shed directly in the middle of their yard, he does not know if they came here, ten, twelve, fifteen years ago give or take.

Mr. Lewis asked if this property has a septic system.

Mr. Larsson said no they have sewers.

Mr. Lewis said in the back yards there are no leach fields or tanks.

Mr. Gutoskey asked Mr. Larsson if he got approval from the homeowner's association.

Mr. Larsson said he applied and spoken to them, it has not been approved yet but based on the neighbor's approval it should not be an issue. He said he spoke to Mr. Alan Tatro but he wanted to get a head start.

Mr. Murphy asked if the neighbor has two sheds there.

Mr. Larsson replied yes.

Mr. Murphy asked about the power lines in the back.

Mr. Gutoskey said they are probably 20' to 30' off of the property line.

Mr. Larsson said he thought they would be 10'.

Mr. Gutoskey said the property lines for those properties are about 20' behind the power lines and added that his shed is more or less under it. He said the plat does not have the power line easement specifically marked out on it but it may say in the verbiage.

Mr. Murphy said when looking at the mortgage survey it doesn't look like it is going to be an issue from the road.

Mr. Gutoskey said the house sits back probably 125' and these are one acre lots.

Mr. Lewis said it looks like everyone put their sheds against the tree line at the far corner of their property.

Mr. Larsson said when he spoke to the review board, Mr. Tatro, he said it is one of the larger sheds in the neighborhood but it wasn't unheard of because there may be one or two larger.

Mr. Gutoskey said the one to the left is pretty big.

Mr. Larsson said when he made the application he was not aware of the 10% lot coverage.

Mr. Lamanna said it wouldn't be a problem here because of the lot size.

Mr. Murphy asked if anyone is here for this application.

Mr. Lewis said the square footage is a little bigger than some others but it is not a tall mega roof structure so he really does not have any issues but the board needs to take consideration for the property behind it.

Mr. Lamanna said the one next to this property looks like it is been there for a very long time but obviously it was someone who did not get a permit, he is sure there was zoning in place when Pilgrim Village was built and it wasn't a 10' setback on the rear property line.

Mr. Gutoskey said the first stage was in 1961 – 1963.

Ms. Karen Endres, Zoning Inspector, testified that there are probably some sheds that were built without permits.

Mr. Lamanna said it looks like the neighbor's sheds have seen better days.

Ms. Endres said from the aerial view it probably looks like one.

Mr. Lamanna said there is no reason why this shed can't be in the middle of the property with 50' on each side.

Mr. Larsson said he prefers to have it close to the side.

Mr. Lamanna said then there will be three sheds clustered together plus in some point in time if the sheds fall down or we find they were built without permits, they may not be there and he would rather see them a little farther off of the rear line to at least 20'.

Mr. Larsson replied okay.

Mr. Lamanna said as long as it is kept behind the house, behind the projection of the house on that side.

Ms. Endres explained there is a provision for sheds to be placed behind the house but no closer than 20'.

The board discussed the setbacks and placement of the shed.

Mr. Lamanna said it should be 20' off of the rear line, it could be at the edge of the house and at least 50' off the other property line. He said if it is behind the house at 21' he would not even need a variance for that, just a variance for the rear property line and lot coverage.

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

Motion BZA 2014-18 – 17823 Lost Trail

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a 12' x 16' x 10' shed:

1. A variance to the minimum required rear yard setback of 90' to 20' for a variance of 70'.
2. A variance from the maximum lot coverage of 10% to 13% for a variance of 3%.

Based on the following findings of fact:

1. A practical difficulty exists because of the size of the lot.
2. This is a small increase in the permitted lot coverage because it is only a one acre lot and it is reasonable to grant additional lot coverage.
3. The setback will not adversely affect the character of the neighborhood or the adjacent property.
4. Because of the depth of the lot and the existing setback of the dwelling it is impossible to satisfy the 90' requirement.

Mr. Lewis seconded the motion.

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

Application 2014-19 by Jessica Loconti for property at 7561 Mystic Ridge

The applicant is requesting area variance(s) for the purpose of constructing an in-ground swimming pool with fence. The property is located in a R-5A District.

Mr. Rick Loconti and Mrs. Jessica Loconti were present to represent this application.

Mr. Rick Loconti testified that they are looking to put the pool within the structure of the house which is going to be about 50' off the back of the house and they are going to need a 10' variance because of the wetlands behind them and they are only 40' 3" from the corner to the back property.

Mrs. Jessica Loconti testified that per her survey, it shows the proposed pool and the pool deck, her house, the wetlands and Bainbridge Road so nobody can touch the wetlands. She showed the rear lot line and the 50' setback and in order to get the pool in they need to go into that setback by 10'.

The board reviewed the proposed site plan.

Mrs. Loconti said they also have an approval letter from their homeowner's association.

Ms. Karen Endres, Zoning Inspector explained that uncovered patios are permitted yard obstructions but it still counts as lot coverage.

Mr. Loconti explained the location of Bainbridge Road and the swale.

Mr. Gutoskey said there may be a little strip of common area there and asked what is in that little strip that goes out to Bainbridge Road.

Mr. Loconti said just woods.

Mrs. Loconti said it blocks their yard from the street.

Mr. Loconti said the back of their property is an 8' drop down to a swale and comes back out to the street for water.

Mr. Lamanna asked if there is a lot on the other side.

Mr. Loconti said there is a lot actually and explained the current surrounding lots and the ravine.

Ms. Endres said that is a riparian.

The board viewed the GIS aerial photo.

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

Motion BZA 2014-19 – 7561 Mystic Ridge

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of installing an in-ground swimming pool with fence:

1. A variance from the minimum rear yard setback requirement of 50' to 40' for a variance of 10'.

Based on the following findings of fact:

1. A practical difficulty exists because the depth of the yard of the property is not very great and after subtracting the 50' front yard setback and the width of the house it does not leave much room in the rear.
2. This is a pool so it is not going to be that visible from the adjacent properties.
3. The adjacent property on that side is actually an undeveloped area of the Canyon Lakes Development so it will not adversely affect the neighboring properties or be inconsistent with other development in the area.

Mr. Lewis seconded the motion.

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

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) – Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Mr. Joel Frezel of JF Signs and Mr. Renny Wolfson of the Tanglewood Country Club were present to represent this application.

Mr. Renny Wolfson testified that he is half owner of the golf course with Mr. Mark Tiefel.

Mr. Lewis asked if there is a representative here from the homeowner's association.

Mr. Joel Frezel testified by saying no.

Mr. Lewis said he thinks the board had that expectation.

Mr. Gutoskey said the board discussed having someone from the Tanglewood board.

Mr. Frezel said the only thing they had was a letter from the board granting permission to install the sign.

Mr. Lewis asked the applicant to bring the board up to speed regarding the documentation from the Ohio Department of Transportation and the right-of-way. He said there was some earlier conversation on whether or not they were going to be modifying their lines and if they were, when they were and he thinks the core basis is to begin with a measurement.

Mr. Wolfson said he has been working with them and they acknowledged that their right-of-way is obsolete however they are not giving up their right-of-way, what they told him was that they will probably be willing to waive the right-of-way but their requirement is 19' from the pavement setback so they have staked it where the sign would be and it is about 250' south of Lake Lucerne Drive. He said they reach almost to the fairway of the 17th hole and it puts the sign really further away from the road than almost any commercial sign on Rt. 306. He said they reduced the size of the sign they originally applied for by 8' and ODOT tells him that it will take six months to a year for the approval after he demonstrates to them that they have this setback waiver from the township so that is why he is making a request for a temporary sign but they don't expect this sign to be erected until next year.

Mr. Lewis asked if ODOT gave any written correspondence giving you these conditions and timelines.

Mr. Wolfson said no, they basically told him that if he wants to apply he has to bring the township waiver to them and demonstrate that he has a right to put up a sign and then they will start the process.

Mr. Lewis said so they want us to say it is okay for you to put up a sign on the state's property.

Mr. Wolfson said yes.

Mr. Lewis said he doesn't think he has the authority to do that.

Mr. Gutoskey said that was his question because how can the board give permission to put a sign in the right-of-way.

Mr. Lewis said on another entity's property.

Mr. Wolfson said they told him that when a sign goes in a right-of-way the local authorities have priority and so they won't take an application from him until they he demonstrated that both boards approved it.

Mr. Lewis said in his experience working with the zoning inspector on numerous sign issues he does not ever recall on a state highway going forward and putting signage in their right-of-way for any reason ever.

Mr. Lamanna said the board can't give them permission to put a sign in the right-of-way but there should be something in the zoning that prohibits a property owner from using the adjacent right-of-way except in conformance with the rules of the government entity who owns the right-of-way so that if somebody does try to put a sign in the right-of-way it can be enforced under zoning and you don't have to try to get ODOT or the county or somebody else to come in and enforce it. He said he understands why they say that, they say they won't let anybody put anything in their right-of-way unless the local zoning people say it is okay for you to have that sign in the right-of-way if we allow you to have it in the right-of-way and there is a problem because we have a prohibition on off-premises signs and as soon as you put a sign in the right-of-way it is an off-premises sign.

Mr. Gutoskey said they are saying 19' off the edge of the pavement, assuming there is a 28' pavement line so 14 and 19 is 33 so realistically if it was a 60' right-of-way there it would only be 3' off the right-of-way.

Mr. Lewis said so hypothetically if the sign is not placed in the existing property that is owned by the state which we have no authority to grant and it would be off site advertising, if you take that line and then what do we say, 15' beyond that is where our counter starts or do we have the flexibility of a variance once we have left the state's property. He said he can't do anything on the state's property for two reasons, he doesn't own it and it would be off premises advertising.

Mr. Gutoskey said he can't represent the state for the right-of-way.

Mr. Wolfson said they seem to think that this is not unusual, they have been in this situation before.

Mr. Lamanna said they are saying before we let you have a sign in our right-of-way we want the local zoning to say it will not upset their regulatory pattern or policy for that area.

Mr. Lewis said provided that there were no contradictions in the zoning.

Mr. Lamanna said technically the board could say if it is the right-of-way adjacent to the premises it really doesn't meet the intent of what the off premises was meant to cover. He said zoning requires signage to be 15' off the right-of-way.

Mr. Gutoskey asked if their deed goes to the centerline of the right-of-way for Rt. 306.

Mr. Frezel said according to ODOT the right-of-way for Rt. 306 is the line that the utility pole is on.

Mr. Lamanna asked if they are saying the line is 19' from the edge of the pavement.

Mr. Wolfson said the telephone poles are in the middle of the right-of-way.

Mr. Lamanna said it is normally 30' from the pavement edge.

Ms. Karen Endres, Zoning Inspector explained the location of the Chillicothe Road right-of-way on the GIS aerial.

Mr. Gutoskey said where they are proposing the sign is about 60' from the edge of the pavement.

The board discussed the fact that the property is zoned residential and if they can have a commercial sign in a residential district.

Ms. Endres explained that conditional uses are allowed one sign but they are asking for an additional sign for the golf course and it is a conditional use.

Mr. Wolfson said they reduced the sign to 8' x 5' and they worked with the homeowners and the sign will be like the TLA sign, it is complimentary. He said it is 5' high by 8' long and there are two sides.

Mr. Frezel said also from the last meeting they reduced the size from the 12' wide and they removed the changeable panel.

Mr. Lamanna asked about the size of the letters.

Ms. Endres said they are 6-1/2".

Mr. Gutoskey asked about the total height.

Ms. Endres said 8'.

Mr. Frezel showed the view from Lucerne Drive.

Mr. Lewis said you said that you worked with the homeowners to change the sign, was that the Tanglewood homeowners.

Mr. Wolfson replied yes.

Mr. Frezel said they are using the same color scheme and logo that Tanglewood HOA is using.

Mr. Lewis said the artwork is consistent.

Mr. Jeff Markley of 8535 Lucerne Drive testified that it is really about the location, the sign is fine. He said he met with the applicant and he wants the course to be successful, they talked about alternate locations and a landscaped sign on a hill across the fairway but at the end of the day what he does not understand about the sign is that it is to identify the course but it really doesn't identify the entrance, it is more of an identity thing. He said when you do MapQuest or the iPhone maps or Google maps the address on the website will actually take you to 8745 Tanglewood Trail which puts you in the middle of the fairway. The address gets you down Tanglewood Trail off of Rt. 306, but that is not their preferred way to go in, HOA wants them to go down Bainbridge Road to Haskins and then down. He said the next point is do you then allow signs on Bainbridge Road and Haskins directing people to the clubhouse because that is going to be the next thing that will have to come up and do we want to see those additional signs that are off premise but it will get them to the address. He said for him he would rather have a sign at the entrance where people will drive to and recognize that this is the entrance to the club and move their way through the community to get there. He said he can get into the aesthetics and safety concerns.

Mr. Gutoskey asked if this needs to be hashed out more with the HOA as far as the sign because he understands what Mr. Markley is saying, there is a sign there but it doesn't tell you how to get to the course.

Mr. Lewis said he would be more inclined to consider a variance there if there was a legal agreement between the golf course and the homeowners association of permission and go that route.

Mr. Gutoskey asked if the HOA owns where the sign is now.

Mr. Lamanna said he thinks the HOA put up and maintains those signs but he thinks they are all in the right-of-way.

Mr. Markley said the sign being proposed is a safety concern and explained that if people notice the sign while heading north and realize they miss the golf course, then they have to turn around.

Mr. Wolfson said they made an application to Google maps which takes about two years.

The board discussed the signage and the parcels owned by the golf course and the sign at the entrance on Rt. 306 and that it could be in the right-of-way.

Mr. Lamanna said the right-of-way has changed over the years and the sign probably started out not in the right-of-way but now is in the right-of-way.

Mr. Wolfson said their issue is they have not been able to generate the business they need to be profitable and part of the problem according to their research is people don't know it is Tanglewood Golf Course and so what they have decided is if they have a sign that is along the golf course people will recognize that it is Tanglewood Golf Course and they will get an increase in business to be able to be profitable on that course. He said profitability on that course is important for a number of reasons, the first one is he has invested and the homeowners have that important stake in this because with the loss of the golf course that would be devastating for their house values and because they share a profit sharing lease with us and if we are successful, they are successful. He said they discussed with the homeowners putting the sign where the existing sign is but they are not happy about the prospect of directing people through the development to get to the golf course so what they proposed is they applied to Google to get them to acknowledge there is a better way, and he thinks it is a faster way, to get to the golf course, He said they would be applying to the Department of Transportation to be included in their signs that show places to get gas etc.

Mr. Lamanna said he goes around Haskins to get to Northbrook Trail because it is safer.

Mr. Gutoskey asked how many rounds they are getting.

Mr. Wolfson said the most they had this year, because of weather wise, is 14,000 full rounds and that is just pathetic and that is for the season. He said on the weekend they have 150 golfers, weekdays if they have an outing, 100 – 125 golfers, they could have 50 – 60 if it is a Friday afternoon. He said Fowler's Mill is doing 24,000 rounds, Manakiki is doing over 30,000 rounds and if they are going to promote this business they have to be able to say here is the golf course and this is who we are and we are still 19' from the pavement, we are not within sight of anybody, it is 250' from the Lake Lucerne entrance, it looks like a subdivision sign instead of a billboard, he doesn't think there is anything about it that is objectionable and they need the connection between that view and who they are.

Mr. Gutoskey said he doesn't think it generates that much traffic through the subdivision and added that the homeowners have a vested interest in it.

Mr. Lamanna said the only time there are any traffic issues is if there is an outing and everyone is arriving at the same time.

Ms. Endres said for special events they provide maps directing them around.

Mr. Wolfson said they do and when they give people directions for outings they tell them to come up Bainbridge Road and take Haskins over.

Mr. Lamanna said this sign is really an identity sign and it is one of the few places where you actually get a long view of the course because the rest of it is inside the development. He asked if the residents will be able to see this sign.

Mr. Wolfson said not from the Tanglewood HOA.

Mr. Lamanna asked if anybody from Lake Lucerne will be able to see the sign. He said it looks like a subdivision sign, it is no different than the Tanglewood Lake sign.

Mr. Gutoskey said the only problem is the location on the curve and it comes down the hill.

Mr. Lewis said it is one of those things that you are only going to glance at one time in your life, Tanglewood is not an unknown entity. He said that is up to the advertising and marketing campaign.

Mr. Lamanna said it is on the outer radius of the curve so it is not obstructing anybody's view of anything and it only says on it Tanglewood Golf Course.

Mr. Wolfson said since he can't put it up for probably a year he was hoping he could put up a temporary sign promoting members and guests.

Mr. Lamanna asked where.

Mr. Wolfson said the same place.

Mr. Lamanna said it would still be the same problem putting up a sign in ODOT's right-of-way, they don't have a provision for putting up temporary signs in the right-of-way.

Ms. Endres said it is the same issue whether it is a permanent sign or a temporary sign.

Mr. Lamanna said it would need approval from ODOT no matter what otherwise you are back at putting it on the golf course.

Mr. Lewis said if you are inspired to put something up, put it on the golf course where it is permitted, file your application and maybe down the road it will move closer to the pavement.

Mr. Wolfson said they are willing to wait a year but they really feel they need this and the sign costs a lot of money. He said that Mr. Markley suggested they make a landscape sign on the other side of the fairway. He said it is an interesting approach but as far as getting someone's eyes off of the road, there are better things to do than this.

Mr. Lamanna said that might be more distracting.

Mr. Wolfson said and the maintenance.

Mr. Lamanna said if it is close to the road he doesn't think it is a problem but the farther away, it takes your eye way off the road and it causes your eye to be off the road longer and farther off the road.

Ms. Endres said they already have a sign for the Tanglewood Country Club, what they are asking for is a second sign.

Mr. Wolfson referred to a photo that shows the stake and said it is quite a way from Lake Lucerne Drive.

Ms. Endres said that several months ago she talked to ODOT about putting signs in the right-of-way and they said they did not allow it that often.

Mr. Wolfson said it is not usual but in this case they recognized that this right-of-way is incredibly big and the reason it takes so long is because they have eight different departments that have to give approval.

Mr. Murphy asked what the proposal was to the pavement.

Mr. Wolfson said 19'.

Ms. Endres said she wonders what the expectation is of ODOT, if this board says no then they don't have to deal with it.

Mr. Lamanna said right plus their view is they don't want somebody coming in and then they approve something and then the local municipality comes back screaming at them for approving it, so they are saying go to the local guys first and let them say this is okay because they don't want to get caught up in a situation with ODOT approving it first. He said they don't want somebody using their approval for something the local jurisdiction can't control, so they don't want to even touch it until the local jurisdiction says it is okay.

Mr. Lewis said if something gets put up there temporarily for 37 days, on day one who is notifying the property owner, Ohio, that a sign is being placed on their property that they have not granted permission for.

Mr. Wolfson asked if it is okay to put up a temporary sign and if ODOT would have any objection.

Mr. Lewis asked if the local police says yes, you are hoping to go for permanent, is that where this is heading.

Mr. Gutoskey said that Ms. Endres is constantly pulling signs out of the right-of-way.

Mr. Lewis said even the business in Auburn that puts their signs all over Bainbridge to sell their breakfast buffets.

Mr. Lamanna said the last thing you want to do is if you are trying to get approval from ODOT to put up a permanent sign is to put up a temporary sign that they may not be happy with.

Mr. Lewis said we all have the plats and we can see the first 30' or 60' or whatever but whether you are 19' or 38' or 50' you would still be on their property so is your plan to garner some form of approval from this board for placement and then before you do anything you are going to the state to say you have a preliminary set of permissions here, now can we please put it up, you are not just going to slam a sign up.

Mr. Wolfson said you can make your variance contingent on the Ohio Department of Transportation approval.

Mr. Lewis said that would be a prerequisite on anything by even an inch less than what our code says it is supposed to be.

Mr. Lamanna said you could get approval but no certificate would be issued.

Mr. Frezel said exactly, the board could approve the request contingent on ODOT, no zoning certificate is ever issued unless ODOT approves.

Mr. Lewis said everybody in the county knows that this business exists there, it is not a directional marker to get them into the course, everybody knows it is Tanglewood and if your business is suffering because you don't have enough customers and he doesn't think a drive-by sign is going to do anything for your business, you need to be advertising, promoting and marketing and do whatever it is you do in your industry to drive your business or offer corporate events to Parker Hannifin and Progressive or whatever it is you do.

Mr. Wolfson said they have researched that and found out that surprisingly people don't know, you would think they know but they don't, they don't know it is Tanglewood. He said they have had focus groups and surveys and it is amazing, it is astonishing that people don't know what course that is.

Mr. Lewis said he thinks of how many people live in Geauga County and the east suburbs and you will get 1/10th of one percent driving the Rt. 306 hill, you will reach a very small percentage and nobody south of the freeway is coming past it so you are not getting Aurora, etc.

Mr. Frezel said it is difficult to pull out of Tanglewood onto Chillicothe Road.

Mr. Wolfson said they are willing to invest in this sign, it doesn't obstruct anything, it is 19' from the road and it can't be seen by anybody.

Mr. Lewis asked how they came up with 19'.

Mr. Wolfson said that is what ODOT requires.

Ms. Endres asked if that is 19' from the pavement.

Mr. Wolfson replied yes and the furthest point is close to the fairway. He said the right-of-way actually encroaches the fairway.

Mr. Gutoskey said the fairway encroaches the right-of-way.

Mr. Lewis asked if there was a conversation about getting rid of the left over utility pole when they did construction there, on the back side of that green there is a utility pole, that is where they had those construction trailers and that was their power source and that should have gone away.

Mr. Markley said actually two of them have been there since 1995.

Mr. Lamanna said they should get rid of those things so they don't become a liability and asked whose property they are on.

Mr. Markley said the golf course.

Mr. Murphy asked about the neighbors.

Mr. Markley said the board received a letter from Todd and Cindy Raskin back on March 20th and asked if the board still has copies of that and that was one concern and there was a lady here tonight who was asking if the sign was going to be illuminated and he doesn't believe the sign is illuminated but aesthetics is what he has heard from the neighbors. He said none of them will see it out their windows.

Mr. Lamanna said it will not look any different from the other signs around Tanglewood other than the front entrance sign, if you go to the other entrances and look at the sign at Haskins and Tanglewood Trail it is the same style sign.

Mr. Markley said that is why he is having this difficulty personally because the signs are all at an entrance and this is a character sign, they are putting up a sign to be an identifier, not necessarily to direct, that is the difference.

Mr. Lamanna said the entrance signs are different.

Mr. Gutoskey asked if we should have our Police Chief look at the location for safety.

Mr. Lamanna said ODOT have experts on that and it is not as distracting as Dunkin Donuts.

Mr. Lewis said you got the message loud and clear and you did a real good job on revising the sign size and shape and graphics and you dismissed a line or two of messaging and you gave it a little bit more quiet elegance so there is nothing offensive about it, the design is substantially better, it was reduced. He said he doesn't have any issues with the size of it and he thinks all the board is really doing is meandering around whether the board is inclined to let them go with 19' with certificate and conditions of state approval and his guess is you probably have a 50/50 shot with the state and they may come back with not 19' they may give 28' but if you don't take a shot you will never know. He said if your desire is to go through with is to plunk the sign in the middle of the fairway in your original placement. He told Mr. Markley that he went over and stood in the fairway with his camera and he took photos of his house and he couldn't see his house and it was comforting to him that the closest adjacent property owner who happened to be him, there would be no personal act on him or his property and he felt he needed to know that and there was no way for him to know that without standing over there. He said whether this is 19 or 28 it is going to be an ODOT matter and they are going to football this thing around and quite frankly the township has little or no exposure at this point, that is how he looks at it. He added that he was not speaking for the other board members, he is trying to bring the application to some kind of conclusion.

Mr. Lamanna said he doesn't think the sign is going to adversely affect anything, the style and design will fit in and blend in.

Mr. Murphy said he doesn't understand why it is a hardship, it is a business.

Mr. Lamanna said it is not a question of hardship it is a question of where can you put the sign driven by the topography of the area, if it was a nice flat area.

Mr. Murphy said they are asking for a variance to add a second sign.

Ms. Endres said the original variance was for two signs.

Mr. Lamanna said we are talking about an enterprise that covers 200 acres.

Ms. Endres said the original location that was staked out was on the fairway, 12' off of the right-of-way.

Mr. Frezel said that is correct.

Ms. Endres said at that point the only variance needed was for two signs rather than one sign for the conditional use for the golf course.

Mr. Murphy said on either end of Savage Road there are signs that say Frohring Park, ½ mile and they are not 8' tall they are not 8' long but everybody sees them and reads them, they are directional signs so if you are trying to get people to go down Haskins Road, wouldn't you do better to have Tanglewood Club 1.2 miles and an arrow.

Mr. Wolfson said this is not a directional sign, it is a promotional sign, we are just trying to sell golf.

Mr. Murphy said he understands that but you are trying to sell golf in a residential neighborhood, but if he tries to sell things he is limited to a certain size of a sign, the zoning says you are limited to a certain number of signs in residential districts to protect property values therein.

Mr. Lamanna said you have 400 – 500 yards of frontage, it would be one sign along ½ of a mile of frontage. He said it is not an aesthetic issue and it is not a safety issue.

Mr. Gutoskey asked if the spot that was picked is that as far as you can get it up the hill and still be able to see the sign and if you come farther south you start to get into some brush and trees around the right-of-way.

Ms. Endres referred to the aerial overview and pointed out the location of Lake Lucerne.

Mr. Frezel said he drove up and down the road and this seemed the most advantageous.

Mr. Wolfson said there is a stand of trees 50' south so if it is any further south it would start obstructing the view from that direction.

The board viewed the aerial photo that Ms. Endres displayed and discussed the location of the proposed sign.

Mr. Markley stated that it would require permission from ODOT, certainly the liability would be placed on the club. He said maintenance of the sign and care of, the last thing we need is a sign that starts to deteriorate over time when nobody takes ownership of it or maintenance of it and if ownership or conditions change that no longer requires a sign that the sign would be removed when no longer needed. He said it would be interesting to see if it actually draws new business or has an impact and the utility poles need to be addressed.

The board discussed the utility poles.

Mr. Lamanna said if they are on the golf course property they can be asked to take them down.

Mr. Wolfson said as long as they are not violating any utility right-of-way.

Mr. Lamanna said they were temporary poles that were put up by the utility company.

Mr. Lewis said we have a lot of businesses in Bainbridge Township and some of them are affluent and some of them are holding their own and some of them are struggling and for various reasons they would all like more of everything to promote and enhance and make their businesses more successful but from his point of view, this is just another business in town and the sign is to promote the business and quite frankly if the success of this golf course or the failure of it was not linked to the three or four or five hundred homes in Tanglewood and their property values, he thinks he would have walked away from this conversation three or four months ago. He said he does not necessarily think that this request is 100% appropriate but there are awkward consequences for a lot of our other residents that are tied to this golf course. He said that is probably his philosophical view point on it, the practical matter of it is that the board has to deal with this tonight.

Ms. Endres said there is a provision for the temporary sign for 37 days for a non-residential use that currently can be 16 sq. ft. in size and 4 ft. in height.

Mr. Lamanna said he can put it up on his own property.

Ms. Endres said they can get a temporary sign permit for 37 days.

Mr. Lamanna said it still has to be 12' from the right-of-way and it is for special events.

Mr. Wolfson said it would be for members, guests and tournaments.

Ms. Endres asked Mr. Wolfson where he wanted to put the temporary sign.

Mr. Wolfson said right at that spot and what he is hoping that the local department of transportation tells him to go ahead.

Ms. Endres said she doesn't know if she can tell him it is okay to put it in the ODOT right-of-way.

Mr. Wolfson said he has to get their permission and they are not going to do anything for him unless he can get township permission.

Mr. Frezel said so it is contingent again upon ODOT approval.

Mr. Lamanna said the board cannot do a temporary sign, that is not the matter before the board. He asked if there are any issues on the fact that it is a second sign and the board has given variances for second signs.

Mr. Gutoskey said he doesn't have an issue because there are 200 acres.

Mr. Lamanna asked how about the size of the sign.

Mr. Lewis said the actual square footage of each sign is 5' x 8' so it is 40 sq. ft. times two.

Mr. Murphy asked if it has to be 8' high, do you need that 3' underneath it.

Mr. Frezel said it probably could be lowered a few inches.

Mr. Wolfson said it is a little complicated because it is not level, it is a little higher on one side and lower on the other.

Mr. Gutoskey said when they do sight distance calculations they use line of site by 3'.

Mr. Frezel said basically the sign is 7' off the road at the top.

The board discussed the size of the sign.

Mr. Frezel said it is 78" on the leading edge and there is still enough clearance for the snow at that point.

Mr. Murphy asked how far off of the asphalt does snow throw.

Mr. Gutoskey said if it is 19' off the pavement, there is probably not an issue there.

Mr. Lewis asked if the board is dealing with the temporary sign request.

Mr. Lamanna said no it is not on the agenda.

Mr. Lewis said they are trying to go after a permanent sign approval with preliminary approval from the township and then to ODOT.

Mr. Lamanna said subject to getting approval from ODOT.

Mr. Lewis asked what we did as far as lowering the overall height of the sign.

Mr. Lamanna said it will 6.5' on the roadside and level off to existing grade. He also said they have to maintain the sign in serviceable condition.

Mr. Murphy said per the conditional use permit if in five years it does not change the number of games per year, would it do any good to take it down.

Ms. Endres said they were in a little while ago for the golf cart building.

Mr. Lamanna said the board can include this as part of the conditional use for renewal in five years and tell us the sign is doing some good and the board can revisit it to decide whether it is an issue or not.

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

Motion BZA 2014-4 – 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive (Tanglewood Country Club/Golf Course))

Mr. Lamanna made a motion to grant the applicant a conditional use permit to add a second sign to the Tanglewood Country Club with a variance for a second sign.

1. The sign is to be a 5' x 8' sign as shown in the drawings submitted with the application with the change of 3' 0" distance from the sign to the ground will be reduced to 18" on the sign from grade on the side closest to the road with the other side to be whatever is appropriate to maintain the level added to the sign.
2. The board will also note that it will allow the sign to be within the road right-of-way provided that the applicant shall obtain from the Ohio Department of Transportation their agreement that they can place the sign in that location and no zoning certificate will be issued until such time as they present that approval to the zoning secretary.

With the following condition:

1. As a condition for placing the sign at that location that the applicant has requested in the application, the sign will be maintained in a serviceable condition while it is located there.
2. The sign will be under the conditional use for a period of five years from the date of the final approval of the board's minutes and at which time the applicant will have to come back and demonstrate that the sign is not causing any issues and providing an actual benefit to the course.
3. In addition to improving the aesthetics in the area, two abandoned poles located on the golf course property will be removed if they are actually on the golf course property.
4. There shall be no artificial lighting on the sign.

Motion BZA 2014-4 – 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive (Tanglewood Country Club/Golf Course - Continued

Based on the following findings of fact:

1. The second sign variance was granted because the golf course is a huge and large operation covering hundreds of acres so it is appropriate to have a second identifying sign on the course.
2. The actual sign proposed is primarily background and has only limited actual writing on it so it will not be adverse to the character of the neighborhood.
3. Because of the vast expanse of open area in which it is placed, the total size of it will not be unreasonable and will not seem out of proportion.
4. The actual lettering size at about 6.5” is very reasonable in size for readability and is not unduly excessive for that purpose.

Mr. Gutoskey seconded the motion based on due to the nature of the golf course and the value it brings to the homeownership in the subdivision it is necessary to keep those home values up.

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

Since there was no further testimony, the public hearing was closed at 10:50 P.M.

Respectfully submitted,

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

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

Date: July 17, 2014

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:50 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Mark Olivier was absent. Ms. Karen Endres, Zoning Inspector was present.

Application 2014-12 by Carl (Ed) Speck for property at 8440 Lakeshore Drive - Continuance

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District. *(The applicant is requesting an amendment to the minutes to reflect an 8' x 12' shed instead of an 8' x 10' shed that was originally requested.)*

The applicant requested that the board amend the motion to reflect an 8' x 12' shed instead of an 8' x 10' shed.

Motion BZA 2014-12 – 8440 Lakeshore Drive

Mr. Lamanna made a motion to modify the former motion accordingly to reflect a variance for an 8' x 12' shed instead of an 8' x 10' shed at the request of the applicant.

Based on the following findings of fact

1. It is such a de minimis change that it does not change the board's decision in any way.

Mr. Lewis seconded the motion.

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

Secretary's note: The minutes for May 15, 2014 will be amended for BZA 2014-12 based on the board's action tonight.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the May 15, 2014 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for July 17, 2014

Application 2014-20 by Gordmans, Inc. for property at 7605 Market Place Drive

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

Application 2014-21 by Joe Trende for property at 18766 Snyder Road

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

Application 2014-22 by De'Chella M. Woodruff for property at 8502 Pilgrim Drive

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

Application 2014-23 by Alan & Susan Runo for property at 7977 South Riverside Drive

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for July 17, 2014 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 11:30 P.M.

Respectfully submitted,

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

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

Date: July 17, 2014