

Bainbridge Township, Ohio
Board of Zoning Appeals
July 19, 2012

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Jason Maglietta, Alternate. Mr. Mark Murphy and Mr. Mark Olivier were absent.

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 2012-18 by Robert Cohen of Bravo Homes, LLC for Joseph & Tara Calvello for property at 17158 Woodmere 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.

The zoning inspector's letter dated July 19, 2012 was read.

Mr. Joseph Gutoskey recused himself from this application.

Mr. Robert Cohen was present to represent this application.

Mr. Cohen testified that they are moving the house 8' from what they got approved last time and that is because of the neighbor to the right and it doesn't impede on anything, their setbacks are still okay and it gives the neighbor a little bit more room. He said he does have approval from the Lake Lucerne Homeowners Association.

Mr. Maglietta asked where the house was beforehand as to where it is now.

Mr. Cohen said they are moving it to the left.

Mr. Lewis said Lake Lucerne is good to 10' anyway.

Mr. Lamanna asked if they are changing the south side setback.

Mr. Cohen said and the north side too because they are moving it 8'.

Mr. Lamanna said that is increasing though.

Mr. Cohen replied yes.

Mr. Lamanna said so there is no issue there, whatever we gave you last time is fine. He asked what the setback will be now.

Mr. Cohen said 12’.

Mr. Lamanna asked about the dimension on the other side.

Mr. Cohen said the other side is 31.7’.

Mr. Lamanna said it is going to increase to 31.7’ and the other one will increase to 12’ so we are still more than the previous 10’ and asked if everybody is happy with that and it is a better solution.

Mr. Cohen replied yes.

Mr. Lamanna said he doesn’t think it changes anything from what we decided last time. He said last month’s motion can be modified so the board will modify the pending action on 2012-12.

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

Motion BZA 2012-18 – 17158 Woodmere Drive

Mr. Lamanna made a motion to modify the decision in 2012-12 as follows:

1. A variance from the minimum side yard setback of 50’ to 12’ on the south side.
2. A variance from the minimum side yard setback of 50’ to 31.75’ on the north side.

Based on the following findings of fact:

1. All of the parts of the previous decision will remain the same and the changes do not reflect any material change from the conclusion reached in that decision.

Mr. Lewis seconded the motion.

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

Application 2012-13 by David Howe for Drug Mart for property at 16765 Chillicothe Road

The applicant is requesting a modification to an existing conditional use permit for the purpose of installing a pharmacy drive-thru kiosk. The property is located in a CB District.

The zoning inspector’s letter dated July 19, 2012 was read.

Mr. David Howe, Mr. Dale Markowitz, Mr. David Bruening and Mr. David Boodjeh were present to represent this application.

Mr. Dale Markowitz testified that he is here tonight on behalf of Drug Mart and Bainbridge Associates, the owner of the shopping center and they are seeking approval on a conditional use under the township's zoning code for their commercial shopping center and anything they do requires board of zoning appeals review. He said the thumbnail of what they are doing is, he referred to the site plan, the back is being converted into 2,800 sq. ft. of space and they are eliminating the drive-thru that is back there now and they are going to move the drive-thru up to the front. He said it meets all of the setback requirements and they have added green space by eliminating some hard surface in the back and added parking spaces because of the additional space here, so they are required to have spaces and they needed 180 but they are going to have 182 spaces. He said the kiosk with the drive-thru that is here now is in the back and nobody really sees it, it doesn't get used, it doesn't have a good turn-around area now and when you go through it you have to kind of make a strange u-turn to get around so customers get confused because they think they have to go back to this area here (he referred to the site plan). He said the short story is they would be adding green space, adding sufficient parking so they would have more parking than they have now and more green space than they have now and they would be making the drive-thru more functional and they will take the dead space and use it for the store and they will still meet all of the lot coverage requirements and green space requirements for the code. He said the only other thing that they have is the signage for here and essentially they will be moving it, the signage is directional signage and right now it is all 3 sq. ft. or less which is exempt on the sign regulations so those would still be about the same. He said he has Mr. David Howe here who is the architect and Mr. David Boodjeh from Drug Mart who will give an explanation as to why we are doing this and show a rendering of what it looks like in a large scale. He referred to the rendering and said that is the kiosk in the front.

Mr. David Howe testified by referring to the site plan and said this is a little larger island here and they will add another one here and cars will pull through there. He said there is a tube to the drive-thru for the pharmacy. He said they are taking out a couple of cars here and adding some plantings at the front entry and other than that it is pretty much in keeping with the plantings or green area that is here and the parking that is here. He said this, as Mr. Markowitz explained would be encompassing both of these and the picture will be a green area and enough cars to carry that and whatever we might be losing on some of the other areas because of the added green area.

Mr. Lamanna asked which way the traffic flows through there and is it east, going towards the building.

Mr. Markowitz said east, yes.

Mr. Lamanna said it just so happens that he was driving through there today and almost got hit by somebody who was coming in that entrance and decided that they wanted to make the turn into the drive-thru and the only way they can do it, of course, is by going left into the oncoming traffic lane so that they can make the circle and the question here is giving the position of that are you going to have the same problem of people coming out of there who are going to be trying to make the turn back to Rt. 306, they are going to be whipping out and coming all the way around into the oncoming traffic lane because of the radius of the turn.

Mr. Howe said with the width of the driveway.

Mr. Lamanna said there is no way you can come out of there and make that turn without going into the oncoming traffic lane.

Mr. Markowitz referred to the site plan and asked about when you come out of here.

Mr. Lamanna said yes when you come of there and go right, right there is not enough radius to make that turn.

Mr. Howe said you would hit that lane, you are absolutely right.

Mr. Lamanna said you would have to go across that other lane and you have incoming traffic there. He said he is really unhappy with the CVS thing because of that, the way they set that up and had the board realized that was going to create that problem, we would have made them do something different there because it is real hazard when people do that.

Mr. Markowitz said they could put a directional sign in there to require them all to go this way, (he referred to the site plan), because they have three options to get out.

Mr. Maglietta asked how the traffic will be channeled into it when you have a guy coming in that entrance and a guy coming in this entrance.

Mr. Markowitz verified the entrances and if he is coming here, he has to yield to the guy coming into this lane.

Mr. Maglietta said let's just say we have a two or three car back-up.

Mr. Markowitz said the reason we brought Mr. David Boodjeh in is to talk about that because the kiosk doesn't get that volume of traffic where you are regularly going to have that happen.

Mr. Maglietta said what is not to say because it doesn't have the exposure now, that now that it has the exposure, all of the sudden everybody is using it and now you have four or five cars sitting there.

Mr. Markowitz said it is the experience they have at a facility where they have it on the front just like this and they are not getting the backups.

Mr. Maglietta said okay.

Mr. Howe said storewide they average one every fifteen minutes, it is not like it is a big traffic thing, sometimes people get these confused with food drive-thrus, McDonalds and so on, that doesn't happen, he is not going to tell you that they regularly show up every 15 minutes because obviously they don't but it is very seldom that we would see more than two cars and that is not just the one that Mr. Markowitz referred to but it is through the whole chain and added that Drug Mart has 70 some stores at this point and that is basically the average throughout the whole chain.

Mr. Lewis said he has some concerns because that is a main driveway out and if you get two or three cars stacked up there leaving which has nothing to do with the kiosk which is probable and likely and frequently and he is pulling in and he needs to go to the kiosk there is actually no way in the world he can make a left turn when you have three or four cars stacked up and then there are cars stacked out onto Rt. 306.

Mr. Markowitz referred to the site plan and said you have cars stacked here and they are going to go around here and they are either going to go where there is nobody parked and come around or they are going to come down to here and go around.

Mr. Lewis said part of this is high visibility, street traffic, and asked don't some of the things we are talking about relieve themselves, if you take your kiosk and shift it eight parking spots to the left.

Mr. Gutoskey said or even down by the other driveway.

Mr. Lewis said there are a half a dozen spots into, then you are not adjacent to a main entryway, in and out, tight turns, Rt. 306, traffic backed up, even narrower lanes in the winter when you have snow plows.

Mr. Maglietta said when he is in the parking lot often, when he goes to CVS, toward the middle of that area, there is nobody usually there and it does free up a lot there so you are eliminating the bundle up of getting to the kiosk, the traffic at the kiosk and it was said that it is only every 15 minutes or so.

Mr. Lewis said he is more about the safety, he doesn't have any issue with the kiosk.

Mr. Gutoskey said but if the cars stack up, at least they are not in the middle.

Mr. Lamanna said when people come out they can go to the right without having to worry about it, they will have plenty of room to make the turn.

Mr. Markowitz said he thinks they would lose two parking spaces but they have room to lose under the code, the question he thinks is the daily operational.

Mr. Boodjeh testified that it would be the least obstructive too.

Mr. Lamanna said he thinks that is going to work better for traffic flow and then you won't have the two of them interacting either and if you get it over there it will smooth things out.

Mr. Howe said they originally put it here (he referred to the site) because they thought that is the least likely spot for people to park but it doesn't get a lot worse when you come over a little bit.

Mr. Lamanna asked if there is a "no left turn" sign there.

Mr. Markowitz replied no, he checked tonight and there wasn't any.

Mr. Lamanna said he didn't think so but he thought there was supposed to be a "no left turn" sign there because the board didn't want people trying to turn out of that exit onto Rt. 306.

Mr. Markowitz said he was here when they got the original permit and he does not remember that.

Mr. Maglietta said the only one that he knows of is at GetGo where you can't turn left.

Mr. Markowitz said he knows they got approval from the state for it.

Mr. Gutoskey said it could have gotten modified when CVS went in and there was a sharing of the driveway.

Mr. Markowitz said they already had the drive in.

Mr. Lamanna said people should not be turning left there.

Mr. Markowitz said he turns left out of there at nighttime.

Mr. Lamanna said you have to cross the left-hand turn lane.

Mr. Markowitz said right, you do.

Mr. Lamanna said the way the traffic stacks in there and you have people coming around off E. Washington Street making a right on red and somebody is watching to try to make the jump into traffic and what happens is somebody comes around that corner and they don't see them coming because they don't think anybody is coming down Rt. 306.

Mr. Markowitz referred to the site plan and said it is not necessarily better to come out of here because he observed it today and the last time he was there.

Mr. Lamanna said he is not sure it is a whole lot better but if they could set the traffic in one spot.

Mr. Markowitz explained the traffic flow on Rt. 306 and said tonight he tried to see what would happen when he came out and it was clearer earlier here (he referred to the site plan) with cars clear down here and he does not know if it is any better.

Mr. Lamanna said what happens is and what he has seen is cars get hung-up because cars try to come out and make a left-hand turn and they can't get into the lane on Rt. 306 for whatever reason and now they are blocking the through traffic lane going the other way.

Mr. Maglietta said the drives always back up right at 5:00 PM, rush hour, everyone is coming home and getting their kids.

Mr. Lamanna said he goes through there all of the time and generally whenever he sees anybody coming out of there making a left-hand turn they are doing it under duress, either jack rabbiting out into traffic, or coming half way out and getting stopped, they are blocking the left-hand turn lanes so people can't access the left-hand turn lanes and they are creating a real hazard there.

Mr. Markowitz said CVS would say they have a right to use that left-hand turn lane because now their customers would have to go through our center, so you can't take that away from them now. He said he could not recall that there was a prohibition on a left turn out of there and when they first did the center it was not a conditional use, it was a permitted use but they came in for variances for something and now we came back.

Mr. Maglietta said he doesn't think it is the idea of that, it is just where it is at.

Mr. Lamanna said this is the whole part of the conditional use process that the board will look at things and observe what is happening and then you say this is working, this isn't working and if something is not working then there is an opportunity to change it.

Mr. Markowitz said if the police were to give you a breakdown on how many accidents that occurred there in the last two years it may tell you if there are any issues there, he is not sure because there are accidents at that intersection.

Mr. Lamanna said they may be hard to identify.

Mr. Markowitz said if they occur out in the street Bainbridge Police Department would respond because they had to do that when they were doing something with Heinens, they had to give them a breakdown of how many accidents occurred at that driveway.

Mr. Lamanna said it is not just the accidents, it is cars getting hung-up and interfering with traffic and with the amount of traffic on Rt. 306 now through that intersection anybody getting in there and disrupting that flow it creates a problem very quickly a lot of hours of the day now, it is just that the traffic volume is so much more than it used to be, especially in peak traffic hours.

Mr. Maglietta said it starts all the way up to Lowes.

Mr. Lamanna said if you interrupt that traffic flow for 30 or 40 seconds, the traffic is down to Summit coming the other way or beyond.

Mr. Howe said they are in agreement that moving it over would work.

Mr. Markowitz referred to the site plan and said they originally put it down there and looked at it and felt it was not a good idea.

Mr. Lamanna said down there is a lot of traffic flow and he thinks just moving it down there enough so there is room for vehicles to turn in and out and a car that would be waiting to turn in.

Mr. Markowitz said also a lot of them stack up on both sides.

Mr. Gutoskey asked to see a picture of the kiosk again and said he wanted to see how open the sides are.

Mr. Markowitz said on the other side of it is a sign that says Exit Only.

Mr. Maglietta referred to the kiosk and asked how long is the turn-around time to put the order in and pick it up.

Mr. Boodjeh said Drug Mart is less than 30 seconds, there is a video monitor to see each other or if they come to pick it up there is an additional travel time. He said to give you an idea of the volume that is down there now, we do about 4,200 prescriptions per month which is roughly about 145 per day and right now they do 15 – 24 through the drive-thru and if that would double there is still plenty of time between the cars.

Mr. Lewis said getting back to relocating this in the parking spots so we can try to quantify a location, he is looking at the parking spots and thinking how many to the left should it be moved so what he was thinking about was if you are coming in from the right, there is no traffic stacked up here and you get some cars that want to turn, he was thinking the amount of parking spaces should be equivalent to two or three cars so you would be able to get two cars in a holding pattern there with one in the kiosk.

Mr. Howe said actually you would have two.

Mr. Maglietta said you could have three in the holding pattern.

Mr. Lewis said the question would be do you go down enough parking spots to stagger three cars in the row.

Mr. Lamanna said there are about three spots for cars.

Mr. Markowitz said these are 10 x 21.

Mr. Gutoskey asked if the proposed addition in the back is somewhere down the line.

Mr. Markowitz said no it is part of the drawing.

Mr. Boodjeh said it is to create more sales area and basically the back of the store moves back so there is more room.

Mr. Gutoskey asked if the dock is being shifted over and this is not in the future, this is really going to happen.

Mr. Maglietta asked if moving that down doesn't create any issues back there with parking etc. and if there is enough room back there for the semi-trucks to turn around and won't interfere with any of the vehicles if they come in parallel to the building.

Mr. Howe said it is essentially the same as it is now.

Mr. Lewis referred to the site plan and said if you move this down we are going to lose some parking spots to put it back on.

Mr. Gutoskey said they would swap them.

Mr. Lewis said because part of the structure is on green space so it is not really eating up a parking spot so once you move it down, you don't have green space.

Mr. Gutoskey said it is basically three parking spaces right now.

Mr. Markowitz said there should be no net effect on the green space. He said it will be ten spaces to the north.

Mr. Lamanna said what he was going to say is you have to be at least six spaces in on each side so he doesn't want to get them tied down to a point where they have to come back so whatever makes the best sense for the applicant.

Mr. Markowitz said the sanitary goes through there so they will be close.

Mr. Lamanna asked what about the left-hand turn situation.

Mr. Maglietta said it is something to look at, he knows he has sat there for minutes on end to get out of there.

Mr. Gutoskey said he doesn't know how it will sit with CVS though.

Mr. Markowitz said they have an easement that allows them to use the strip here (he referred to the site plan).

Mr. Lamanna said they have an easement to use it but they have an easement to use what is there.

Mr. Markowitz said he doubts that it says you can make a left turn out of there. He said it refers to ingress and egress and added that he thinks he drafted it.

Mr. Lamanna said if the state comes along and decided that we don't like this location here, this curb cut here, and they want you to close it up, he thinks it would probably void the easement just because it now becomes a legal impossibility.

Mr. Markowitz said what it is going to do with CVS, people will learn that they can't come out here and they will just go back around and come out onto E. Washington Street.

Mr. Lamanna said yes and into the left-hand turn lane and use a signal to turn left which is a lot better option than the other way.

Mr. Gutoskey said they could come right through the kiosk and hang a left and go right around.

Mr. Lewis said that is a two-lane crossover where it is now to make a left.

Mr. Markowitz said it is two lanes.

The board viewed and discussed the GIS aerial photo of the site.

Mr. Lamanna said you are not supposed to be crossing any yellow hatch lines.

Mr. Markowitz said there is nothing that can be done about the left-turn in.

Mr. Lamanna said he thinks you are not supposed to cross that yellow hatched area to make a left turn in there and you are going to be crossing that area coming out too and he has heard of people getting tickets for driving into that hatched in area and you are not supposed to be driving through there.

The board discussed the GIS aerial regarding the entrances and exits onto Rt. 306 from Drug Mart and Heinens.

Mr. Lamanna said the hatched in area is meant to keep cars from stopping to turn left into the center there and it also prohibits cars from coming out and turning left onto Rt. 306.

Mr. Markowitz explained the area for the kiosk.

Mr. Lamanna said they probably need room for another six or eight cars there.

Mr. Gutoskey said he assumes the island is going to be left there.

Mr. Markowitz said yes, that will stay there, we will keep these as parking spaces (he referred to the site) and they will lose two.

Mr. Lewis said he would like to see the no left turn but the practicality of it is it is going to be painful to enforce but if it suppresses half of the people into compliance it makes the area safer.

Mr. David Bruening testified that he would like a traffic light.

Mr. Markowitz said the state said it is too close to the existing intersection and they couldn't even get one for the Weils because they tried one for them and the state said they were too close.

Mr. Lamanna said there is something that has never caused a problem. He said people were worried about the Weils but there is never an issue with traffic going in and out of there.

Mr. Markowitz said it is not a retail use. He said if we put up a "no left turn" sign while we are here he doesn't know if CVS will prohibit that. He said it would cause some cars to go through the center but Drug Mart wouldn't mind.

Mr. Bruening said it is hard to think this all through.

Mr. Lamanna said we can try and if it starts to create a problem, it is like any other condition, the board can revisit it after awhile.

Mr. Bruening said they can come back to the board and talk about it and it is important to them.

Mr. Lamanna said he is in that area all of the time and he has seen just too many instances where people have been doing things that either create a real safety hazard or are interrupting the traffic flow and now especially with that hatched in area, he really doesn't think they should be crossing that anyway.

Mr. Markowitz said he noticed that there was a car that was coming south and turned in and he decided to go into the northbound lane.

Mr. Lewis asked where they are going to put their sign that says "no left turn" so that they don't even enter into the lane, will it go on the island area.

The board discussed the proposed location for the "no left turn" sign.

Mr. Maglietta asked if we are prohibiting a "no left-hand turn" from Rt. 306 as well.

Mr. Lamanna said he doesn't know how the board would do that because that requires a sign on Rt. 306.

Mr. Markowitz said it would require state approval.

Mr. Lamanna said the other problem with a sign there and it is probably why they wouldn't want one is it would be confusing because the intersection is so close if suddenly there were no left turn signs people would get really confused about what it means. He said it would almost have to be on their property facing out. He said he is afraid that would create more confusion than benefit, you don't have people sitting there and thinking about what they are supposed to be doing that much. He said he doesn't want someone stopping in moving traffic to try to figure out what the sign means and added that it would create more danger than benefit.

Mr. Lamanna asked about the size of the proposed new addition.

Mr. Markowitz said it is 2,800 sq. ft.

Mr. Lewis said the parking spaces won't be 182 they will be 180.

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

Motion BZA 2012-13 – 16765 Chillicothe Road (Drug Mart)

Mr. Lamanna made a motion to modify the existing conditional use permit at this property as follows:

1. The board will allow the applicant to construct a kiosk for the purposes of servicing a drive-thru prescription business as set forth in the applicant's submittal except that the location will be moved so that it will be located a minimum of 60' from the two driveways on the property.
2. The applicant also may construct a 2,800 sq. ft. addition to the back of the existing Drug Mart building for the purposes of adding to that site.
3. In the course of the modifications the applicant will reduce its parking to 180 spaces with the addition of the required amount of parking and the net result of this will be to add to the green space between 300 sq. ft. to 400 sq. ft. which will reduce the lot coverage between 300 sq. ft. and 400 sq. ft.

With the following condition:

1. The applicant will place a "No Left Turn" sign at the exit on Rt. 306 on the south end of the property and at such time as any re-striping occurs of that driveway that it will be appropriately striped to show that there is no left turn.

Based on the following findings of fact:

1. The reason for granting this modification is that it otherwise meets the setback and lot coverage requirements consistent with the current uses of the property and does not create any other adverse effects created by the conditional use provisions of the zoning ordinance except to specifically modify.
2. All of the other requirements of this conditional use on this property continue to be in full force and effect.

Mr. Lewis seconded the motion.

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

Application 2012-4 by St. John Funeral Home for property at 16381 Chillicothe Road - Continuance

The applicant is requesting approval for changes to a non-conforming use structure. (Review). The property is located in a R-5A District.

Mr. Charles St. John, Mrs. Lois St. John, Mr. Chris St. John, Mr. Ed St. John and Ms. Sue St. John were present to represent this application.

Mr. Charles St. John introduced his family and testified that they are the owners of St. John Funeral Home currently located in Bedford and they have a strong desire to have a second facility here in Bainbridge Township and thanked the board for inviting them to another hearing so that they can move on. He said it has been a good ride for 6-1/2 months and as they talk about this situation daily and the more time goes by they talk to more and more people from the community and they are asking when they are going to start. He said they are cautiously optimistic that everything will fall their way and they have one letter of commitment from one lender already with a second one expected anytime now to help them with this project. He said they have their contractor lined up and other people and they did ask their son Ed to help them, he is an engineer and he has helped them with some of the requests and some of the studies that were necessary as well as other things so that we could do things properly and completely as requested so we thank you. He said he was going to turn most of this over to Chris St. John, Sue St. John and Ed St. John to ask them questions and answer questions as necessary. He thanked the board.

Mr. Chris St. John testified that at the last meeting there were some concerns that we are here to address today. He said one of the concerns is the existing lighting on the property and if you look at the existing site plan there are light poles that are going to be removed on the north and south sides and of course the infamous light bulb overhead lighting by Rt. 306, that will be removed as requested. He said the folks across the street don't appreciate that. He said the other concern was the egress and ingress and what they are going to do is the north driveway will be exit only and the south driveway will be entrance only per requested so it is not a problem. He said as far as the lighting plan he thinks the idea was to minimize because it was felt that there is too much lighting there so if you look at the new site plan the lighting is going to be more centrally located in the middle versus it was off to the sides and probably too much lighting on the adjoining properties.

Mr. Maglietta asked if there will be four light poles.

Mr. Chris St. John said at this time that is what they have down there and actually he sees five.

Mr. Ed St. John said the drawing is preliminary and the purpose of that is to satisfy those conditions that they need to comply with.

Mr. Gutoskey said we should have instead of preliminary plans, have final plans for the board to look at and asked if they know what the height of the lights are going to be and the type of fixtures.

Mr. Ed St. John said he didn't know because they haven't been picked out yet.

Mr. Chris St. John said the other things they provided to the board are the renderings and you see there is a portico on the south side and a portico in the front which is the west side and the purpose of the porticos are to provide shelter, primarily at the end of the funeral service and when they are on their way out to either a church or a cemetery, it allows them to pull the hearse and family cars under a protected area and that is the reason why they would like to build the porticos.

Mr. Maglietta referred to the larger portico.

Mr. Chris St. John said it is on the south side.

Mr. Maglietta asked if that is a main exit.

Mr. Chris St. John said the idea behind that is (you will see two sets of doors) and the doors lead into the two chapels that you see on our floor plan and when the service is over it is their way of getting a casket out into the hearse, not necessarily take the family out that way, we will probably go out the front with the family so that is the reason they would like to do this.

Mr. Lamanna asked how much square footage will be added.

Mr. Chris St. John said if you look at the site plan they are actually proposing to come out towards the front and the front will be level all the way across, it won't be like it was before where we had the front entrance to the left and the right it was recessed. He said the reason they would like to do this is on south side where they come out is going to be their two chapels and they want to make the chapels approximately the same size, 25' x 42'. He said on the north side, they are coming out because they need the space for a casket showroom which is in the northwest corner and that is adjacent to the women's bathroom.

Mr. Ed St. John said there is a bump-out to the left about 8' so they are squaring up the front.

Mr. Lamanna said the building size is staying the same, the back is staying the same, the front is getting squared off and they will have two drive-thrus.

Mr. Gutoskey said right now it looks like the building sticks out but basically the total building will still be the same.

Mr. Lamanna said the porticos are adding to the function and will be an alternate drive-thru area.

The board reviewed the site plan.

Mr. Gutoskey said on the south side the code is 14' minimum for a one-way and it shows 13' 2" so that will have to be adjusted.

Mr. Chris St. John said okay.

Mr. Gutoskey said on the parking lot setback to a residential property the code is 25' off the property line but he knows that it is pre-existing.

Mr. Ed St. John said all they will be doing is resurfacing.

Mr. Lamanna said they should be 25' unless they got a variance the first time.

Mr. Ed St. John said they could cut back on the asphalt.

Mr. Gutoskey said they have room to adjust it.

Mr. Lamanna said he doesn't know if the original plans showed it that close or if anybody even noticed and if there is no problem complying then why not comply.

Mr. Lewis asked if the existing parking will be demolished.

Mr. Ed St. John said no they are going to resurface but if they have to demo some of the existing to meet the requirements they might as well.

Mr. Gutoskey referred to the islands in the parking lot and said he would like them to be raised islands with curbs.

Mr. Lewis asked curbed versus what.

Mr. Gutoskey said versus just striped. He said it would be to just break up the parking lot and as far as the landscaping he thinks there are some existing trees.

Mr. Chris St. John asked if they need more trees.

Mr. Charles St. John said both sides have trees.

Mr. Gutoskey said he is not as concerned about the sides rather than the front.

Mr. Maglietta said there is a hedge on the north side.

Mr. Larry Trace of 102 Bell Road, asked if the trees will be left on the north side.

Mr. Ed St. John replied yes.

Mr. Charles St. John said the landscaper had suggested that there are shrubs there that are pretty tacky and they would like to remove them and replace them with things that will grow just a certain height with hues and colors and certain times of the year will flower. He said he and the landscaper went over the entire place and they want to clean up the mound and he has some great ideas and they are very receptive to them.

Mr. Lewis reviewed the two primary points, one of which would be to get some language in there to clean up the parking lot so that it will be compliant.

Mr. Charles St. John said he met with the parking lot person and there is a significant section beside the entrance and exit that will be replaced and they went around the building and some of it is unsafe with dips, they will cut them out and replace them and do as much cosmetic as they can but certain areas have to be totally replaced, both entrances and the curbs need to be replaced because there are pools of water in there.

Mr. Lewis asked if they were looking to put in some little green mini islands.

Mr. Gutoskey said where they are showing the striped islands.

Mr. Chris St. John said you want green space.

Mr. Maglietta said grass or shrubs.

Mr. Charles St. John said the landscaper recommended grass with certain flowering shrubs for easy maintenance.

Mr. Lewis said the lighting has to be per code.

Mr. Charles St. John said they also would like a flagpole with lights.

Mr. Lewis asked about the height for flagpoles.

Mr. Charles St. John asked if it is a problem where the flagpole goes.

The board discussed flagpoles.

Mr. Gutoskey said lighting companies will provide drawings.

Mr. Lewis said part of the motion should be a final lighting plan that would be submitted for approval.

Mr. Gutoskey said and whatever needs cleaned up on the site plan and added that the building looks great.

Mr. Chris St. John asked if there is a requirement for lights.

Mr. Gutoskey said the maximum is 30'.

The board discussed having lighting at 18' to 20'.

Mr. Chris St. John said the reason it is not on there now is they will prepare their plans to meet those conditions.

Mr. Lamanna said the board will grant this with a condition of you getting your actual certificate before you get your building permit will be that you submit the final plans to the zoning inspector and be in compliance with the requirements that this board has established and the codes for fixtures and the lighting so the applicant will have the opportunity for Mr. Wrench to review it and issue the zoning certificate and then the building permit can be obtained.

Mr. Ed St. John asked if what we just talked about will be in the minutes.

Mr. Lamanna said yes, it will be part of the decision.

Mr. Gutoskey referred to the area for the sign and asked if it meets code, 42' x 84' doubled sided.

Mr. Wrench said for a ground sign yes, area wise it is okay.

Ms. Sue St. John said it will be illuminated from the inside.

Mr. Chris St. John said it will be illuminated from the inside instead of light shining and reflecting on it.

Mr. Charles St. John said the reason we like the inside lighting is because you don't have the glare of the cars going up and down the street, he doesn't know if people are worried about that but previous discussions have talked about glaring lights etc. and internally it is a soft light, externally you get a glare.

Mr. Lewis said ground spotlight lighting was painful no matter what you do, it gets covered by the snow, it gets bumped by the lawn mower, it is hard on cars, he could give 30 reasons.

Mr. Charles St. John said they are doing away with the light bulbs anyway.

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

Motion BZA 2012-4 – 16381 Chillicothe Road (St. John Funeral Home)

Mr. Lamanna made a motion to grant the applicant approval and these variances are necessary to make the modifications to the building footprint as shown in the tentative plans submitted by the applicant including the addition of two porte-cocheres on the front and side of the building.

With the following conditions which will be satisfied by the applicant.

1. The maximum height of the light poles will be 18'.
2. The pavement will conform to the 25' side yard setback requirements.
3. The islands shown on the plans will be actual curbed landscaped islands.
4. In addition, prior to the issuance of the zoning certificate, the applicant will submit the final site plans to the zoning inspector including a detailed lighting plan showing the types of fixtures and locations and heights and also a landscaping plan that will conform to the code requirements and will be generally consistent with landscaping for similar type facilities and will be subject to the approval of the zoning inspector prior to the granting of the certificate.

The board also approves a sign of the size and type that the applicant is to include in the application for display on the property.

Based on the following findings of fact:

1. The changes in the structure do not substantially change the non-conforming use or expand the non-conforming use.
2. The size of the building area as modified will be substantially equivalent to the previous building space that was used on the premises.
3. The addition of the two porte-cocheres are related more to the ingress and egress of people and do not actually increase the space on the property being used for the non-conforming use.
4. The conditions are necessary to assure that the property does not exceed the non-conforming use and does not present any adverse effect to the neighboring properties and to reduce any inconsistency of this property with the adjacent uses in preserving the nature and character of the residential area.

Mr. Lewis seconded the motion.

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

Application 2012-14 by Robert W. Riley II for property at 18119 Kenston Lake Drive

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

The zoning inspector's letter dated July 19, 2012 was read.

Mr. Robert Riley was present to represent this application.

Mr. Riley testified that he wants to build a two-car garage, 24' x 28' and submitted building renderings to the board. He said the issue is it is close to the property line and if you look at the neighborhood and the nearest neighbor is about 200' and this is more of an access drive, he referred to a site plan, and he has a neighbor that is about 400' behind him and his would be back here, he again referred to a site plan. He said they can't see each other's houses nine months of the year and one of the houses is completely shielded by trees.

Mr. Gutoskey asked if it is a flag lot behind him.

Mr. Riley said yes a driveway and it is a large lot.

Mr. Gutoskey said it is next to the Bainbridge property.

Mr. Lamanna asked if it is a 60' strip there, how wide is the flag.

Mr. Wrench said 40'.

Mr. Lamanna said it looks like they put that in before the requirements.

Mr. Riley said these were all built in the late fifties and added that the house behind them is probably the newest house in the development and that used to be the beach property.

Mr. Lamanna asked if that is the Ricker property.

Mr. Riley replied yes.

Mr. Lamanna said that property is nothing but a driveway basically.

Mr. Ted Ricker testified that that part is.

Mr. Riley said there is one large pine tree straight off the back of the driveway and he is going to cut into the concrete slab so it is going to be brought up a little bit closer to the house off the back of the drive.

Mr. Lamanna asked if there will be a gap to walk through basically.

Mr. Riley said yes just enough to drive a vehicle through it.

Mr. Gutoskey asked how wide the garage will be.

Mr. Riley said 24' wide and it is deeper than it is wide and it is 24' wide x 28' deep.

Mr. Gutoskey asked if there is any way to attach it to the house and have another side entrance.

Mr. Riley said from the back of the house, the elevation drops off and there is a pond in the back and there is a creek that runs through.

Mr. Gutoskey said in looking at the topo here it looks like there is a 2' difference.

Mr. Riley said it is three rows of block.

Mr. Lamanna asked what the maximum height of the garage is.

Mr. Lewis said it is going to be 14'.

Mr. Maglietta said 14'-7".

Mr. Gutoskey said there is about a 4' difference in elevation from the back of the house.

The board reviewed the renderings.

Mr. Riley said there are trees next to it.

Mr. Lewis said the board is considering the structure also off the side yard, it is not just 24' because then you have got the eaves hanging out a foot on each side so the overall is 26'.

Mr. Gutoskey said in working in the township we always considered the setback from the foundation.

Mr. Lewis said we look at the overhang because that is off the property line.

Mr. Gutoskey said yes for a variance.

Mr. Ricker said he owns the adjacent property and is owner of the driveway and his concern is they have 1-1/2 acre lots, it is not like Lake Lucerne and he thinks the lowest variance in the township is 7-1/2' and it is only in Lake Lucerne and he would say 6' is way too short and they know that 15' - 20' is reasonable and the issue he has of course is run-off. He said currently he has problems with run-off coming off his property and running down his driveway and if he is going to add another structure, 700 sq. ft. within 6' of his lot it is going to add to his run-off and he doesn't feel that the side yard setback should be reduced next to his driveway and he will have to look at this structure going down his driveway and he feels that 6' is too short.

Mr. Lamanna asked Mr. Ricker where he is having his problem on his driveway.

Mr. Ricker said it is the run-off from the neighbor's property.

Mr. Riley said he knows what Mr. Ricker is talking about because it runs down his driveway and the problem is there is a shallow ditch that is on his property but it is adjacent to the driveway and the ditch tapers out to nothing and instead of draining into the ravine on his side at the very end it flows across his driveway and starts to wash it out. He said he hand-dug it out a couple of times but it needs to be trenched out properly and it could flow into the ravine on his property but it is not on his property, the ditch itself. He said he has one gutter that flows into that, the gutter off the back of his garage.

Mr. Gutoskey said the way the contours go they are all sloping right to the driveway.

Mr. Riley said yes.

Mr. Lewis said he notices that the structure does not have gutters or downspouts.

Mr. Riley said it does.

Mr. Lewis asked Mr. Riley if he is going to trap and direct the water.

Mr. Riley replied yes.

Mr. Lewis said or is it going to be down-spouted and flushed out right there.

Mr. Riley said he will direct the water to the ditch, the same place the back garage gutter goes which is the ditch along the driveway.

Mr. Ricker said when they built that house the driveway was common land so they just ran it out but now that it is part of his property and it is an issue of how you do direct the water.

Mr. Lewis asked Mr. Riley to show the board on the site plan and said you have gutters and downspouts running parallel so where would you join them to attempt discharge.

Mr. Riley showed the board on the site plan and said this part of the structure is just the garage and there is a short run here that runs across the driveway and dumps out and all along this driveway is a ditch and at this point right here where the ravine is the ditch it comes down low and shallows out too much and allows the water to flow over and this just needs to be re-tapered so it actually flows down into the ravine the way it used to. He said the problem is at the end of the tree line and all you have to do is trench about 10' of it, it just levels out at the very end.

Mr. Maglietta said so this is where the problem is with the water, just past the tree line.

Mr. Riley said yes.

Mr. Lamanna said what if you pipe your gutters back to the ravine.

Mr. Lewis said that is exactly what he was going to say, why don't you just catch them and drop them right in there.

Mr. Riley explained where his septic field is and there is a large tree.

Mr. Gutoskey asked where the septic is.

Mr. Riley said straight off the back between the house and the ravine.

Mr. Lewis said there has to be room in there someplace. He said he doesn't know if he is interested in the ditch as much as he is piping it to the ravine.

Mr. Riley said the swale needs to be redone.

Mr. Lamanna said that is the trouble it constantly has to be maintained so the board would rather have something else.

Mr. Lewis said he would rather trap water and put it exactly where it needs to be and dump it on your (Mr. Riley) property.

Mr. Riley said it is the same water that is going in that spot without a ground vent.

Mr. Lamanna said it is now falling on an impervious surface and also one of the deals is if you come in and seek a variance it is an opportunity to fix other problems because it exacerbates it, problem A exists there now today but when you want to add to it one of the conditions of doing it fixing the problem.

Mr. Riley said what he could do is tie those together and run it out the back.

Mr. Lamanna said that way the water is going to get to where it belongs and you won't have to worry about maintaining it next year or the year after or if the swale fills in.

Mr. Lewis said you (Mr. Riley) are going to bring it straight back so it is directed, it is a little bit of light trenching and 4" pipe and you already have grade in your favor so you have the gravity drop off automatically and as far as the adjacent property owner, it is good for the neighbor and good for you too.

Mr. Gutoskey asked about the side setback and how do we know it is 6' and not 5' or 4'.

Mr. Lamanna said this is the real question about granting some of these variances and whether we should require these people to survey their property.

Mr. Gutoskey said he knows the GIS is not accurate. He said the board may grant a variance on 6' but it may only be 2' or 3' or 4'.

Mr. Lamanna said this is a continuing issue always because technically we grant a variance for 6' based on the best available information we have and we have sent people back and made them get a survey but it is technically the applicant's burden to make sure that he is actually 6' and if he thinks he is 6' off and it turns out he is 3' off he has a non-conforming structure that he built and didn't properly survey it. He said this is something the board should address from time to time and maybe we should require people to obtain a survey before they proceed.

Mr. Gutoskey said it is good cheap insurance to make sure you are building it in the right spot.

Mr. Lewis said he would rather have pre-built accuracy rather than finding it out after the fact that somebody spent \$20,000 on a structure and they are 3' too close and now we have a problem and it is not a good situation for the township or the applicant.

Mr. Lamanna said if you don't have some kind of survey to base it on, especially at 6'.

Mr. Riley said he is going by what he was told when he moved there and he has been mowing it for 25 years.

Mr. Lamanna told Mr. Riley that he needs to get a survey before he proceeds and added that he would like to get the setback to 10' away. He said when you get down to single digits with side yard setbacks, the only place that happens is down on Pine Street etc.

Mr. Lewis said because this structure will be approximately 6' off it should be validated with a survey. He said he is looking at the structure and it is going to be rising 15' to 20' up in the air and he is looking and he is not seeing in that area a lot of pre-existing trees for screening.

Mr. Riley said there is a line of trees right next to the driveway and they are minimally 40' high.

Mr. Lewis said other than the one pine they stay.

Mr. Riley said yes they stay.

Mr. Lewis asked if those trees are on your (Mr. Riley) property.

Mr. Gutoskey said we don't know because we don't have a survey.

Mr. Riley said he believes they are 1' from the line on his side.

Mr. Lewis said he was thinking of the neighboring property.

Mr. Riley said he also has a solid row of trees on his property as well.

Mr. Lamanna said the board would like to keep this at 10' and he thinks the property should be surveyed because there is enough uncertainty here, we are going with a tight enough variance, we want to be sure we don't end up with an encroaching structure.

Mr. Riley said he just wants to maintain a gap between the new structure and the existing structure. He said if you look at the driveway now there is a 30' pad and he would like to have the garage centered on the pad.

Mr. Lamanna said we would all like to do what we would like to do but sometimes we have to compromise and this would be a 40' variance out of 50' so it would be an 80% variance so that should be sufficient and sometimes that may mean you will have to have a smaller structure.

Mr. Riley said his existing structure isn't 50' from the property line.

Mr. Lamanna said even if we look at what the setbacks used to be we are still cutting that in half to 10' so he thinks that is a pretty sizable variance even from what they used to be. He said he thinks that is a fair amount for the variance and if you do that and pipe the gutters back to the ravine.

Mr. Riley said so it may entail changing the structure and submitting new plans at that point.

Mr. Lamanna told Mr. Riley he could re-submit the plans so something smaller than 24' x 28' is fine.

Mr. Ricker asked if the setbacks will be to the gutters or overhang.

Mr. Wrench said it would be to the overhang.

Mr. Ricker said he wants to make sure that is put in the motion.

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

Motion BZA 2012-14 – 18119 Kenston Lake Drive

Mr. Lamanna made a motion to grant the applicant a variance for the purposes of constructing a detached garage, the maximum size of 24' x 28' to 10' from the minimum side yard requirements from the required 50' to a variance of 40'.

With the following condition:

1. As a condition of granting this variance because of the run-off issues on the adjacent property the applicant will pipe his existing garage gutters and the gutters from this new structure to underground piping to the ravine farther back on his property to alleviate any drainage onto the adjacent property and driveway.
2. The applicant should conduct a survey of that sideline of his property to assure that when the structure is built that it actually meets the setback as established by this variance.

Based on the following findings of fact:

1. A practical difficulty exists. The applicant's house was switched over to that side of the property and it is also formerly a 1-1/2 acre zoned area where the side yard setbacks were 20' so that at 10' it is not a gross variance from the requirements.
2. The immediate adjacent piece of property is a flag driveway so there will be minimal impact on that and this variance would not adversely affect the next door adjacent structure or be inconsistent with the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2012-15 by Dominik M. Stupica for property at 7151 Country Lane

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

The zoning inspector's letter dated July 19, 2012 was read.

Mr. Dominik Stupica was present to represent this application.

Mr. Lamanna stated that this is a storage barn.

Mr. Lewis asked Mr. Stupica if he submitted plans or renderings of what the barn looks like.

Mr. Stupica replied no he wanted to get the variance approved first.

Mr. Lamanna asked how high the barn will be.

Mr. Stupica said it will be 18' high.

Mr. Lamanna asked what kind of finish will it have on the outside.

Mr. Stupica said it will be metal clad to match the house with a metal roof.

The board reviewed the site plan.

Mr. Stupica said there is an existing concrete pad in front of his existing garage doors.

Mr. Lamanna asked what is behind this.

Mr. Stupica said it is his neighbor's barn and he has a pretty good sized barn and they have horses.

Mr. Gutoskey said there are other lots that are flag lots.

Mr. Stupica showed a view of all of the lots with barns and noted the property with the Greyhound dogs.

Mr. Lewis asked why this barn cannot be behind the house and not on the side of the driveway.

Mr. Stupica said behind his house is where he has the alternate septic field location that is on record with Geauga County and they want you to have a current location where it is used and they also want you to plot out an alternate location where you are not supposed to build anything over there, you are supposed to keep it open.

Mr. Lamanna asked if he is going to make it even with the front of his existing house.

Mr. Stupica said he thought the accessory buildings have to be behind and it is not going to be any further in front of the house.

Mr. Lamanna asked if there is any problem with moving it back, even with the back of the house, assuming the house is deeper than this building is.

Mr. Stupica said yes exactly.

Mr. Lamanna said we want it behind the front of the house anyway and lining it up even along the back seems to make sense.

Mr. Stupica said part of the garage that is attached to the house is more even with this new building.

Mr. Lamanna asked what this building is going to have on it as far as garage doors.

Mr. Stupica said a double garage door and a man-door.

Mr. Lamanna said so as long as the garage door exits on the existing concrete pad it wouldn't matter if the man-door was back a little farther. He said they just have to keep it back as far as feasible plus then it gets back closer to the other barn here (he referred to a site plan).

Mr. Stupica said then it would be farther away from his concrete pad that he has now.

Mr. Lamanna asked how far the concrete pad is from the front of the house.

Mr. Stupica said about 40' and the barn would be more visible from their backyard and deck.

Mr. Lamanna said it definitely has to be behind the front of the house.

Mr. Stupica said it is definitely behind the front of the house.

Mr. Lamanna asked what the distance is from the existing house to that side yard.

Mr. Stupica said 110'.

Mr. Lamanna asked if that is based on a recent survey.

Mr. Stupica said it was surveyed when the house was built.

Mr. Lamanna asked if the survey stakes are still there.

Mr. Stupica said he pulled out the wooden stakes and put metal stakes in there.

Mr. Gutoskey asked if 40' is the depth.

Mr. Stupica said 42' is the depth.

Mr. Gutoskey said there would be 32' between the house and the barn.

Mr. Stupica said it is where the concrete is.

Mr. Lamanna asked if that is the size of the existing concrete pad.

Mr. Stupica said it will be about 2' from the concrete pad.

Mr. Lamanna asked what is the reason it cannot come right up to the pad.

Mr. Stupica said he didn't want to undermine the pad with drilling holes for the post and doing a lot of digging right next to the pad.

Mr. Lewis asked what the use of this building is.

Mr. Stupica said he will park extra cars in there and he has an old tractor to park in there and he stores a lot of his yard stuff underneath his deck because he doesn't have a garden shed to put lawn equipment in, just bikes and toys and stuff.

The board discussed the size of the building.

Mr. Stupica said it is not like his is going to stick out.

Mr. Lamanna referred to the site plan and said if his neighbor's house was there it would be a different story.

Mr. Maglietta asked Mr. Stupica if he is going to keep as many pine trees as possible.

Mr. Stupica replied yes and added that it is wooded where the building is going to be.

Mr. Maglietta asked how far it is from the driveway to the front end of the house.

Mr. Gutoskey said the house sits 350' off the street.

Mr. Stupica said you can't see the houses from the street.

Mr. Lewis referred to the previous application regarding the eaves and the overhang.

Mr. Lamanna said he is assuming because it is a pole barn it is infinitely adjustable.

Mr. Stupica said it is not 100% set.

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

Motion BZA 2012-15 – 7151 Country Lane

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of constructing a 40' x 43' x 18' high pole barn.

1. A variance from the minimum side yard setback of 50' to 15' for a variance of 35'.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a septic field in the back of his property and the most reasonable place to construct this barn is on the side of the existing driveway.
2. This will not adversely affect the neighboring property because the neighboring property has an even more substantial barn located on it so it is not going to create an undue sight burden on that adjacent property.
3. The dwelling is also away from where this structure will be located.
4. The structure is located substantially back from the road so it won't be visible from the highway therefore it will not adversely affect the character of this neighborhood.

Mr. Lewis seconded the motion.

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

Application 2012-16 by Ronald J. Ries for property at 16665 Heatherwood Lane

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

Mr. Ronald Ries was present to represent this application.

Mr. Ries submitted a site plan to the board and testified that he recently had his property surveyed. He said they are the only owners of the house and they built it when they were 34 years old and 32 years later they want to do some things they couldn't afford to do then. He said all they are really asking for is the setbacks that they purchased with the lot, it is an 1-1/2 acre lot, it was a 50' setback in the rear and the entire house doesn't meet the 90' setback and the side setback was 20' and we are asking for 37' and it is a 40' x 50' pole barn and we are also trying to enhance the property and enhance the street because we are all suffering from housing values. He said the other thing is he has seven examples of homes that are already in the subdivision but took advantage of the 20' side so we have lots of things that are a lot closer. He referred to one property and said it is only 14' to the side and we are asking for 37'.

Mr. Ries continued by saying there are 19 homes in the subdivision and there were 22 lots, one house was built on two lots and the other lot is owned by an adjacent property and not built on. He said they are trying to make this a carriage house look.

Mr. Lamanna asked Mr. Ries about the property behind his.

Mr. Ries said the property behind is a parcel that was purchased by the Cleveland Electric Illuminating Company and it backs up to the Frohring park and the power lines and at the moment it is a tree farm, the guy owns 10.1 acres and pays \$800 per year in taxes and the property at this point in time is landlocked and there is no way to get to it except that he owns the other property that is on Chagrin Road so he has a tree farm behind him. He said he owns the adjacent parcel but he has not combined them so it is an individual parcel so it is an individual parcel that is not buildable without some kind of easement to get to it because there is no way to get to the parcel. He said it is ironic that it is contiguous to the Frohring park so it would have been appropriate to use the Frohring tax dollars to buy the property. He said there is a 7,000 sq. ft. house to the north of them. He said his property is very close to the power lines and now it is very close to the Sheriff's tower and added that his property is only 400' away from the Sheriff's tower.

Mr. Lamanna said he will have a hard time developing it because he would have to run 60' off of the other property and run it back there.

Mr. Ries said it is an interesting parcel and the owner bought it for \$10,000.

Mr. Lamanna said the question is would anybody want to live back there and asked if there is a house on the other property.

Mr. Ries said there is a house on Chagrin Road, he is an elderly gentleman who has three daughters living with him and he has lived there forever and he used to be on the zoning board, his name is Jack Pensky. He said they have been fortunate that they have been there for 32 years and it has stayed exactly the same and it also borders on what was the Chagrin well-fields which part of it is leased to the Geauga Park District he believes but it is still owned by Chagrin Falls. He said that Mr. Pensky is not in the position to donate the property to the park district and someone could buy the entire property and use it as a single parcel.

The board reviewed the renderings of the building Mr. Ries intends to build.

Mr. Lewis said his observation is that part of this garage is in front of the house.

Mr. Ries said yes.

Mr. Lewis said to get it pushed back even that is going to change the side yard setback and it is going to decrease the rear.

Mr. Ries said it is in front of the house but it is not in front of the porch that comes out of the front of the house.

Mr. Lewis said he sees that as a dotted line but did not know what that was.

Mr. Ries said it is a porch and added that he has pictures.

Mr. Lewis asked are we looking at the porch or are we looking at the main body of the house.

Mr. Ries said the porch has a roof.

Mr. Gutoskey said the porch is 14' wide.

Mr. Lewis said it should be evened up.

Mr. Ries said he prefers what was suggested and added that the porch is angled on the property.

Mr. Lewis said he would rather it be evened up and cut the back down to 43' or 45'.

Mr. Ries said he would too.

Mr. Gutoskey said even it up with the garage.

Mr. Ries said he would prefer to do it the way it was suggested because from the road, you really can't see it from the driveway, it is a huge stand of trees, they are giant trees and even in the winter you can't see the road.

Mr. Ries said he likes moving it back because that way it keeps more trees and he would love to move it back in line with the garage.

The board discussed the proposed setbacks.

Mr. Lewis said he does not see it as a significant impact on the property behind it and if a residence was built back there today, they would have to comply with today's setbacks

Mr. Lamanna asked about the size of the existing concrete pad.

Mr. Ries said the existing concrete pad has to be redone anyway but it is about 42' from the house.

Mr. Lamanna asked Mr. Ries why he chose 50' away.

Mr. Ries said because he was trying to do it within the setbacks in which he purchased the property because that was the original setback and when he purchased the property those were the original setbacks and he is one of two of the original owners and the setbacks were 20' on the side and 50' in the rear so he was within those when he purchased the property in 1980 and that is why he selected 50'.

Mr. Gutoskey asked Mr. Ries if he wanted to move it closer to the house.

Mr. Ries said no, he doesn't want to be closer to the house because then (he showed them his existing garage on the site plan) it doesn't give him a chance to get in and out and the purpose for this is to store boats so he needs trailers so if you put a Suburban in there and then you put a 35' trailer behind it and you try to back it in, he needs 50' of access to get in and out of it.

Mr. Lamanna asked how this pole barn will be finished.

Mr. Ries said the pole barn will have vinyl siding on the outside and asphalt shingles that will match the house on the top, the three dormers are fake and it will have no heat so what they are really trying to do given the fact that they are in an older neighborhood, not only does he need the storage at this point in his life, he has a heated garage that he uses for projects and things. He said he is tired of paying for storage in the winter for boats and they thought about selling and different things and housing values in here have really taken somewhat of a beating and one house transferred for \$202,000 which was a large house but they have to be kind of rejuvenated and we can differentiate ourselves from Canyon Lakes by doing something like this because we bought the lot with the understanding that we could because when we bought it we could build this and now we would like to do that. He said anything the board can do to move it back would be wonderful because if he could make it even with the garage it would be helpful because he has to back the boat in.

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

Motion BZA 2012-16 – 16665 Heatherwood Lane

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a 40' x 50' detached garage.

1. A variance from the minimum required rear yard setback of 90' to 43' for a variance of 47'.
2. A variance from the minimum required side yard setback (south side) of 50' to 40' for a variance of 10'.

With the following condition:

1. The proposed garage will line up with the front line of the existing garage.

Based on the following findings of fact:

1. A practical difficulty exists because it is a 1-1/2 acre lot with a 20' side yard setback and a 50' rear yard setback.
2. The existing narrowness of the lot makes it impossible to have a 90' setback.
3. The 40' setback is consistent with the neighborhood and will not adversely affect the adjacent property owners.
4. The property to the rear is an undeveloped land-locked lot and it doesn't appear that this would adversely affect the future development as the barn will not be much farther back than the existing house and should not adversely affect that property.

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

Application 2012-17 by Thomas Johnson for property at 17926 Kingswood Drive

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

Mr. Thomas Johnson was present to represent this application.

Mr. Johnson testified that the barn is right at the end of his driveway and it is a 12' x 16' just a regular storage barn and it is quite dilapidated so he is just replacing it. He said the only variance is that on the side it doesn't meet 50', it is 36' from the lot line.

Mr. Lewis said if you tear it down you lose the nonconformity. He asked if the floor is poured concrete.

Mr. Johnson said no actually he used old railroad ties and gravel back then but it is going to be a wooden floor now, it is a storage barn and it will have the same shingles that the house has. He showed the board a photo and said it will be just a standard storage barn, 12' x 16' and 12' high. He said it will have a little window at the top and it will be staying the same color as his house.

Mr. Lewis said it is at the end of the driveway pad.

Mr. Johnson said it is past his house and there is nothing in the back of his house, it is all woods and it is land-locked.

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

Motion BZA 2012-17 – 17926 Kingswood Drive

Mr. Lamanna made a motion to grant the applicant a variance for the purpose of constructing a 12' x 16' storage shed.

1. A variance from the minimum required side yard setback (on the southwest side yard) of 50' to 36' for variance of 14'.

Based on the following findings of fact:

1. A practical difficulty exists because it is a platted lot of 1-1/2 acres.
2. The original setbacks were 20' and this setback exceeds that.
3. This is a triangular shaped lot where the front is wide and it tapers to a point in the back so at the point of which the house is built is well beyond the half-way point of the lot and is substantially narrower than most lots therefore would be very difficult to stay within the prescribed 50' setback requirement.
4. The location and depth of the position of the barn will not adversely affect the neighboring properties or be inconsistent with the character or nature of the neighborhood.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:52 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta

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

Date: September 20, 2012

AUDIO RECORDING ON FILE

BZA PH 7/19/2012

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Bainbridge Township, Ohio
Board of Zoning Appeals
July 19, 2012

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:52 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Jason Maglietta, Alternate. Mr. Mark Murphy and Mr. Mark Olivier were absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the June 21, 2012 meeting as written.

Mr. Lewis seconded the motion.

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

Special Public Hearing – July 24, 2012

The board acknowledged the special public hearing to be held on July 24, 2012 at 7:00 PM at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio for the following application.

Application 2012-19 by Chris Ickes for Kenston Board of Education for property at 9500 Bainbridge Road

The applicant has requested area variances for the purpose of installing boardwalks and bridges over and through riparian areas for multipurpose community trails.

Applications for August 16, 2012

Secretary's Note: No applications were received for the August 16, 2012 meeting prior to or on this meeting date. The board was in agreement to cancel the August meeting if no applications were received by one week from today.

Applications for September 20, 2012

Application 2012-20 by Dr. Bob Lee/Kenston Schools for property at 17419 Snyder Road

The applicant is requesting area variance(s) for the purpose of installing a monument sign. The property is located in a R-5A District.

Application 2012-21 by Mary Hogan for property at 8422 Lakeshore Drive

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

Application 2012-22 by John Negus for property at 16675 West Park Circle Drive

The applicant is requesting a conditional use permit for the purpose of establishing an office, automobile repair and service/sales. The property is located in a LIR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for September 20, 2012 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 10:30 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Jason Maglietta

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

Date: September 20, 2012