

Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 19, 2007

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:38 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Donald Takacs was absent. The following matters were then heard:

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 2007-18 by James B. and Diane S. Thomas for property at 7945 Country Lane – Continuance

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

Mr. James Thomas and Mr. Steven Gruen were present to represent this application.

Mr. Lamanna noted that this is a continuation of this hearing.

Mr. Thomas testified that it was left the last time that the board was going to consult with the National Fire Code and talk to Amerigas for possible alternate locations for the propane tank.

Mr. Lamanna said he did not know if the board was going to talk to Amerigas or not.

Mr. Murphy stated that Mr. Thomas was going to come back because the board wanted more information about the safety involved with locating a tank like that within certain distances of a shed and property line etc. and even without Amerigas here, the board has new information from the Fire Department about certain rules and regulations about the location of tanks.

Mr. Thomas asked if the Fire Department does have guidelines on the tanks.

Mr. Lamanna said there are NFPA guidelines on the tanks, applicable fire codes in Ohio among which there are some specific requirements that it must be more than 25' from any structure, public way or lot line of an adjoining property and that is in the Ohio Administrative Code with respect to fire codes in the State of Ohio. He said it is stated in there that some things are incorporated by reference and others are actually spelled out in the fire code.

Mr. Gruen asked if that is because of the size.

Mr. Lamanna said it is dependent upon the size and 501 gallons to 2,000 gallons is 25'.

Mr. Lewis said Amerigas should have been aware of that.

Mr. Gruen testified that they contacted Amerigas several times and they never experienced this problem anywhere else in the township and they were just as surprised as we are.

Mr. Lewis said that is Ohio code.

Mr. Lamanna said that is the fire code.

Mr. Gruen said after the last meeting they went over to the fire department and talked to the Chief and they did not have any requirements and then asked about the 0 gallons – 500 gallons.

Mr. Lewis said that is 25' and there are multiple breakdowns that are 125 – 250 gallons, 251 – 500 gallons and different sizes have different separations from lot lines and structures but under no circumstances, regardless of the tank, is there ever one immediately adjacent to a structure, there is always a separation, the same with the lot line.

Mr. Gruen asked about the separation for a 500 gallon tank.

Mr. Lamanna said it would be 10'.

Mr. Gruen said technically they would fall under the lines of a 500 gallon tank.

Mr. Olivier said it is pretty close to the shed.

Mr. Gruen said they measured it again before they left and he thought someone from the board was going to try to drive by to view the lot.

Mr. Murphy said he drives by it everyday and asked how far the tank is from the shed.

Mr. Gruen said it is 10' for sure and the other one is 10' from the line.

Mr. Murphy asked about the fence.

Mr. Jeffrey Snedeker testified that the fence is 12" inside his property line.

Mr. Gruen said it will be within an inch.

Mr. Lewis said that is meeting the conditions of the Ohio Fire Code and the board also has to apply the township regulations as well.

Mr. Lamanna said there are two separate things and one is the fire code regulations and one is the zoning regulations.

Mr. Gruen said they can meet the fire code.

Mr. Lamanna said the fire code has to be met.

Mr. Lewis said his understanding is the larger tank was to offer an economical benefit to the applicant because of less delivery charges by the vendor, so now we are going back to a smaller tank which negates the reason to go into a bigger tank in the first place.

Mr. Thomas said there was more than one reason, that was one of the benefits of it, but the other reason was, that is what Amerigas had recommended so that there would not be too many deliveries coming up and down that street.

Mr. Lewis said he understands that but garbage collection services are up and down that street frequently as are the many other services offered, a gas delivery truck making one delivery per week or two deliveries per week or whatever their increments are does not exactly put a hardship on the neighborhood streets.

Mr. Olivier said a 500 gallon tank would have to be 100' from any side or rear lot line per the township zoning requirements.

Mr. Gruen asked if that is a cosmetic issue or a safety issue.

Mr. Murphy said it would be a safety and health issue.

Mr. Olivier said the applicant needs to demonstrate to the board that the tank has to be in that location with 500 gallons inside the 100' setback that is required and if there are other suitable locations that are 100' from the property line, why would those locations not be chosen.

Mr. Gruen said there would be a 100' setback anyway. He asked if the photos the board was looking at were the township photos or if they belonged to someone else or if zoning took those photos.

Mr. Shane Wrench, Assistant Zoning Inspector testified that he received them from the neighbor.

Mr. Gruen said depending upon what angle the photo is taken from, it is a big difference and that is why he thought when they were here the last time somebody was going to try to make an attempt to look at it because they were willing to try to relocate the tank.

Mr. Lewis said the primary delay last time was based on the status of the fire code before the township zoning regulations were applied so the board would not create a conflict with the State of Ohio's code. He said the board has the documentation on the standards for the State of Ohio which sets up a basic set of standards and the board now needs to take those and apply the township zoning laws to it so we can make sure the township is not in conflict with the fire code, so those were the two ingredients. He said the vendor in this case, whether it is Amerigas or anybody else still needs to place a tank in compliance with both sets of codes.

Mr. Gruen said the board needs to keep in mind that when the tank was set it was not about over-stepping the code, it was about Amerigas saying this location would be fine and that is why it is there.

Mr. Lewis said he understands, it was not a deliberate move, but in this case it is a non-conforming move or placement that needs a remedy.

Mr. Gruen asked if a 100' side yard is required.

Mr. Lamanna replied yes.

Mr. Olivier said yes on a size not exceeding 500 gallons.

The board reviewed this application and information regarding propane tanks.

Mr. Murphy referred to a letter from Assistant Fire Chief William Lovell to Zoning Inspector Frank McIntyre and asked Mr. Gruen and Mr. Thomas if they have seen the letter.

Mr. Gruen and Mr. Thomas replied no.

Mr. Murphy stated that the letter lists the fire codes, what is and is not allowed and that this should be put into the record. He added that a 1,000 gallon tank is not prohibited but there are certain distances that have to be met and per the letter, this tank does not conform to many of these standards and should be corrected immediately. He also said that the Assistant Chief stated a possible solution would be to bury this thing and by burying it the minimum distance it is no longer 25' it is 10' but he is not sure if the zoning regulations apply to that or not and part of that may be an issue of the neighbors as well as everything else that the fact that there is a giant white tank outside their kitchen window which would also be alleviated by that.

Secretary's note:

The letter from Assistant Fire Chief William Lovell, dated June 8, 2007 states the following:

“Dear Mr. McIntyre,

I have reviewed the concerns in respect for the 1,000 gallon LPG above ground storage tank on the property at 7945 Country Lane and have the following comments:

- 1) The fire code allows single containers less than 2,000 gals. (Even in heavily populated or congested areas) providing the following standards are met:
  - a) The above ground container is more than 25 feet from any structure, public way or lot line of adjoining property that can be built upon.
  - b) The above ground container is not located in an area prone to flooding.
  - c) The above ground container is not located in an area that can have contact with electrical power lines.
  - d) The above ground container is a minimum of 10 feet from weeds, brush, trash and other combustible materials that could contribute to fire spread.
  - e) Collision Barrier Protection is provided if the potential exists for motorized vehicles to come in contact with this container.
  - f) “No Smoking”, “Flammable Gas”, “Propane”, DOT Placards and other appropriate identification markings are clearly visible on the container.
  - g) The above ground container is equipped with the appropriated safety relief devices and installed in accordance with NFPA 58.
  
- 2) This above ground container does not conform to many of these standards and should be corrected immediately.

A possible solution would be to bury this tank. The minimum distance from a structure, public way or lot line would reduce to 10 feet and would address many other safety concerns if installed in accordance with NFPA 58 and the Ohio Fire Code.

Please contact me with any other concerns or questions.”

Mr. Gruen asked if the zoning department has come out and viewed it at all.

Mr. Wrench stated that Mr. McIntyre had gone out there with Assistant Chief Lovell, Fire Prevention Coordinator.

Mr. Lewis said to keep in mind that the fire department’s recommendations are based on fire code regulations so they are not an interpretation of the other element which is the zoning code regulations, so there are still two sets of standards.

Mr. Gruen said the 100’ thing.

Mr. Lewis said right.

Mr. Gruen asked if the possibility of burying that tank would undo the 100' side yard.

Mr. Lewis said it would satisfy the State of Ohio code, we would just have to at that point look at the zoning regulations to see if it would meet the standards there.

Mr. Murphy said the way the zoning reads is that it would be an allowable structure or permitted yard obstruction if it was an above ground gas tank not exceeding 500 gallons and not located in the front yard or within 100' of any side or rear lot line so the zoning does not actually specifically address it and it does not address necessarily an underground tank at all, it speaks only about an above ground gas or oil tank which would be a yard obstruction.

Mr. Lamanna said on a residential lot there are only certain permitted types of structures beyond the residence and there are certain accessory uses that are allowed which are storage buildings, utility buildings, swimming pools, tennis courts and a few other miscellaneous things.

Mr. Murphy said bus stops for kids are allowed.

Mr. Lamanna said technically a 1,000 gallon tank is not even a permitted structure on a residential lot.

The board discussed the sizes permitted and not permitted.

Mr. Gruen said that is the recommendation of the fire prevention gentleman.

Mr. Murphy said according to the Fire Prevention Coordinator, up to 2,000 gallon tanks are allowed by the State Fire Code as long as the requirements are fulfilled per the NFPA 58 and the Ohio Fire Code so right now it does not pass zoning and it does not pass state fire laws. He added that the board cannot really tell the applicant what to do.

Mr. Gruen said options are what they need.

Mr. Lamanna said this is not really a permitted accessory use in a residential district, so the applicant is not just asking for an area variance, he is asking the board to permit something that is not allowed by ordinance on a residential property.

Mr. Gruen said he is not sure what state or county it falls in but he still has to be able to get heat.

Mr. Lamanna said the township allows 500 gallon tanks.

Mr. Gruen said if they have to reduce it to a 500 gallon tank it is not a big issue, but then they will run into the 100' side yard problem and that is what they are trying to find a solution to, they are not trying to give the board a hard time.

Mr. Lamanna said the board is not trying to give Mr. Thomas a hard time either, we are just trying to understand, this board does not make the laws it just interprets them.

Mr. Lewis said without a dramatic set of variances it appears that it has got to be reduced to the 500 gallon tank and either put it 100 feet away or bury it.

Mr. Gruen said otherwise, file for variances for a 500 gallon tank.

Mr. Olivier said if it is inside a 100' setback and if it is closer than 100' to any property line, then they would need a variance and then it would have to be justified that there is no other feasible location for it.

Mr. Gruen said right and they were hoping that these photos were from the zoning department.

Mr. Lewis said it may not be in the location that the applicant would want to see it but there is room on the property to make the 100' requirements, it just might not be the most desirable location for the applicant which is the tricky part.

Mr. Gruen said that is going to be a trick because it is going to wind up on Chagrin Road and he does not think it would still meet the setbacks.

Mr. Lewis said there is an option because there is natural gas on the street. He said he is not talking about whether this is a choice with economics, it is a resource that is available.

Mr. Thomas said he does not have natural gas it is an all electric home.

Mr. Gruen said it is a cost factor because now having Amerigas it would cost major money to replace all of the equipment because the pool heaters cannot be changed over to natural gas, they would have to be replaced, they cannot be converted to natural gas so if you buy propane, you are stuck with propane etc. He said either way, a variance would be required.

Mr. Murphy said if the tank is buried, he is not sure the zoning would have anything to do with that.

Mr. Lamanna said if the tank is buried the fire codes would have to be met.

Mr. Gruen asked for a copy of the fire codes.

Mr. Lewis said it can't go over 500 gallons according to the township zoning but a 1,000 gallon tank could be buried and if buried, the criteria drops to 10 feet from a structure and 10 feet from a side yard under the fire code which puts the applicant in a position to not have to change the location and it also puts it out of the neighbor's site and it also would mean the applicant can stay with a 1,000 gallon tank which would get the economic and delivery efficiencies.

Mr. Murphy said the landscaped hedge could still be planted.

Mr. Lamanna referred to the site plan and asked about a certain area on it.

Mr. Gruen said that is the patio and explained the location of the tank and shed and added that the shed has nothing living in it. He said if the 1,000 gallon tank is buried, the party is over.

Mr. Shane Wrench, Assistant Zoning Inspector made copies of the Ohio Fire Code for Mr. Gruen and Mr. Thomas.

Mr. Lewis said when it starts talking about containers and installation, it refers to a table for above ground and below ground and that is what the board was looking at. He added that if a 500 – 2,000 gallon tank is buried, it will make fire code.

The board discussed burying the tank and the distance from the property line.

Mr. Lewis said this might be the most doable solution for everybody, the most cost effective and it will also allow the 1,000 gallon tank to be put where Mr. Thomas wants it. He said if this ends up to be the resolution, the gas tank vendor should have a copy of the fire code.

Mr. Gruen said he appreciates that.

Mr. Jeff Snedeker, neighbor, asked if the board got a copy of the letter they had submitted.

Mr. Lamanna replied yes.

Mr. Snedeker asked the board if he should read a copy of the letter.

Mr. Lamanna replied no.

Mr. Snedeker testified that he wanted to emphasize that his main concern through all of this is the safety of his family.

Mr. Lamanna asked Mr. Snedeker if he understands the conclusion the board has come to because if it is buried and becomes an underground tank it is no longer considered a structure, they still have to meet very specific Ohio Fire Code regulations that apply to these tanks that come from the National Fire Code, NFPA and it says distances to property lines and structures and certain other miscellaneous requirements on the tank itself are all for the purposes of fire safety, so in theory that would address all the fire safety issues at least as the code making organizations have determined is reasonable for this type of situation.

Mr. Snedeker said as long as all the guidelines are followed.

Mr. Lamanna added that it will not be seen.

Mr. Lewis said the neighbor will benefit from the aesthetic element as well.

Mr. Lamanna said the board will continue this application in case there is a problem with burying it and if it turns out for some reason that it cannot be done and if it does not work out, Mr. Thomas can come back and propose someplace where a 500 gallon tank can be placed.

Mr. Gruen asked if they need a permit or if zoning should be there to bury the tank.

Mr. Lamanna said a building permit may be needed, he can't answer that question.

Mr. Lewis recommended that they work with Mr. Wrench and Mr. McIntyre on that. He also asked for an update on the screening criteria that was a stipulation of the pool addition building variance such as the trees that were going to go in.

Mr. Gruen said until they finalized the tank, there was no sense in planting any trees.

Mr. Lewis said maybe the understanding would be that Mr. Thomas will go ahead and comply with that obligation once this is validated in a reasonable amount of time by the end of the season and asked if all season green trees will be back there.

Mr. Thomas said he will get it done as soon as possible.

Mr. Lewis said that is a great good neighbor thing.

Mrs. Snedeker asked about the timeframe for removing the tank.

Mr. Lewis said right now they are in violation with the State of Ohio so his feeling is the applicant is highly motivated.

Mr. Lamanna said the board is not granting them anything, they are in violation right now and subject to being cited by either or both violations so it behooves them to rectify the situation as quickly as they can and added that the board does not have any authority to give them any relief on that aspect of it.

Mr. Gruen said it worked out better for all of us, they really did not like that view anyway.

Mr. Lamanna said obviously this needs to be addressed as soon as possible.

Mr. Gruen said they will.

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

Motion BZA 2007-18 – 7945 Country Lane

Mr. Lamanna made a motion to table this application on the basis that the applicant would like to look into burying his tank and will only come back if that proves impractical and the board needs to address the location of a 500 gallon tank.

Mr. Lewis seconded the motion.

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

Application 2007-26 by William Edwards for property at 17800 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of establishing a game room. The property is located in a CB District.

The zoning inspector's letter dated July 12, 2007 as read and photos of the site were submitted.

Mr. William Edwards and Mr. Anthony Campane were present to represent this application.

Mr. Edwards testified that he is planning on opening up a gaming room and putting in games of skill that are being used all over the State of Ohio right now. He said Mr. Campane has a space that needs to be leased and he would like to put in about 15 games, not changing anything inside and they are not going to sell anything, they will give away pop and water and coffee and donuts and basically that is it.

The board reviewed the application.

Mr. Lewis asked Mr. Campane if he owned the property.

Mr. Campane testified by saying yes.

Mr. Lewis said the letter that he has goes back to May 11, 2007 and asked if he understands that this property has been sold or is in title transfer.

Mr. Campane said no, there is no deal, there has been conversation about it but he still owns it.

Mr. Lewis said the reason he asked was to validate the record that Mr. Campane is still the current deed title property owner.

Mr. Campane said yes.

Mr. Lewis said he did not know if the property was in escrow or if the purchase was off the table.

Mr. Campana said no, it is not off the table but explained that it is still at a standstill.

Mr. Lewis thanked Mr. Campana.

Mr. Murphy said zoning provides for game rooms and it has regulations about where they are allowed to be placed.

Mr. Lewis said, schools and of course the township owns the school, it owns the adjacent park, there is a playground there and it is within 1,500 feet of a place of worship because it is directly across the street. He added that this is a substantial request for a variance just on the location part.

The board reviewed information regarding the application.

Mr. Olivier asked Mr. Edwards if he attempted to look for a location that wasn't within any of the requirements or met the requirements of the zoning regarding game rooms.

Mr. Edwards said that he did not know what any of these restrictions were regarding being next to a school etc.

Mr. Olivier said they have to be 1,500 feet away from a school, park, playground or place of worship and it is within 1,500 feet of all of those. He said he would imagine that there are some retail locations that are not in violation of that restriction, although he does not know that for certain.

Mr. Lewis said this is surrounded by four big ones, public parks, playground, schools, a church and this is not one, this property has everything around it.

Mr. Lamanna said effectively what they have done with this is they pretty much restricted these types of things to the CB District.

Mr. Edwards asked if a bar is included in those categories.

The board reviewed the zoning code regarding bars and conditional uses.

Mr. Lamanna said no, bars are technically regulated as taverns and restaurants.

Mr. Murphy said a zoning certificate is required and it is allowed without any restrictions in terms of distances to them like game rooms.

Mr. Lamanna said if an existing bar or restaurant wanted to put in game machines, they then become a game room and would be subject to this.

Mr. Edwards said they all have them and the one right next door has the same games that he was going to have.

Mr. Lamanna asked how many they have.

Mr. Edwards said he thinks they have six.

Mr. Lamanna said they are allowed to have three and if they have six then they ought to be cited for operating a game room without a conditional use permit.

Mr. Lewis said the zoning department will make a note and they will inquire.

Mr. Lamanna said if an establishment has more than three billiard tables, pinball machines, electronic or mechanical games or other amusement devices or combination thereof and they are beyond three, they are then a game room and subject to these regulations. He asked if there will be any age limits to play these games.

Mr. Edwards said yes, you have to be over 21 and basically these games are in five or six of the bars in this town and they have places out in Streetsboro and Middlefield and Mentor and they are all over the State of Ohio in towns and the idea of the whole thing was to cater to the people who don't go to bars that wanted to play these games.

Mr. Lamanna said there is a major dispute and several court cases pending over whether or not they are skill or chance games and one way or the other as to whether or not these are in violation of the existing statutes.

Mr. Edwards said he did not realize that he couldn't do this.

Mr. Olivier said it is not that you can't, just not here.

Mr. Lewis said it is a location issue not so much a use issue and his thought is before the board even deals with an interpretation, he can't get past the location situation just because there are so many areas, it is in gross violation by proximity.

Mr. Lamanna said effectively it limits this to a main CB District in town, the other smaller districts will be within one or more of these other prohibited locations and in this case there are four of them so it is not like it is one.

Mr. Edwards said he wished he would have known all of this because he wouldn't have gone with this one, there are other sites he would have gone to.

Mr. Lewis said his suggestion is and the board has recommended it time and time again, if there is something someone would like to do we have wonderful people in our zoning department to get some preliminary guidance.

Mr. Edwards said he went to Mr. McIntyre three or four times and he probably should have told me this unless he did not know.

Mr. Lamanna said people get focused on one issue and it is only later when they really start processing the application that they start thinking about it.

Mr. Edwards said he agrees but somebody knew that rule.

Mr. Lamanna said that is why people have to put in applications because there is a process and it is one thing to be given advice off the cuff but it is another thing when somebody brings in an application and it is gone through in a methodical way and all of the parts are checked out, you can't do that with everybody that comes in with an oh by the way question and that is why ultimately no answer is a valid answer until it is formally submitted because if it is not formally submitted there is no record of what facts were represented to exist and nobody goes through the same process with the same rigor when they are just giving casual information as opposed to when they are actually processing the application.

Mr. Edwards said he never would have done it had he known it was close to those four places.

Mr. Olivier asked Mr. Edwards that when Mr. McIntyre suggested he needed a variance did he give any indication what that variance was for.

Mr. Edwards said he knew what it was for.

Mr. Lamanna said until he gets the application they are not going to go out and take the measurements from where this thing is and where all the possible things are around it and until it is actually measured they may have not realized that the Montessori School is only 672 feet away but it is what it is.

Mr. Edwards said it is obvious.

Mr. Lamanna asked Mr. Edwards if he would like to withdraw his application.

Mr. Edwards said yes, he would have never started.

Mr. Lamanna said the board will treat it as withdrawn. He told Mr. Edwards that if he has another application for another location within the township, the township may be able to waive part of the fee next time, if he has to come back to the board.

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

Motion BZA 2007-26 – 17800 Chillicothe Road

Mr. Lamanna made a motion to treat this application as withdrawn.

Mr. Lewis seconded the motion.

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

Application 2007-27 by William A. Joyce (Joyce Building Company) for Jeff Weemhoff for property at 8460 Lake Shore Drive

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

The zoning inspector's letter dated July 12, 2007 was read and photos of the site were submitted.

Mr. William Joyce was present to represent this application.

Mr. Lewis asked if there were any ARB issues with Lake Lucerne.

Mr. Joyce replied no and said they were just about to pull a zoning permit and did the final calculations and found it was too tight on the lot. He said they designed the house around the side yard setbacks with the riparian and not until the last minute did they realize that due to the fact that 123' of the driveway is shared with the neighbor, it counts as coverage on their lot so they are not in compliance.

Mr. Lewis said looking at the size of the dwelling it fits within all of the restrictions that it should, it looks like you are just getting clobbered on the driveway.

Mr. Joyce said exactly and actually they redesigned the house recently because it was designed as a two story but with the walk-out it was three stories but the future owner of this lives next door in a ranch and has lived there for 17 years and his neighbor also has a ranch so we scrapped the plan and did a ranch so it was more architecturally fitting to the lake.

Mr. Lamanna said almost one-half the coverage is driveway.

Mr. Joyce said the first 123' is actually shared with the neighbor.

Mr. Lewis said but it goes on your scorecard too.

Mr. Joyce said yes.

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

Motion BZA 2007-27 – 8460 Lake Shore Drive (aka 8489 Lake Shore Drive)

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

1. A variance from maximum lot coverage from 10% to 18.25% for a variance of 8.25%.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a 1.08 acre lot.
2. Because of the shape of this lot, being a flag lot, the distance down the pole of the flag is substantial so that one-half of the lot coverage being sought is purely for driveway therefore it would be impractical to be able to build on this lot with such a long driveway and still meet the total lot coverage requirements.
3. Such coverage is also consistent with the neighborhood.
4. This lot coverage, since most of it will be driveway which part of it is shared with adjacent property owners, will not adversely affect any of those adjacent property owners.

Mr. Lewis seconded the motion.

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

Application 2007-28 by Paul C. Hallisy for property at 18052 Harvest Drive

The applicant is requesting an area variance for the purpose of installing decorative concrete around a swimming pool. The property is located in a R-5A District.

The zoning inspector's letter dated July 12, 2007 was read and photos of the site were submitted.

Mr. Paul Hallisy was present to represent this application.

Mr. Hallisy submitted an aerial photo and other photos for the board to view.

Mr. Lewis asked if there is more than one accessory building on this property.

Mr. Hallisy testified by saying yes there is a pole barn and shed.

The board discussed accessory buildings and allowable accessory structures.

Mr. Lewis said the variance is for 1.3% of stamped concrete.

The board discussed the pool and fence.

The board viewed photos of the property.

Mr. Hallisy said the swimming pool was approved already.

The board discussed the proposed lot coverage.

Mr. Hallisy said one foot of concrete around the pool is actually inside the 10%, it is the additional outside of that.

Mr. Lamanna said it would be 1,736 sq. ft. over.

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

#### Motion BZA 2007-28 – 18052 Harvest Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of putting a concrete patio around an in-ground swimming pool being installed.

1. A variance from maximum lot coverage requirements of 10% to 11.31% for a variance of 1.31%

Based on the following findings of fact:

1. A practical difficulty exists because this is only a 2.89 acre lot.
2. It is a minimal variance.
3. It is for a pool that is fairly well centered within the lot.
4. It is also all at ground level and nothing is above ground level with respect to the covered area itself and therefore it will not adversely affect any of the neighboring property owners.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:39 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Donald Takacs

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

Date: August 16, 2007

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 19, 2007

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:39 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Murphy, Mr. Todd Lewis and Mr. Mark Olivier. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the June 21, 2007 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for August 16, 2007

Application 2007-29 by Matthew Lynch for property at 17477 Chillicothe Road

The applicant is requesting an amendment to a home occupation, for the purpose of constructing an attached garage. The property is located in a R-3A District.

Application 2007-30 by Edward J. Banky for property at 8640 S. Spring Valley Park Drive

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

Application 2007-31 by Dalcan LLC dba Panera Bread for property at 8535 Tanglewood Square, Unit T-7

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

Application 2007-32 by David & Laurie Belville for property at 18068 Elliott Drive

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

Application 2007-33 by Timothy W. Bloxson, Sr. for property at 16780 Geneva Street

The applicant is requesting area variance(s) for the purpose of relocation and installation of a single family dwelling and detached garage. The property is located in a R-3A District.

Application 2007-34 by Theodore G. Manfrass AIA (Project Architect) for Sky Bank for property at 8420 East Washington Street

The applicant is requesting a conditional use permit for the purpose of adding a second drive-thru lane at Sky Bank. The property is located in a CB District.

Application 2007-35 by SP Greenville Land Co. LLC for property at 7150 Pine Street

The applicant is requesting area variance(s) for the purpose of an expansion of a non-conforming use (deck addition). 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 August 16, 2007 at 7:30 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 8:56 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier  
Donald Takacs

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

Date: August 16, 2007