

Bainbridge Township, Ohio
Board of Zoning Appeals
June 20, 2002

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:39 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis and Mr. Donald Takacs. Mrs. Ellen Stanton was absent.

EXECUTIVE SESSION

Mr. Lamanna moved that the Bainbridge Township Board of Zoning Appeals go into executive session to consider legal matters relating to the adoption of minutes.

Mr. Takacs seconded the motion. Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Takacs, aye.

The board of zoning appeals recessed its meeting at 7:40 P.M. in order to go into executive session to consider legal matters relating to the adoption of minutes.

The board of zoning appeals returned from executive session after considering legal matters relating to the adoption of minutes and reconvened its meeting at 7:57 P.M.

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

The following matters were then heard:

Application 2002-2 by Mary A. Briggs for property at 16790 Bedford Street (Continuance)

The applicant is requesting area variances for the purpose of constructing an agricultural building incidental to an agricultural use. The property is located in a R-3A District.

Motion BZA 2002-2 – 16790 Bedford Street

Mr. Lamanna made a motion to accept the withdrawal of this application at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2002-26 by Ivan Jozef Inc. for property at 16381 Chillicothe Road
(Continuance)

The applicant is requesting a use variance for the purpose of establishing a health and beauty spa. The property is located in a R-5A District.

Mr. Tom Reitz, Attorney was present to represent the applicant and Ms. Laura Pavlik, Court Reporter was in attendance for the applicant.

Mr. Reitz submitted a copy of a recent case from the Court of Appeals of Ohio, Eleventh District, Portage County regarding an appeal for a non-conforming use once legally established throughout the entire property. He thanked the board for their time and consideration.

The board reviewed the case from the Eleventh District Court of Appeals.

Mr. Lamanna stated that the existing Bainbridge Township code addressed all these issues and all other modifications and changes to non-conforming uses. He said although these cases are intriguing, it does not really change anything under the statute.

The public hearing portion was closed at this time.

Further discussion followed.

Mr. Reitz asked if the board was aware that two applications were filed, one for the substitution of a non-conforming use and one for a use variance.

Mr. Lamanna reviewed the applications that were submitted and said there is a notice of appeal for a use variance.

Mr. Reitz said he filed for a zoning certificate and a notice of appeal and if he is mistaken about that he will certainly re-apply.

Mr. McIntyre explained that when a variance is requested, both applications are taken in, one for a zoning certificate and one for a notice of appeal.

Mr. Reitz stated that in the first application, he made a request for a substitution of a non-conforming use and the second application is to request a use variance.

Mr. Lamanna said the board has an application for a use variance but nowhere does it indicate an application for a substitution of a non-conforming use.

Mr. Reitz said he referred to it in a letter that was attached.

Mr. Lamanna told Mr. Reitz he is free to re-file.

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

Motion BZA 2002-26 – 16381 Chillicothe Road

Mr. Lamanna made a motion to make the following findings of fact and conclusions of law:

1. The applicant's notice of appeal references only an application for a use variance, it does not reference the specific section of the zoning ordinance with respect to substitution of non-conforming uses and therefore the application and the testimony presented by the applicant will be only considered on that basis. The applicant of course is free to re-file an application for a substitution of a non-conforming use in accordance with the normal procedures under the zoning ordinance.

Mr. Lamanna made a motion to deny the application for a use variance.

Based on the following findings of fact:

1. This property is a pre-existing, non-conforming use under the provisions of Chapter 169.08.
2. There is a possibility of substitution of further non-conforming uses under the provisions provided in that section. Because of that, the applicant has other opportunities and has not factually demonstrated that there are not other uses or businesses that would fit within the substitution of non-conforming use that are available and therefore could result in a reasonable return for the property and therefore no unnecessary hardship has been demonstrated.
3. Granting this variance would be contrary to the zoning code and the public interest because it would contravene the provisions of Chapter 169 regulating pre-existing non-conforming uses and the enforcement of the requirement to provide a substituting non-conforming use would not be an unnecessary hardship.
4. Furthermore, the granting of a use variance would be contrary to the general purposes of the zoning regulations.

Mr. Takacs seconded the motion.

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

Application 2002-29 by Steven B. Huckabee for property at 7087 Rocker Avenue

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

The zoning inspector's letter dated June 13, 2002 was read and photos of the site were submitted.

Mr. Steven Huckabee was present to represent this application.

Mr. Huckabee testified that he would like to extend his garage because he owns a 1950 Mercury, 1959 Jaguar and a 1964 Chevrolet Impala and he also needs storage for his tractors, bobcat and bulldozer because his father had a construction company and he wants to be able to service the cars and the equipment. He showed the board photos of other garages in the neighborhood and said most of those garages are bigger than the one he is trying to build.

The board viewed Mr. Huckabee's photos.

Mr. Huckabee stated that he obtained signatures of all the people in the neighborhood and they had no problem with him building a garage and added that he did not run across one person that had a problem with him building the garage.

Mr. Lamanna asked what is to the left of the garage.

Mr. Huckabee replied by saying nothing, but Habitat for Humanity has three lots and were unable to build, so it is just a wooded area.

The board reviewed the site plan.

Mr. Kolesar asked how far from the street the proposed garage will be.

Mr. Huckabee said at least 10' or maybe more and said his brother drew the plans up.

Mr. Takacs asked how wide the present garage is.

Mr. Huckabee said it is 25' across.

The board discussed the proposed setbacks.

Mr. Kolesar asked who the adjacent neighbor is to the proposed garage.

Mr. Huckabee said Habitat for Humanity owns the adjacent three lots and added that he tried to buy the property but they did not want to sell it.

Mr. Lamanna said there are five lots there.

Mr. Huckabee said he talked to all the neighbors and no one had a problem with it and the existing garage is new, there is nothing wrong with it.

Mr. Lewis said he would like to see it not go beyond the front of the house.

Mr. Lamanna asked how tall the current garage is.

Mr. Huckabee said the addition will be two feet taller for a little bigger garage door to get the tractor in there.

Mr. Lewis asked about the pitch of the house roof.

Mr. Huckabee said the garage addition will be pitched like the existing garage, but taller.

The board discussed the height of the house and the proposed garage and the distance from the street.

Mr. Lewis asked about the proposed side wall height.

Mr. Huckabee said that his brother is going to build it for him so he cannot tell what the height will be, but it will be a little bigger than the one that is there so he can have a bigger door.

Mr. Lewis asked Mr. Huckabee what he was going to do with the garage door on the old section.

Mr. Huckabee said he is going to leave it on.

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

Motion BZA 2002-29 – 7087 Rocker Avenue

Mr. Lamanna made a motion to grant the following variances for the purposes of constructing a garage addition.

1. A variance from the required front yard setback of 100' to 28' for a variance of 72'.
2. A variance from the total maximum lot coverage of 10% to 31.8% for a variance of 21.8%.

The board notes that after further review of the drawings, that with the variance granted, the applicant's structure will be behind the front yard line as established by the principal dwelling so there is no further issue with that aspect of the zoning code.

Based on the following findings of fact:

1. A practical difficulty exists. The applicant has a 100' x 100' lot. It would be impractical for him to be able to build anything on that lot and maintain the 10% lot coverage.
2. The total lot coverage being granted is consistent with that lot coverage of other properties in the neighborhood, likewise the structure being contemplated is consistent in size and bulk with other structures in the neighborhood and height and size with the existing dwelling and the existing garage.
3. There should also be sufficient available setback on the adjacent property so that the construction of this garage addition will not adversely affect the adjacent property and not adversely affect the neighborhood due to the fact that this construction is consistent with other structures in the neighborhood and density of development within this neighborhood.

Mr. Takacs seconded the motion.

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

Application 2002-30 by Fifth Third Bank (Dennis Green) for property at South East Corner of East Washington St. & Park Circle Drive (8355 E. Washington Street)

The applicant is requesting area variances for the purpose of constructing a bank. The property is located in a CB District (Convenience Business).

The zoning inspector's letter dated June 13, 2002 was read and photos of the site were submitted.

Mr. Frank Barnett of GSI Architects, Ms. Cristina Vilas of GSI Architects, Mr. Dale Burrier of Cawrse and Associates and Mr. Scott Cichra were present to represent this application.

Mr. Barnett testified that they proposed to put the bank on the old dilapidated gas station and said there will be five drive-thrus, 28 parking spaces, 40% lot coverage and 60% will be wooded. He explained the setback lines and said they are proposing not to park cars in the front of the building because they were told that is undesirable. He continued by saying that they require variances from the setbacks because of it being a corner lot and they asked for an additional curb cut on E. Washington Street to move the cars around back for safety and traffic flow and because of a safety factor at night the signage is another issue and on the next case. He said the building will be one story, the north side faces E. Washington Street, the east faces Park Circle Drive, the west to Chagrin Falls and the south faces a wooded area.

Mr. Lamanna asked if it will be landscaped between the parking lot and Park Circle Drive.

Mr. Barnett replied yes, it will be landscaped.

Mr. Dale Burrier testified that they will return the vegetation and provide screening for the cars parked along Park Circle Drive, there will be less grading for erosion and they will have some clearing in the back for safety reasons.

Mr. Takacs asked about the drive located in the front.

Mr. Burrier said it is just a drive.

Mr. Takacs asked if the drive will be used to walk or to drop people off.

Mr. Scott Cichra explained the traffic flow area.

Mr. Takacs asked how the drive in front will be used.

Mr. Barnett said it will be used so people won't have to drive around back.

Mr. Lamanna asked how the parking lot will be screened.

Mr. Burrier explained the landscaping and grading.

Mr. Barnett showed a photo of the site.

Mr. Lewis asked how the traffic will be managed to the exit and said his thoughts are that there is a potential conflict going on there and said you are inviting a very confusing traffic situation unless you put a sign that says "No Right Turn".

Mr. Cichra said there is a minimum of nine to ten employees and they will park on the eastern side.

Mr. Lewis said he sees a blind turn and someone will make a right turn into people exiting the eastern driveway.

Mr. Lamanna said that drive is a little close to the intersection.

Mr. Takacs referred to the front drive (u-turn) and said he does not see a lot of benefit to that.

Mr. Cichra said that could be made for one-way traffic.

Mr. Lewis asked if it will be used for the ATM at the front door.

Mr. Cichra replied no.

Mr. Burrier said someone could let a disabled person off there.

Mr. Lewis explained his concern about dropping people off in the front because there is no place to park and they will have to go back out onto the highway and loop around.

Mr. Cichra explained the ATM and drop-off location at the corner of the building.

Mr. Burrier said a stop sign could be installed.

Mr. Lamanna suggested using a sign that says "all parking this way" or one for "additional parking" and said the key thing is so all the people will know where to park.

Mr. Takacs asked about the dumpster area.

Mr. Barnett explained the brick wall screening for the dumpster.

Mr. Takacs asked about the lighting.

Mr. Burrier said the site lighting is shown on the working drawings, it will be over the doors as well as ground (up-lighting) in front of the building.

Mr. Lewis asked if down-lighting is specified.

Mr. McIntyre said the lights meet the requirements in the zoning resolution and will be full cut-off.

Mr. Takacs asked if there will be no spill-over.

Mr. McIntyre replied yes. He also added that the EPA has issued a “no further action” on this site.

Mr. Takacs asked if the tanks are out.

Mr. McIntyre replied yes.

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

Motion BZA 2002-30 – 8355 E. Washington Street (Fifth Third Bank)

Mr. Lamanna made a motion to grant the requested variance to the front yard setback requirements facing Park Circle Drive from 70’ to 24’ 8” for a variance of 45’.

Based on the following findings of fact:

1. A practical difficulty exists due to the parallelogram shape of this lot and the narrowness of the lot and the fact that it faces upon two streets would be impractical to be able to use the lot for a commercial structure and maintain the full setback.
2. The applicant has not placed the parking in front of the building facing E. Washington Street but has rather moved it to the side facing the Park Circle Drive entrance to the industrial area and therefore by moving it to this location it has improved the overall usage of the lot and improved the visibility and the attractiveness of the front of the building so as to minimize the effect upon any adjacent property owners.

Motion BZA 2002-30 – 8355 E. Washington Street (Fifth Third Bank) - Continued

3. With respect to the area in front of that parking area and Park Circle Drive, the applicant is going to use the existing trees to the maximum extent possible and where consistent with those use of the trees, will provide berming and other shrubbery to screen those parking areas from Park Circle Drive.
4. The board also notes that the applicant has agreed to relocate the front drive nearest to Park Circle Drive by the 17' required to make it 100' from the existing intersection and that small relocation does not really change the overall structure and flow of the traffic getting in and out of the property or otherwise change the configuration or coverage on the property.

Mr. Takacs seconded the motion.

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

Application 2002-31 by Fifth Third Bank (Dennis Green) for property at South East Corner of East Washington St. & Park Circle Drive (8355 E. Washington Street)

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

The zoning inspector's letter dated June 13, 2002 was read and photos of the site were submitted.

Mr. Mike Bizjak of Brilliant Electric Signs and Mr. Scott Cichra were present to represent this application.

Mr. Bizjak testified that they are not requiring a sign for the rear elevation.

Mr. Cichra testified that the back of the lot is wooded so there is no reason to have a sign back there.

Mr. Bizjak stated that many of the signs are lane markers, four drive-thru teller lanes, one ATM lane and said this is not quite as large of a package as it appears. He said they will have three wall signs and a ground sign and added that the building is not parallel to the road so it makes it difficult.

Mr. Takacs asked if there are only three wall signs.

Mr. Bizjak replied yes, they removed the proposed sign at the rear of the building.

Mr. Takacs asked if there are going to be four Jeanie signs.

Mr. Cichra said they are drive-thru signs that say they are open or closed.

Mr. Bizjak said the last one is the ATM sign that is not visible from the actual street, the enter and exit signs are directional signs and need another variance because there is advertising on them.

Mr. Takacs said there is no need for advertising on the exit and enter signs.

Mr. Lamanna said there may be a need on the enter sign but not the exit sign.

Mr. Lewis said the vast majority of the customers will be locally based people and after they are there once, they will know where the bank is.

Mr. Bizjak said the people coming from Park Circle Drive don't need identification on the back, only on the enter sign.

The board talked about the rear and west side wall signs.

Mr. Bizjak said he thinks the west sign is important and said he is unclear of the measurement standards.

Mr. McIntyre said the sign is measured as one rectangular box.

Mr. Bizjak said his company has consistently done it in a square box. He said the box extends up above the Fifth Third logo and if looking at the actual sign it is 19.5 sq. ft. not 30 sq. ft. He presented photos of another bank in Parma with the same lettering.

Mr. Takacs asked where the ground sign will be placed.

Mr. Bizjak said it will be placed 22' from the pavement in the middle area.

Mr. Cichra explained the open and closed signs on the drive-up windows.

Mr. Takacs asked where the four directional signs with the advertising are located.

Mr. Bizjak said there will be two at each entrance.

Mr. Takacs said there are three entrances.

The board discussed the enter and exit signs at the driveways.

Mr. Bizjak said the bank would like to have one at both sides of each driveway in case a car would stop and block one of the signs.

Mr. Lewis asked if they won't see the sign on the building.

Mr. Bizjak said it is important to have a sign on each side of the driveway because they won't see the sign on the building.

Mr. Lamanna asked if there will be one way in and one way out.

Mr. Cichra said there will be one enter and one exit.

Mr. Lewis asked if the drive will be paint striped with two lanes.

Mr. Barnett replied yes.

Mr. Bizjak said there won't be logo on the enter and exit signs.

The board reviewed the signs and square footage requested and the elimination of the sign off the west side of the building.

Mr. Cichra said we will keep the east and north elevation signs.

Mr. Bizjak said the logo box is 3' x 3' or 9 sq. ft. and suggested putting a logo sign on the east wall only.

The board discussed the calculations for the signs requested.

Mr. Takacs asked if the signs will be illuminated.

Mr. Bizjak stated that the wall signs, the Jeanie signs and the ground sign are lit and the wall signs are halo-illuminated letters meaning that the light actually shows back on the wall from within the letter that creates a halo around the letters.

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

Motion BZA 2002-31 – 8355 E. Washington Street (Fifth Third Bank – Signage)

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

1. The applicant has requested a ground sign for a total of 28.75 sq. ft. per face (a total of 57.5 sq. ft.) therefore the board grants a variance of 7.5 sq. ft. for the ground sign (3.75 sq. ft. variance per face).

Motion BZA 2002-31 – 8355 E. Washington Street (Fifth Third Bank – Signage) - Continued

2. A variance for a directional sign on Park Circle Drive with a 4 sq. ft. per side advertising logo box for the bank.
3. A variance for two wall signs of 59 sq. ft. each.
4. A variance for a 9 sq. ft. logo sign.
5. A variance for a 1 x 3 sq. ft. Jeanie sign for a total signage of 195.5 sq. ft. which is a variance of 32.4 sq. ft.

Based on the following findings of fact:

1. It is a small variance to the permitted signage because this particular property is located on a corner lot.
2. There is a need for additional signage to make it visible from the secondary side street and furthermore because of the nature and orientation and structure of the way these signs are laid out, the actual sign area is somewhat smaller than that which is calculated using the standard calculation method set forth in the zoning ordinance, therefore the actual area occupied by the signs is within that permitted by the zoning ordinance.
3. This signage is consistent with the signage in the area and will not adversely impact any of the adjacent property owners.

Mr. Takacs seconded the motion.

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

Application 2002-32 by The Fellowship Bible Church for property at 16391 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of constructing an addition. The property is located in a R-5A District.

The zoning inspector's letter dated June 13, 2002 was read and photos of the site were submitted.

Mr. Robert Zarzycki of Zarzycki-Malik Architects, Inc., Mr. Doug Flood, Associate Pastor of Fellowship Bible Church and Mr. Bob Nosal, member of the church were present to represent this application.

Mr. Zarzycki presented to the board a master plan including Phase II, but testified that they are today, asking for the 20,000 sq. ft. addition which will house a new worship space to seat 640 people. He showed the board, on the site plan, the existing building, the proposed addition and the addition to the parking lot. He said the need is dictating that we add some parking because it is 90% full now and said they don't need a variance at this time, just a conditional use permit. He said Mr. McIntyre is concerned about screening and referred to the Federated Church. He continued by saying that they built a berm and the parking will be 4' below that and we have blockage or screening. He presented a rendering of the existing building and proposed addition.

Mr. Lamanna asked about the height.

Mr. Zarzycki said the height will be 34'.

Mr. Lamanna said the height will be similar to the Federated Church and asked if it will tie into the existing roofline.

Mr. Zarzycki replied yes.

Mr. Lamanna asked what is the property in the front.

Pastor Flood testified that it is a separate tract owned by the church and said it is a five acre parcel that the church finally bought.

Mr. Takacs asked if someone from the church is using the house up front.

Pastor Flood said one person uses it for an office and the decision to tear it down has not been made, they will decide that after the addition to the church is done.

The board viewed photos of the site.

Mr. Zarzycki showed the board a site plan of the existing berm.

Mr. McIntyre supplied the board with a GIS aerial photo of the property.

Mr. Lamanna asked what will be between the parking and the side yard.

Mr. Zarzycki said it is heavily wooded.

Mr. Lamanna suggested that they don't light that part of the parking area.

Mr. Lewis asked if their existing parking lot has lights.

Mr. Zarzycki replied yes.

Pastor Flood said they would not say they never would have a full parking lot at night.

Mr. Lamanna said when the activity is over the lights should be turned off.

Mr. Zarzycki said that is a reasonable request.

Mr. Nosal testified by explaining the main parking lot and the secondary parking lot is used on Sundays.

Mr. Lamanna suggested cutting off the eastern third portion to gain another 25' of separation and they would only give up a few parking spaces.

Mr. Lewis said for seven months of a year, you have no screening.

Mr. Lamanna said the church could install a berm with evergreens because for a typical church, 80% of the time, there are no cars there anyway.

Mr. Zarzycki said they prefer not to give up the parking spaces but could add berming along there.

Mr. Lewis said it is 35' off the property line, so a berm with evergreens should be installed there.

Mr. Lamanna said the site plan is showing a future expansion and it may be an issue or could raise some potential issues with the homeowners directly behind it.

Mr. Kolesar asked if the neighbors were notified.

Mr. McIntyre said the homeowners association for Lake in the Woods was notified.

Mr. Lamanna asked about the entrance and exit.

Mr. Zarzycki said there is one in and two out.

Mr. Nosal said it is newly striped.

Mr. McIntyre said his office is curious about the proposed use of the existing concrete building.

Pastor Flood said the church has not made a decision on that.

Mr. McIntyre said the township has had headaches with that building in the past and if it were taken down, it would increase the green space and would be greatly appreciated.

Mr. Lamanna said it would help to get rid of that.

Pastor Flood said they would be willing to trade it for a permit for any future expansion.

Mr. Lewis asked what is stored in that building.

Pastor Flood said they store records and seasonal decorations.

Mr. Takacs asked how much room is in the house.

Pastor Flood said only 1,100 sq. ft.

Mr. Lewis asked if storage provisions were made in the proposed addition.

Mr. Zarzycki said there is more storage in the future expansion because people would rather have a new sanctuary than storage space.

Mr. Lamanna asked if they are going to remodel the existing sanctuary area.

Pastor Flood said yes it will be made into a meeting room and office space.

Mr. Zarzycki said most of the spaces are already assigned but said they are proposing some storage.

Mr. Lamanna said this would be an opportunity to remove the old building.

Mr. Zarzycki asked the board if they would settle for a temporary paint job.

Mr. Lewis asked about the construction schedule.

Mr. Zarzycki said they would like to start next spring and a year from that for completion.

Mr. Takacs said in two years the board would like to see the concrete building down.

Mr. Kolesar said that two years is reasonable.

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

Motion BZA 2002-32 – 16391 Chillicothe Road

Mr. Lamanna made a motion to grant a conditional use permit for the purposes of constructing additional parking and additional worship space as shown on the applicant's drawings.

With the following conditions:

1. The board does note that all of the mandatory conditions of Chapter 117.13 of the zoning resolution will apply to this conditional use.
2. As a further condition, in the granting of this conditional use in order to minimize any adverse impact on the adjacent property owners, the applicant will provide a berm landscaped with an evergreen treed area between the southeast corner of the proposed parking addition, running along the back lot line of the existing residential lot in Lake in the Woods for the purposes of screening the parking lot from that existing residence.
3. The existing small structure on the south side of the property in front of the proposed parking lot will be removed within two years of the date of this meeting.
4. Any lighting on the parking lot extension will be controlled and will be turned on only at such times as is necessary to use that parking lot for events taking place at the church.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 10:00 P.M.

Respectfully submitted,

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

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

Date: July 18, 2002

Bainbridge Township, Ohio
Board of Zoning Appeals
June 20, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis and Mr. Donald Takacs. Mrs. Ellen Stanton was absent.

Minutes

Mr. Lamanna made a motion to approve the minutes of the May 16, 2002 meeting as written.

Mr. Lewis seconded the motion.

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

Mr. Lamanna made a motion, because of certain questions that have been raised about the proper procedure for adopting the minutes of the board of zoning appeals, the board has decided without admitting that any of its prior actions were improper or without effect, to readopt the minutes for the following meetings: January 18, 2001; February 15, 2001; February 28, 2001; March 15, 2001; April 19, 2001; May 17, 2001; June 21, 2001; July 19, 2001; August 16, 2001; September 20, 2001; October 18, 2001; November 15, 2001; December 20, 2001; January 17, 2002; February 21, 2002; March 21, 2002; April 18, 2002.

Mr. Takacs seconded the motion.

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

Resignation

Mr. Kolesar announced his resignation from the Bainbridge Township Board of Zoning Appeals effective June 22, 2002. Mr. Lamanna thanked him for a job well done and stated that he was a good addition to the board.

Applications for next meeting

Application 2002-32 by The Fellowship Bible Church for property at 16391 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of constructing an addition. The property is located in a R-5A District.

Application 2002-33 by JGD Associates Inc. for property at 8501 East Washington Street (Shell Fueling Station)

The applicant is requesting a conditional use permit for the purpose of remodeling. The property is located in a CB (Convenience Business District).

Application 2002-34 by Daria Mooney Saks for property at 8740 Tanglewood Trail

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

Application 2002-35 by Christina L. Petti for property at 7777 Lori Lane

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

Application 2002-36 by Timothy and Rhonda Savage for property at 8221 Valley Drive

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

Application 2002-37 by Luigi Oppedisano for property at 9575 E. Washington Street

The applicant is requesting a use variance for the purpose of constructing mini-storage buildings. The property is located in a R-5A District.

Application 2002-38 by McMillon Construction Inc. for property at 16776 Elyria Street

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

Application 2002-39 by Thomas B. Herbruck for property at 7150 Country Lane

The applicant is requesting area variances for the purpose of constructing a barn. The property is located in a R-5A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for July 18, 2002 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:25 P.M.

Respectfully submitted,

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

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

Date: July 18, 2002

