

Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 20, 2006

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 2006-16 by Judith E. Barthel for property at 17800 Chillicothe Road (Sports Page Tavern) - Continuance

The applicant is requesting a conditional use permit for the purpose of installing a deck. The property is located in a CB District.

The zoning inspector's letter dated June 5, 2006 was read and photos of the site were submitted.

Ms. Judith Barthel and Mr. Don Pemberton were present to represent this application.

Mr. Lamanna asked the applicant if the question was solved from last time.

Ms. Barthel testified by saying yes and that Mr. Tony Campana the owner of the building is present tonight and he has given the okay.

Mr. Campana testified that he had sent a letter and then was asked to come to the meeting so he came.

Mr. Lamanna thanked Mr. Campana for attending the meeting.

The board reviewed the application.

Mr. Lamanna explained the application to those who were not at the last meeting and stated that it is for a conditional use permit for the purposes of constructing a 12' x 30' outdoor deck and the application was continued to assure the consent of the actual owner of the shopping center. He asked Ms. Barthel if she had anything else to add from last time and asked if the board had any outstanding questions.

Mr. Lewis said with regards to the specific nature of the addition by the applicant, he does not.

Mr. Murphy said in order to do this, the coverage on the lot will be increasing slightly, there will be more building on the lot than there was before and in order to do that, asked if there are enough parking spaces on the whole site so that two parking spaces can be eliminated and turned back into green space and if that is part of the applicant's responsibility or the responsibility of the owner of the property.

Ms. Barthel said it would be her responsibility and it will be two parking spaces.

Mr. Murphy asked if any asphalt will have to be removed.

Ms. Barthel said it is all gravel.

Mr. Murphy asked if the driveway is asphalt or gravel.

Ms. Barthel and Mr. Campana said the driveway is asphalt and the parking is on the side.

Mr. Lewis asked Mr. McIntyre if the gravel portion is part of their 40% lot coverage.

Mr. McIntyre testified by saying yes.

Mr. Olivier asked if there will be any entertainment out on the deck.

Ms. Barthel replied no and said they will just be serving food.

Mr. Olivier said it was mentioned that there has not been a band inside for eight years and asked if there will be bands.

Ms. Barthel said no, there will be just small televisions out there for football games and the deck will not be used in the wintertime at all.

Mr. John Kline of 8238 Bainbridge Road testified that he is representing most of the people in Kenston Lake and he spoke with some of the elderly people that live on Kingswood Drive that backs up to this property here and they could not come to the meeting tonight but said they would be willing to sign papers, but told them he did not think that would be necessary. He said his concern and the number one concern is the nuisance of the noise, and since the police station was built, all of the natural barrier for sound was taken down and sound travels and he does not know if they are going to have speakers outside for people sitting on the deck or if it is going to be quiet out there but we are concerned about the noise, this is a rural community and the purpose of having the deck there is to increase their business which will bring more traffic and more people and even though this young lady here may be a responsible bar owner, that does not tell me in the future who is going to be running or owning that bar and does not tell me who is going to be owning that property years from now. He said you can get a lot of undesirable people in a bar and he knows there has been a lot of drugs and drunkenness and fights at that bar and he has talked to the police and he is concerned over the years that somebody undesirable will start coming over there and there will be people outside shouting and fighting and hollering at each other, because he was young once and when you are 21 and 22 and you have drugs and alcohol in you, you don't have self control and you don't rationally think things through, you just react and this is natural and he is concerned about all of that. He said he does not know what type of lighting is going to be out there and he knows the police chief himself is concerned about the noise and just because the police station is next door, it does not mean it is a safe area and he can tell about instances in Cleveland where the police station was on one side of the street and a bar or bank was on the other side and in broad daylight, the bank was robbed. He said the main thing is how this will affect the elderly and they are within 1,500' – 1,000' of the outside of the deck.

Ms. Barthel said Mr. Kline is absolutely correct as far as fighting etc., it has happened and has occurred, but we curbed it for the last six years and all of the problems have been sent to the Ramble Inn.

Mr. Kline said she is a responsible bar owner and added that when he moved here 45 years ago, there was just a general store and he realizes that there is nothing we can do about what has happened to this piece of property, but when a decision is made tonight, the board is going to be setting a precedent for what happens in the future with other requests etc.

Ms. Barthel said in the future, she plans to keep the noise level down.

Mr. Kline said that is you, but anything can happen.

Ms. Barthel said as long as she is the owner she will do whatever she can to keep the noise level down.

Mr. Kline said he understands but he talked to a couple of ladies today that said the noise is so bad there right now.

Ms. Barthel said we have mostly women.

Mr. Kline asked if there will be speakers outside.

Ms. Barthel said she has no intentions of doing that.

Mr. Kline said there used to be two double doors there with a rock band.

Ms. Barthel said there is one little small door.

Mr. Kline said the 12' x 30' deck will increase the number of people there.

Ms. Barthel said she hopes that is the case.

Mr. Kline said he realizes that this variance is a financial request and his concern is for the future.

Mr. David Sanshuck of 17865 Kenston Lake Drive testified that he is worried about the noise also, there is a school yard with kids playing on it here and at night when he is in his back yard, he does not want drunks up here either. He said he is also looking at a safety issue, what kind of railings will be around it because down at the flats they have barriers and people fall off the decks and die in the river, there is no river here but what if cars drive by and someone falls and gets run over or falls off the deck and cracks their head open, it will put a taxation on the fire department, so it is not only a noise and nuisance problem, it is a safety issue. He said he moved here three years ago and it was a nice quiet town of Bainbridge and it was one of the reasons he bought the house over here but now with everything going in, it is a noise level and nuisance and they are not going against Ms. Barthel, but can she promise that in ten years she will still be the owner of the bar and still be keeping it that way.

Ms. Barthel said she cannot answer that.

Mr. Sanshuck said that is where they are coming from, they are not looking at today, but to tomorrow.

Mr. Al Cipra of Kenston Lake testified that he has been in his house since 1968, before the commons and before the freeway and he would go out in the evening when he first moved here and hear nothing, but now when he goes out in the evening, he hears vehicles from the freeway. He said trees don't mean much and he sees where this is going to happen again with this and he knows all it takes is loud talking and he does not know why this has to be a variance or what makes it illegal to require a variance but if it needs a variance, we should not even be here, just stamp it no and we will get on with our lives otherwise we are going to be sitting here listening to it.

Ms. Karen Sprague of 9241 E. Washington Street testified that she has lived in Bainbridge since 1962 and this is not the only place in Bainbridge that has a deck, Cowboys has one and a lot of places have patios. She said it was quiet here a long time ago but a lot of places have changed, she hates the change a lot, but in this case, it is ugly driving down that road and she can see a nice patio out there compared to the garbage cans and the field is not very pretty right now and maybe this would help.

Mr. Lamanna asked about the hours of operation for the outside.

Ms. Barthel said she has not really thought that much about it but they are open until 2:30 A.M. but she is certain that people will not be out there that long and as soon as the kitchen closes, she thinks that would warrant people to get off of the deck.

Mr. Lamanna asked when that would occur.

Ms. Barthel said probably around 10:00 P.M.

Mr. Lamanna asked if the outside would close by midnight on the weekends and 11:00 P.M. on weeknights.

Ms. Barthel said she does not know, she has not thought that much about the time, she has just been concentrating on getting the deck.

Mr. Lamanna said it would obviate some of the issues that people have.

Ms. Barthel said they are not loud now.

Mr. Sanshuck said you are inside now and by putting a deck on the outside, instead of people being in the bar drinking, they will come out on a hot summer night, especially for non-smokers, they are going to want to be outside until 2:30 A.M. and 1,000' down the road and sitting out with my family with a campfire, we are going to have to hear all of this and that is why he bought his house here, away from Washington Street, away from Cowboy's, away from the movie theater, etc. because he wanted a more rural quiet setting.

Ms. Barthel asked if he has taken his wife to a tavern, without the children, out on the deck and if it was loud out there.

Mr. Sanshuck said usually.

Ms. Barthel asked if there was a lot of music playing.

Mr. Sanshuck said there are speakers out there and people are talking loud and asked what the speakers will be for.

Ms. Barthel said they will have televisions for football games.

Mr. Sanshuck said the people will be championing for their team and that is going to increase the volume right there.

Ms. Barthel said it will be on a Sunday afternoon and asked Mr. Sanshuck if he thinks he will hear all that in his yard with his children.

Mr. Sanshuck said yes when they yell loud at the top of their lungs for their team, when he hears the kids on the playground, yes absolutely he would.

Ms. Linda Ricker testified that she lives in Kenston Lake on the culdesac and they do back up to the woods and they do hear the cars starting up at 2:30 in the morning and sometimes the stereos are pretty loud and sometimes they are not, it just depends and on holiday weekends it is worse than normal. She asked what is going to be provided as a sound barrier.

Ms. Barthel said they will have fencing, bushes and arborvitae 12' – 14' high all around the deck and that would be a good barrier.

Ms. Ricker said they have woods between them and they hear when the emergency alarm goes off at the fire station and we have been here for twenty years and we were here when the bands were going in the middle of the night.

Mr. Kline said motorcycles do make noise.

Mr. Lamanna said all of these concerns are valid, but the township has very limited powers to regulate noise from a legal standpoint except a nuisance, for example a jet plane flying over might be a nuisance but the fact that you can hear people talking, it is not a nuisance. He said this is a commercial district and they have a right to use this within a commercial district.

Ms. Ricker said they should provide a sound barrier.

Mr. Lamanna said they don't have to provide a sound barrier, they have to not be a nuisance.

Mr. Sanshuck asked as a taxpayer of Bainbridge, how many signatures on a petition do they need for the board to vote no on this.

Mr. Lamanna said you could get a million signatures on a petition and it is not going to make a difference on the board's decision. He said the board is a judicial body and explained that the board has a legal standard it has to apply to decide whether or not these people are entitled to do what they want to do and this is not a variance request, it is a conditional use. He explained that the actual conditional use request relates to the strip center as a whole, not even to the particular application before us.

Mr. Kline asked if the board is not contributing to the nuisance factor of noise by approving it and if the board does not approve it, there will not be that noise and nuisance factor and if the board passes this, the board is contributing to it.

Mr. Lamanna said he is talking about a legal nuisance, not what each individual considers a "nuisance" and if a bee is buzzing around him it is a nuisance, it is not a legal nuisance.

Mr. Kline said if you have a loud party in your yard and the neighbor calls the police, the police will come to your house and tell you to knock it off, the party is over.

Mr. Lamanna said no, they actually cannot do that, they can come to the house and say the neighbors are complaining, would you please tone it down, but unless it is pretty loud, there is not much they can do because there is not an ordinance so it limits what they can do.

Mr. Sanshuck said a first degree misdemeanor is disregard of the law.

Mr. Lamanna said they have to have a statutory basis for doing that order and we have been through a lot of noise issues and there are limits on what townships can regulate with respect to noise.

Mr. Kline said if the variance is not granted, then there won't be a problem.

Mr. Lamanna said no one has demonstrated that there is a noise problem, only hypothetical noise problems and it is somebody's opinion as to what they want to be able to hear and because someone does not like it, does not mean it is a problem.

Mr. Kline asked if the board could put in a stipulation that if it becomes a noise problem, then the variance is over and tear down the deck.

Mr. Lamanna said the board could put in a condition, they would not have to tear down the deck, but they could be made to comply with the requirements and to not have excessively loud noise.

Mr. Kline said that things happen when you get undesirables at a location.

Mr. Lamanna said he knows but the bar is a legal use and if it has a problem, that is the liquor board's concern, it is not the board of zoning appeals problem.

Mr. Kline said the board is creating a precedence of putting an outside place for people to congregate.

Mr. Sanshuck asked about the safety issue of people falling off of the deck.

Mr. Lewis asked Mr. Sanshuck if he has seen the application and the height of the proposed deck.

Mr. Sanshuck replied no and unless it is 8' tall, people are going to find a way of falling off of it.

Mr. Lamanna said a meteor may come out of the sky and land on the deck and kill everybody too but it is really not an issue that the board is concerned with.

Mr. Ted Ricker of 18111 Kenston Lake Drive testified that one of the things the township can do is enforce safety but the question is we are talking about a non-attached deck that will transfer people across an access to a parking lot and his question is how people are going to go across the street with traffic to go onto the deck and go back.

Mr. Lamanna said the deck will be attached to the building with a 6' fence around it.

Mr. Ricker said thank you.

Mr. Murphy said the liquor board will have some issues with fire exits but the deck will have to have locked exits from the outside to serve liquor in the state of Ohio and to have an outside patio, the law requires that you cannot just have a deck at ground level open to a parking lot, so for emergency access, you have to be able to get out of it if it is on fire but it will not be open for people to park in front of it and walk onto that deck.

Ms. Barthel said correct.

Mr. Kline asked if they had to apply to the liquor control board to have this deck.

Mr. Murphy said the liquor control board would love it if they sold more liquor, but there are laws in the state of Ohio that says you cannot have it open to a parking lot and when serving liquor, it has to be in an enclosed area, and that is why you can have dinner on the sidewalk at Joey's but you cannot have a drink on the sidewalk because it is not in a contained area. He said we have other open patios in Bainbridge and it is great in the summer to go and have a dinner outside and he does not think that without the deck, there will not be people fighting in the parking lot or starting up Harleys at 2:30 in the morning and not one bit is going to change. He said he appreciates where the neighbors live, he is right here in Bainbridge as well and in 1954 when he was born there was not any freeway and it was quieter then, but it is here now, he is not saying it should get noisier and he knows their concerns, there used to be a lot of trees and somebody cut them down. He added that Ms. Barthel said the kitchen will be open until 10:00 P.M.

Ms. Barthel said she will have a time for the deck but the kitchen is open all of the time until 2:00 A.M.

Mr. Kline asked what time people will be off the deck.

Ms. Barthel said 10:00 P.M. and that is reasonable to her and she will agree to that and added that she has had the bar for over 15 years.

Mr. Sanshuck asked how the community views this where this is located.

Ms. Barthel said she will try to do everything she can to stay within the requirements.

Mr. Sanshuck asked about the variance.

Mr. Lamanna said it is not a variance and explained that the reason this is here is that it represents a change to an existing strip shopping mall and the zoning has changed since the strip shopping center was built, shopping strip centers are now a conditional use under the zoning ordinance so they have to get a conditional use permit and now it becomes subject to the ten or twelve restrictions that apply to conditional uses generally and any other items that the board would impose within the purposes for a conditional use so having an outdoor deck on an existing tavern is not really here as a conditional use for that particular thing. He said a conditional use is for the whole shopping center and as part of that the board can put conditions on various uses of it to try to reduce its impact on the neighbors but the board has to be reasonable about it. He said the fact that someone can hear something is not something that we would consider a reasonable condition so the board has to act within what the law allows us to do, the board cannot decide that it would be a good thing if the person did X, the board has to have some authority for requiring the person to do X, otherwise what the board does could be challenged and overturned, so the board has to have a basis for what it does and everybody has to understand that people are entitled to use their property as long as it does not unreasonably interfere with people's use of their property and he stresses the term unreasonably because everybody's use of their property interferes in some way with what their neighbor is doing so it is not that you are not going to have any interference or any noise, it is what is reasonable and what hour of the day and how much and it is one of the things he is trying to address here. He said the board has some ideas here and we have talked about various aspects of it, there will not be any outdoor entertainment on the deck, no music speakers out there blaring, there will be limits on the hours, there will not be bright lights shining from the outdoor area and there will be conditions like that. He said it is possible that something could happen in the future but the board cannot look at every possible thing that might happen at some future time and try to base a decision on it, it has to be something that is reasonably probable and likely to occur on a regular basis and the fact that some idiot may come along in the future, it is not sufficient grounds to say the board is not going to allow this to happen.

The board discussed the proposed screening and lighting.

Mr. Lewis asked if the deck will have permanent covering, temporary covering or seasonal covering from a retractable awning to a thatch roof.

Ms. Barthel said she will start out with an electrical awning.

Mr. Lewis said that will give some seasonal protection and he would also think that it could put a cap on noise travel. He said he thinks the board needs to pay a lot of attention to the hours of operation, for access to it for example, and asked if the board sets a cap on the time and if it is a Saturday night, whose responsibility is it going to be to clear everyone out of there at midnight if that is the time the board sets.

Ms. Barthel said it would have to be the bartender's responsibility.



Mr. Lewis asked if the board writes that in and the police come by and there is a violation, who is it served to the bar keeper or the property owner.

Ms. Barthel said probably to her.

Mr. Campana said it would be the person running the business.

Mr. Lewis said the conditional use follows the shopping center and regarding outdoor conversation and cars leaving late at night, the possibility of a couple of folks finding themselves in somewhat of an argumentative state, these happen outside of the bar front door whether there is a patio or not, it is the nature of the business, and with or without something like this, he does not see any significant impact on that type of conduct by patrons who are given to act that way. He said what the neighbors have to their benefit is the police station adjacent which the board hopes acts as a soft deterrent.

Ms. Barthel said she would like to be given the opportunity to make the decision on what time that she would close and given a chance and then for the future, if they do have problems with noise or fighting etc., then she could change the time.

Mr. Lamanna told Ms. Barthel she could come back and have the times changed.

Mr. Lewis said that because of the proximity of a residential neighborhood, three months out of the year school is not in session, on week nights and school nights with kids, he is not real wonderful about a lot of midnight commotion, the other nine months of the year and out of the nine, there may be a couple of fall and a couple of spring months it would be open but during the weeknights, he is more sensitive to the late night hours.

Ms. Barthel said she would agree to that.

Mr. Lamanna said he was thinking the hours should be from Sunday through Thursday, close at 10:00 P.M. and Fridays and Saturdays they could close at 12:00 Midnight.

Mr. McIntyre said he wanted to clarify the discussion regarding the canopy that was mentioned, either permanent or retractable awning because there would be some building department issues that would need to be considered.

Mr. Lamanna said if they want to make any further modifications they would have to meet any requirements applicable to those modifications because the board is not considering that at all because it is not part of the application. He asked, with respect to the center generally, if there was anything else that needed to be addressed for the conditional use.

Mr. McIntyre said no but it can be addressed that a couple of the tenants like to continue putting out signage which we continue to police and when we turn our back, they are back out again. He said regarding the building itself, the 100' criteria is met and the parking is met.

Mr. Lamanna asked if there are any other issues such as traffic, noise, garbage pick up etc. that needs to be addressed on this property.

Mr. McIntyre said no, he went through the 15 points.

Mr. Murphy asked if the board is renewing the conditional use for the shopping center.

Mr. Lamanna said the board will be granting the center's application for a conditional use to operate as a strip center to continue. He explained that the shopping center will have to abide by all of the criteria applicable to the conditional use.

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

Motion BZA 2006-16 – 17800 Chillicothe Road (Sports Page Tavern)

Mr. Lamanna made a motion to grant the applicant a conditional use permit for the purposes of operating a strip shopping center.

Based on the following findings of fact:

1. This is a pre-existing shopping center and is consistent with the requirements for a conditional use and appears to meet all of the provisions with respect to conditional uses. The board notes that all of the general provisions of Chapter 117 applicable to conditional uses will now at this point forward apply to this property.
2. In addition, as far as this conditional use and as a condition to it, the board is permitting an addition of a 12' x 30' deck to the west end of the property on the existing tavern located in that area. That deck will be in conformance with the plans submitted by the applicant including the type and height of fencing around that deck.

In order to meet the intent of the conditional use and to adequately protect the neighbors from unreasonable interference with their property, and the adjacent residential district, the following specific conditions will apply to the use of this outdoor deck.

1. The operating hours will be limited to 10:00 P.M. from Sunday to Thursday and 12:00 Midnight on Friday and Saturday.
2. Any lighting on the deck will be at a low level and will be aimed into the deck space and not to the outside.
3. There will be no external entertainment activities or band or music on the deck nor will there be any music speakers placed out on the deck area.
4. Noise on the deck will be controlled to reasonable conversational levels so as to not create an undue noise problem.
5. The board also notes that as a condition for adding this deck that the overall lot coverage of the property must be maintained at the 40% limit and that in order to do this at the same time as the deck construction begins, two of the existing parking spaces will be removed and the area restored to a non-hard surface area.

Mr. Lewis seconded the motion.

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

Application 2006-18 by Billie Erikson, Lifespan Learning Communities/Frank Lanza  
Omni Lanza Bainbridge, LLC for property at 16716 Chillicothe Road - Continuance

The applicants are requesting a conditional use permit for the purpose of establishing a school/day program. The property is located in a PO District.

Mr. Lamanna made a motion to table this application until such time as the applicant desires to renew it. The applicant is presently pursuing action before the zoning commission.

Mr. Lewis seconded the motion.

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

Application 2006-21 by Mike Koenig for property at 9243 East Washington Street

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

The zoning inspector's letter dated July 13, 2006 was read and photos of the site were submitted.

Mr. Mike Koenig was present to represent this application.

Mr. Koenig testified that he built his house in 2003, a log home, and he is applying for a variance to construct a detached garage. He said he has a flag shape lot, that sits all the way to the far back and sits about 700' off the road, it is an odd shaped property in the rear so there is not a lot of room to wiggle. He said he is looking to build the garage to the east of the house and because the back line is at an odd angle, it is his understanding that the front of the garage ideally should not be in front of the house, he intends to keep that planed so the two structures match with respect to the garage being positioned next to the house. He said by doing such, it creates a setback issue along the rear property line and he would also like to push the garage a little further to the east just to make it more accessible and greater turning radius in and around the driveway. He said the property to the east is owned by CVAC and he spoke with them and they actually drafted a letter stating they have no objections to this. He continued by saying that when he constructed his home, they maintained the woods, as much as possible and that is the same intent with this garage as well to clear out trees to essentially get it built but to maintain a private property.

Mr. Lamanna asked if the garage will face the existing house.

Mr. Koenig said it will face the house, correct.

Mr. Murphy asked if the house has an existing garage built into the end of it and if it is a two-car, 16' garage.

Mr. Koenig said yes there is a two car garage on the house right now and it has double doors and the new garage will be the same with double doors.

Mr. Murphy said he was not sure what Mr. Koenig was talking about regarding the two buildings being lined up, the plane of the front of the house should be equal to the plane of the front of the garage.

Mr. Koenig said the drawing shows it a little bit better.

Mr. Orlowksi testified that once the house is built, it determines the front yard.

Mr. Murphy said you have an 800' front yard and the only place to put the garage is 25' from the backyard, so possibly the specialty of this yard might not make it such a big issue anymore.

Mr. Lamanna said in looking at what is surrounding it, it is probably better to be farther back from the adjacent house.

Mr. Koenig said he intends for the construction of the garage to match the house, with red trim to match the house siding.

Mr. Lamanna asked if the distance between the two buildings will be 52' or 72'.

Mr. Koenig said it is 72'.

Mr. Olivier said the neighboring house is a pretty substantial distance away.

Mr. Koenig said it is 390' to Mr. McHale's backyard.

Ms. Karen Sprague of 9241 E. Washington Street testified that they are not that far but don't know.

Mr. Olivier asked if she is the neighbor the east.

Mr. Spencer Sprague testified that they are to the west.

Ms. Sprague said she is questioning the size of the structure.

Mr. Koenig said it will be 30' x 30'.

Mr. Sprague asked if it will have an upstairs loft and be a two-story building.

Mr. Koenig said the proposed height on the application is about 20' and will have the same pitch on the roof to match the pitch on the garage but said the actual proposed height is 19'-6".

Ms. Sprague said it is a big building.

Mr. Olivier said if Mr. Koenig were to comply with the zoning, the building would be actually closer to the neighbor's house and the variance is pushing it further from the neighbor's house.

Mr. Lamanna asked what the height of the house is.

Mr. Koenig said it is taller than the garage, it is a two-story house.

Mr. Lamanna asked if this will be the same type of structure as the house.

Mr. Koenig said the inside of the house is 21' so the outside would be closer to 22'.

Mr. Stephen McHale of 17205 Bittersweet Trail testified that he is the neighbor off of Bittersweet and he did not know that lot was there until he built his house and this structure will be put in his view corridor and it is an all wooded area so he was surprised and not happy about this and he and his wife don't support this structure, we have to look at the house and now there will be another large building close to our property line.

Mr. Lamanna asked Mr. McHale if his house is on the culdesac.

Mr. McHale said no, just above it and his house is right behind.

The board discussed the variance request.

Mr. Lamanna asked if there is a riparian through there.

Mr. Keonig said there is a deep ravine there that parallels the south property line then turns.

Mr. Lamanna said it sounds like nobody will be able to build near where you are putting this garage.

Mr. McHale said if there is an option to move it up front, it would be out of our view corridor.

Ms. Sprague said no offense to Mr. Koenig, but we have the same situation, when we moved there it was all woods and we are just used to the rural setting and here we are seeking more variances and it is a large building.

Mr. Lamanna asked where Ms. Sprague's house is.

Ms. Sprague said they live next door and the map looks like it is way far away but it isn't.

Mr. Olivier asked Ms. Sprague if she is on E. Washington and not Bittersweet.

Ms. Sprague said yes at 9241 E. Washington Street.

Mr. Lamanna said he is sorry they cut down the woods, but if you want the woods, you have to own the property and it could have been worse because they could have built their house half way down next to your house and built the garage behind it.

Ms. Sprague said there would not have been enough room.

Mr. Lamanna said they could have gotten a variance.

Mr. Murphy said that has always been a buildable lot.

Ms. Sprague said they are asking for a variance to build another building.

Mr. Lamanna said it is because of the nature of the lot shape and explained that people with very unusual lot shapes have a right to get variances from the setback requirements and if all of the setbacks were applied literally on this piece of property, there would be a little tiny sliver of land that is 20' by 800' that they could build upon which would make it a little bit difficult for them to use their property so they are entitled to have their accessory structure.

Mr. McHale said it was a left over lot that they carved out in the beginning when they designed Bittersweet.

Mr. Murphy asked Mr. McHale if he lived there then and how long has he lived there.

Mr. McHale said he has lived there for 10 years.

Mr. Lamanna said most of the houses on Bittersweet had variances.

Mr. Murphy said he left all the woods and he has curved the driveway and it is invisible from the road especially in the summer time but things change. He asked Ms. Sprague if she would rather he put the building closer to E. Washington.

Ms. Sprague said she would rather he not have it.

Mr. McHale said he would rather it be there.

Mr. Murphy said he understands and is not sure he agrees that it should be in the same plane as the front of the house but it is not for him to say. He said he does understand that the neighbors think he should not build another garage but he has the right to build a garage.

Mr. Sprague asked Mr. Koenig if he planned to put a big outside light up.

Mr. Koenig replied no.

Ms. Sprague asked what the garage will be used for.

Mr. Koenig said for storage for a truck and boat.

Ms. Sprague said that she really questions the use because there is a lot of construction equipment there and garages are usually 24' x 24'.

Mr. Murphy said because Mr. Koenig made a point of it having to line up with the house, it is such a weird shaped lot, he is not sure there is a better place for it anywhere and for Mr. McHale it might be better if he tucked it closer to the corner, further north, instead of pulling in opposite of the existing garage.

Mr. Lamanna said if you look at all the people on Bittersweet, wherever he puts it, it is going to be at a different angle for all of those people.

Mr. McHale said nobody is set back like he is, his house is set back further than the others are.

Mr. Murphy said it looks like there is one next door that is every bit as back.

Mr. McHale said not really.

Mr. Lamanna said where he is putting this garage, you are not going to see a lot of it behind the house because, the house is farther up, the first house on the culdesac is going to see more of it, but we are not going to appreciably change what this will look like by moving it 20' forward.

The board discussed the location of the existing houses on Bittersweet Trail.

Mr. Lamanna said it is more than 400' to the closest house.

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

#### Motion BZA 2006-21 – 9243 East Washington Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a 30' x 30' accessory building in accordance with the plans and the height submitted on the applicant's application.

1. A variance from the minimum required side yard setback of 50' to 30' for a variance of 20'.
2. A variance from the minimum required rear yard setback of 90' to 25' for a variance of 65'.

Based on the following findings of fact:

1. A practical difficulty exists because it is a flag shape lot where the existing house is located at the very back end of the lot.
2. It is located approximately 50' from the rear lot line which is at an angle.
3. The proposed structure will be located parallel to and across from the existing house.
4. The location on the two sides where the variance is granted is a substantial distance from any of the adjacent dwellings on the adjacent properties and will not adversely affect those properties.
5. This is the only practical location on this property to place the accessory structure.

Mr. Lewis seconded the motion.

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

Application 2006-23 by LMZ Holdings, LLC for Steak “n” Shake for property at 7044 Aurora Road

The applicant is requesting area variances for the purpose installing signage. The property is located in a CR District.

The zoning inspector’s letter dated July 13, 2006 was read and photos of the site were submitted.

Mr. Pat McCuen, Real Estate Manager for Steak “n” Shake was present to represent this application.

Mr. McCuen testified that like most retail tenants all four sides require a sign and we can’t do that so we are requesting a variance, since we sit back at a large setback, 200’ from Rt. 43 and the building is 85’ long so if someone were to look at it from Rt. 43 there would be a sign right there and coming into the building, McGill is going for a shared monument sign with three other tenants there so we naturally want to be identified if somebody is coming into the front of our building. He said the service road going in, Giles Drive, is a private drive. He showed what McGill is developing and they will come in for a shared monument sign at another time.

Mr. Lewis said there will be a long one facing Aurora Road and then another one on the Giles Drive side.

Mr. McCuen said right and the total is 125 sq. ft. but the variance is approximately 11 sq. ft. or approximately 10.75 sq. ft. He said the one facing Rt. 43 is going to be 3’ high letters (36” high) which is our typical size and the side where the private drive is will be 30” high.

Mr. Lewis asked how far off of Aurora Road the building is.

Mr. McCuen said they are approximately 235’ from the parking lot but probably 275’ to the building so we need to have that visible.

Mr. Lewis asked if the 30” letters are on the front.

Mr. McCuen said yes and 36” facing Rt. 43 since it is so far and usually we do 36” on all four sides but sometimes 48”.

Mr. Lewis asked if he is the sign guy.

Mr. McCuen said he is not the sign guy.

Mr. McIntyre said he (Mr. McCuen) is reading off of McGill’s calculations, not his.

The board discussed the variance request.



Mr. Murphy asked if the calculation was square by square on the letters.

Mr. McIntyre said on his calculations, he boxes it.

The board discussed and reviewed the variance request.

Mr. Lamanna said given the overall length of the building, this is not out of proportion.

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

Motion BZA 2006-23 – 7044 Aurora Road (Steak “n” Shake)

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of installing signage.

1. A variance for all signs above 15’ to 21’-6” for a variance of 6’-6”.
2. A variance for the purpose of a wall sign exceeding 50 sq. ft. for a variance of 18.25 sq. ft. for a sign facing Aurora Road.

Based on the following findings of fact:

1. For the height variance, the architectural structure of the building is built to scale and the natural locations of any signage would be at that point on the building.
2. The applicant is within the total square footage of this signage for the building.
3. It is a small increase in size especially given the fact that part of the signage is actually in small letters with two large capital letters.
4. In determining the overall square footage and when looking at the location and size of this sign, it is not unreasonably large or out of proportion with other signs in the area.

Mr. Lewis seconded the motion.

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

Application 2006-20 by Matthew Lynch for property at 17477 Chillicothe Road

The applicant is requesting a use variance for the purpose of establishing a professional office. The property is located in a R-3A District.

The zoning inspector’s letter dated July 13, 2006 was read and photos of the site were submitted.

Mr. Matthew Lynch was present to represent this application.

Mr. Lynch testified that he lives on Sugar Hill Trail in Tanglewood and this property is a historical property and showed the board the historic plaque that came off the side of the house. He said the property was originally built by the McFarland family 160 years ago and since that time, in 1942 the property was bought by Bill and Gladys Burns and Bill Burns was a founding member of the Bainbridge Fire Department and later he was elected to the Geauga County Board of Commissioners so his family has some history in the township. He said in 1969, the Burns family sold off the back of their property and exchanged it with some property in order build the condominiums in Tanglewood and at that time this lot just to the south was given to the Burns family and that is how they ended up with this long piece on Chillicothe Road. In 1997, Bill Burns passed on and Gladys Burns has lived there until 2002, and in 2002-2003 she moved to assisted living and the house has been vacant ever since. He said this property is zoned for single family residential and he is asking the board to grant him a use variance in order to place a small law office there. He said the office will consist of himself and his wife Laura and she will only work part-time so it will be a very limited use and he anticipates that the traffic volume will be less than with a family of four living there, there will be no nighttime traffic of course, other than that there will be very little traffic. He said last year, members of the board will recall there was a proposal to build 8-10 condominiums that would have had significant activity and that proposal was ultimately withdrawn by community opposition to it and yet there has been no other activity other than his who is interested in purchasing the property. He said Mr. Ed Herman was the realtor who he expected to be here but sent a letter stating that there was virtually no interest in the property as a residence for reasons having to do with age and its proximity to the road etc. so his request is to be allowed to preserve this property in its rural nature and use it as a small law office. He said he wanted to address some of the issues in dealing with a use variance particularly with the special conditions that apply. He said granting this variance is definitely not contrary to the public interest in fact it is in the public's interest and in the community's interest to preserve this property not only because of the historical nature but because of the landscaping, trees and orchard etc. that are there to act as a buffer to all of the Tanglewood condominium owners. He said the property owners adjacent to the property have already sent in three dozen or so letters in support of the variance, both Tanglewood condominium associations have voted overwhelmingly to support the variance and have sent in correspondence to that fact and it is all in the records. He said the neighbors want him to do this simply because they want to preserve the green space, the trees, the buffer, the orchard and they want to prevent this property from being developed in some other way and this is a problematical piece of property, it is small, it is very close the road, it is adjacent to commercial properties and the danger is it could be developed in some unattractive commercial way but by preserving the house as it is and using it in this way as a small professional office we avoid all those problems, it will serve the community and serve his needs as well. He said he thinks everyone in the community agrees that this will enhance the neighborhood and preserve the property values. He said there are at least six different special conditions, he thinks, that apply to this property that support the request for a conditional use variance. He referred to the overhead photo and said first of all, this is a very isolated property and there are no other single family residences anywhere adjacent to this piece, it is literally an island sitting in the middle of the Tanglewood condos on the one side and Chillicothe Road on the other side so it really sticks out there all by itself and in that sense it is very unique and he does not think there is another lot in Bainbridge close to the road that is surrounded in this way by multi-family houses and condominiums and so it is very unique in that regard.

Mr. Lynch continued by saying that the geography location sits right at the top of Rt. 306 hill and it is the only single family house that faces Rt. 306 and all of the condominiums behind this house face away from Rt. 306 and all of the houses on the other side of Rt. 306 on Trillium all face away from Rt. 306, no one wants to face the traffic, or the noise of Rt. 306 and so again it is in a very unique spot because it sits right at the crest of the hill. He said the traffic patterns here in Bainbridge have changed a lot and this is another unique thing about this property, not only is it subject to all of the traffic on Rt. 306, it is also just ¼ mile from the 422 freeway and there is not any other single family residence that has that kind of location that has a double whammy, up close to the road and at the same time up close to the freeway so it makes it a unique and peculiar situation. The lot size is 1.65 acres and again we have seen other small acreage in Bainbridge but in this case it is a single family home and nobody could build on the lot and assuming that someone wanted this lot for single family residential use and they wanted to tear down the house and move it back, it would be facing a room full of condominium owners who would say we don't want that house right up next to our property lines, but at the same time you could not build a house up towards the road because it is supposed to be 100' back so again it has this sandwich kind of effect on the lot and the house making it extremely difficult to build anything else there and that is one reason there was so much controversy last year over the condominiums that were proposed. He said the age of the house is another unique factor and although it is fascinating to him to look at the pictures and think about 160 years of history, the fact is it is a 160 year old house and it is not the kind of house that people want to live in as a residence today, not simply because it is close to the road but because of the layout and its condition and if you read the letter that was written by the realtor, the house has been essentially functionally obsolete and there was absolutely zero interest in anyone buying the house as a residence and anyone who had an interest, once they saw it, the interest went away. He said finally probably the most unique thing about this house is the situation with the right-of-way and referred to the site plan. He said it shows very clearly what is happening here and in the southern lot, you can see the gray portion which represents the right-of-way and the north side of this lot the same way and there is no gray section in the middle and that is because the State of Ohio has never exercised its right to take the right-of-way and they may, they could do that tomorrow but the fact is if they did it, that right-of-way would extend virtually up to the front of the house and it would be 6' off the front door and on the doorstep of the house for sure and would have a dramatic impact and nobody wants to buy a residence that is going to be subject to that kind of potential burden in the right-of-way and as a result there has been no interest to use this house as a residence. He said for all of those peculiar, unique reasons, this property creates an unnecessary hardship if we try to enforce, literally the zoning code to carve out this little single family residential lot in the middle of no other single family residential lots and to do that is destined to make the property unbuildable, unusable and worthless and for those reasons, we want to get the variance granted. He said this unnecessary hardship can be avoided by granting a variance and he believes that granting the variance will support the real spirit of the zoning resolution. He said chapter 101.02 of the zoning resolution recites "that a major asset to the community is the natural rural quality of the landscape, and that this quality, insofar as possible, should be preserved." He said he agrees to preserve as much as he can, the rural character of this neighborhood and this accomplishes that goal and for that reason, the spirit of the zoning resolution is served as well and justice will be served not only for the applicant but for the neighbors who have an interest in that property so with that, he will be happy to take questions.

The board reviewed the application and variance request.

Mr. Murphy asked what would happen if the board says yes, and an office is opened there and tomorrow ODOT came in said they want the right-of-way, what do you do then.

Mr. Lynch said they can't take the property without compensation.

Mr. Murphy said yes they can because he used to be part owner of a lot right across the street and somebody decided that it should be taken and it was taken for a parking lot for the Burns-Lindow Building.

Mr. Lynch said they can take it but they didn't have to.

Mr. Murphy asked Mr. Lynch if they would do that, would he be putting parking behind the house or changing the location of the driveway.

Mr. Lynch said no, if he wanted to do those things, he would have to come back to the board of appeals.

Mr. Lamanna said at that point in time, the building would probably have to be demolished because of its proximity and if he was the owner of the property he would ask to have the value of the property reduced because it would be a smaller size than it used to be and whatever value there is in the building would be extinguished and that is one of the problems with granting a variance like this is because if a use variance is granted, it runs with the land, it is not personal to whatever and once the use variance is granted there is an extent to which the board can limit the use variance to particular uses and not have somebody say, three years from now, lets put up a drive-thru restaurant here or a Starbucks etc.

Mr. Lynch said if a variance is granted for a professional office and then it is limited to the existing building which is what he is asking for they would have to come to the BZA to justify tearing down the building, getting the setbacks for some other building and changing it to commercial use.

Mr. Olivier said the board would have already deemed it a non-residential use by letting an office use/building on that property.

Mr. Lynch said an office building could not be built without substantial variances so they would have to come back to the BZA, anything done to this property, residential or other would have to come to the BZA because of the nature of the lot, but anything is possible of course.

Mr. Lamanna said there is a lot there that somebody would be able to build on and the fact that they may have to come back and ask for variances, does not give the board the ability to say no, we are not going to grant those variances, because we don't like what you are going to build on it.

Mr. Lynch said he agrees.

Mr. Lamanna said CVS is built on a smaller lot than this is.

Mr. Lynch said the board should not deny an otherwise reasonable variance request on the off chance that somebody might do something someday. He said the board can put on all the conditions it wants and limit them to this building but to say that someday somebody may want to build something on it, the truth is you can't build condos on it.

Mr. Lamanna said when the board grants a use variance, they have to look at what they are granting and if they are granting a variance with that would allow virtually anything to be built there, they have to look at what impact it would have on the surrounding properties.

Mr. Lynch said he agrees but he is not asking the board for a variance to build virtually anything.

Mr. Lamanna said he does not know if the board can do that, if it is within the board's power to limit the variance that way.

Mr. Lynch said he is not asking for the ability to expand the footprint, etc.

Mr. Lamanna said he has to look at when the board grants something, what it is really granting, if they are granting a use variance, they are granting the right for someone to build what they want there as a broader use.

Mr. Lynch said he is not asking for that.

Mr. Lamanna said he knows, but once he takes action, he cannot go back and say he is going to undo it and he is limited to the conditions he can put upon it so he has to look at what the effect of granting a use variance is and what that would mean for that property and potentially for the surrounding neighborhood and the surrounding neighbors are fine if you are putting a law firm here but would they be fine if later on the property is sold for a Burger King or Taco Bell.

Ms. Nancy Connell of 8516 Tanglewood Trail testified that the board would get another fight.

Mr. Lamanna said the fight would not be winnable because the use variance would already have been granted so the neighbors would be really unhappy with this board.

Ms. Connell asked if allowing a law firm would also allow a Burger King if that would be the same thing.

Mr. Lamanna said no, but if the variance is granted, we would lose control over the future use of that property and that is one of the things he wants to be sure of before the board does anything.

Mr. Lynch said he is not asking for a variance for commercial use or retail use, only for professional offices. He said condos cannot be built on it and it can't be used as a house.

Mr. Lewis said the other applicant was not satisfied with the return yield based on the lot coverage, but it is buildable with condos.

Mr. Lynch said a house as well, with variances.

Mr. Lewis said the board understands that.

Mr. Lynch said it is a question that any use of this property would have to have substantial variances for it to do anything.

Mr. Lamanna said there is a big difference between the standard for granting area variances and the standard for use variances.

Mr. Lynch said yes there is but there are a number of unique aspects to this property which this board recognizes and is justified for granting a use variance.

Mr. Lamanna said he is not questioning Mr. Lynch's intentions, but the problem is the variance runs with the land.

Mr. Olivier said the board would be essentially saying the land is not fit for residential use and when that house goes down, several years from now, the board would have already said it cannot be used for residential use where that house is located and what could that be.

Mr. Lynch said the answer is it could be whatever this board wants because it would be up to the board to make the decision at that time and a use variance under these circumstances should not be denied because of what someone might do someday in the future.

Mr. Lamanna said it is a factor from the standpoint that once the variance is granted, what does that mean about the potential impact on the neighbors especially given the fact that there is a very real possibility that the state will come along and take that piece of property and when they do that they would effectively have taken the residence at that point in time and it would be nice if the board could say if the residence is destroyed that at that point in time all bets are off and it would revert to residential but he is not sure the board can do that.

Mr. Lynch said it wouldn't bother him any.

Mr. Lamanna said it would be back to residential and someone would have to come back in and make the argument.

Mr. Lynch said any use on this property will take an argument of some kind because of the nature of the property and the nature of the lot and the nature of the house. He said this use that he proposed of all the uses that might be proposed is probably the most acceptable and least offensive use and if the board turns down this use, what is left.

Mr. Murphy said it still could be a residence and the fact that it has not sold in three years does not tell him anything because there are a whole lot of houses that have not sold in Bainbridge and right now it is a great residence, it is an old century home with history, it belonged to the Burns family and it kind of matches his mom's house, she lives in a century home just like that on a different street.

Mr. Lynch said it has been available for three years and no one was interested in buying it and the issue here is really not the question of a soft housing market, it is the property and the location to the road and in these circumstances, no one is ever going to put their kids in that house or the mom in that house and face the noise and the traffic and all that goes with it and if it is not used as a residence, how is it going to be used. He said there has to be some reasonable use for it and he thinks his request is extraordinarily reasonable and the neighbors think it is extraordinarily reasonable. He said he understands the board's concerns, but if we worry about what might happen one day, we will be long gone. He said we can preserve this property for many years to come by granting this variance.

The board reviewed the variance request.

Mr. Lamanna said he understands what Mr. Lynch is doing and it is certainly a low impact on the neighbors but he needs to consult with the county prosecutor and do a little research to figure out just what the board can and can't do here and if there is another way to approach this, it may be better to approach this from a home occupation standpoint.

Mr. Lynch said that is an interesting point because he and Mr. McIntyre had that discussion and whether or not a conditional use with certain exemptions would get us to the same place.

Mr. Lamanna said the advantage of that is it would still be residential and it would be very hard to expand away from it and he would like a chance to look at that too.

Mr. Lynch said he had an application for a conditional use with certain exceptions ready to go and that is one of the things he considered as well.

Mr. Lamanna said it can be appended to this application and treated all as one.

Mr. Lynch said he had no problem with that, because you are right, it keeps it zoned residential.

Mr. Lamanna said the board wants to look at it to see what authority it has with respect to conditions and limitations.

Mr. Lynch said he can file it tomorrow and continued this to the next meeting.

Mr. Lamanna said he will continue it to next month and it can be amended to include that alternative as well.

Ms. Connell asked if the State Farm office, across the street, next to the church could eventually, because of the variance there, become a Chick-Fil-A.

Mr. Murphy asked Ms. Connell if she is a neighbor.

Ms. Connell said yes, she lives in the condos.

Mr. Olivier said he thinks it started as a home occupation.

Mr. McIntyre said the history is similar to the veterinarian office further up on Rt. 306 on the same side. He said he would have to pull the file to get the details on it, but he believes it mirrors what has occurred.

Mr. Olivier said he thinks it was more of a home occupation.

Mr. Lamanna said the board will review this.

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

Motion BZA 2006-20 – 17477 Chillicothe Road

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held August 17, 2006 and this application will also be amended by the applicant to include the alternate possibility of treating the property as a home occupation with variances.

Mr. Lewis seconded the motion.

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

Application 2006-22 by U Brothers Realty Ohio LTD for property at 16750 Hilltop Park Place

The applicant is requesting area variances for the purpose of installing a parking lot in the front yard. The property is located in a LIR District.

Secretary's note: The applicant was not present.

Motion BZA 2006-22 – 16750 Hilltop Park Place

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held August 17, 2006.

Mr. Olivier 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 9:52 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 17, 2006

AUDIO RECORDING ON FILE

BZA PH 7/20/2006

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 20, 2006

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. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the June 15, 2006 meeting as written.

Mr. Olivier seconded the motion.

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

Applications for August 17, 2006

Application 2006-20 by Matthew Lynch for property at 17477 Chillicothe Road - Continuance

The applicant is requesting area variances for the purpose of establishing a home occupation. The property is located in a R-3A District.

Application 2006-22 by U Brothers Realty Ohio LTD for property at 16750 Hilltop Park Place - Continuance

The applicant is requesting area variances for the purpose of installing a parking lot in the front yard. The property is located in a LIR District.

Application 2006-24 by Sarah Sanders for property at 16653 S. Franklin Street

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

Application 2006-25 by Steve and Stephanie Dennis for property at 8120 Woodberry Boulevard

The applicants are requesting an area variance for the purpose of installing a deck. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for August 17, 2006 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 9:55 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 17, 2006

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