

Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 24, 2012

Pursuant to notice by publication and certified mail, the *special* public hearing was called to order at 7:01 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Mark Olivier. Mr. Mark Murphy was absent.

Mr. Lamanna welcomed everyone to the special 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 2012-19 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.

The zoning inspector's letter dated July 24, 2012 was read.

Mr. Chris Ickes and Ms. Kim Norley were present to represent this application.

Mr. Ickes testified that their plan right now is that they have cleared some pathways in the woods on Kenston property between Timmons Elementary School and the high school and the purpose of the trails will be multi-purpose to have classroom education out there, to have biology, creative writing and health classes and physical education outside as well as used by sports teams and the community to walk, run and condition on the trails etc. He said what they would like to do right now is there are some stream crossings which they would like to build some bridges over the streams and they have some Boy Scouts who volunteered to take on two of the bridges and they have building experts that have volunteered to help them with setting the footers and will be overseeing the actual construction and they have plans that came directly from the Cuyahoga Valley National Park System that will help them with making sure they are up to code and make sure they can handle the weight and will last a long time.

Mr. Lewis asked if there are five bridges.

Mr. Ickes said there are five bridges and Ms. Norley and he are talking full disclosure coming in here and one of those spans has been reduced so they actually have shortened and lessened the need for one of the bridges, bridge #3 on the plans has been shortened.

Ms. Kim Norley testified that they laid the plans out in the rainiest time of the year, last year and it seemed like they needed a lot more bridge and the riparian buffer is about 75' and Geauga Soil & Water Conservation District went out and they had no concerns, it is more of a perennial creek and not running all of the time and last year it ran a lot more. She said this time they had Mr. Dave Parker out with them who is familiar with the area so he ran into the woods and they looked at one of the area that they are able to shorten, one of the bridges, by 16'.

Mr. Gutoskey asked if that is the 52' one.

Ms. Norley replied yes so it would be at 20.

Mr. Ickes said previously they required four footers.

Mr. Olivier asked if there will be footers in the riparian, actual footers.

Ms. Norley said yes, the riparian is 75' wide so to get any type of bridge or structure in there to span that zone you would have to have steel or fiberglass which is about six times the cost of a wood bridge so they will just do a more minimal impact and that is a boardwalk, they are staying below the 30" code that needs handrails on and that is one of the minimum treatments going in there, it is just putting the footers in and that is where the variance comes into play because it is within that riparian.

Mr. Lamanna asked approximately how high above the actual stream beds will they be.

Ms. Norley said they will be about 24" above the lowest point so it is anywhere between 12" and 24" is what they are shooting for.

Mr. Olivier asked if that is above the high watermark of the stream or the top of the bank.

Ms. Norley said above where the stream would have water if the stream had water in it because they are perennials and don't run all of the time.

Mr. Olivier asked if they looked at them when they were engaged with water.

Ms. Norley said yes and they are clear from that.

Mr. Gutoskey said in other words, just to clarify what is being said, the high watermark would be below the bottom.

Mr. Lamanna said the observable high watermark is below the structure.

Ms. Norley replied yes. She said they probably have a good 8" to 10" clear span on the high watermark, it is a whole area, 75', the riparian zone. She said what they did do is for the future, a lot of these streams start head-cutting and it will get deeper and deeper if the stream in the future does start head-cutting deeper, they have built these so they can get some 4 x 4s and get rails on them so knowing that in the future, streams don't necessarily stabilize and we have them so that if they go below 30" we have to put a handrail on them.

Mr. Lamanna said the board is comfortable if there is no issue that they are ever going to have water being impeded by any of these crossings.

Ms. Norley said no, not where they are going. She said the one area that is the lowest point of the property that is the real long boardwalk, the reason why they made it longer than the riparian zone is because that area gets a little more water.

Mr. Lewis asked if all of the bridges span the entire width of the riparian and is there a walking trail in the riparian and a bridge starting in the riparian.

Ms. Norley said that is correct, the riparian zones are basically 75' and that is the minimum riparian zone in that area, you can see the map where the hatch mark is, that is the riparian.

Mr. Lewis said yes so it is all 75'.

Ms. Norley said it is all 75' whether you are starting from the top of the hill or the bottom and so they were reading the Bainbridge Township codes and you can have a walking trail through there, you just can't have a structure so you can walk into the creek and walk over but you can't put in a structure.

Mr. Gutoskey said the way he reads this though is that all of these are basically the 25' riparian areas, 25' either side of the stream bed.

Ms. Norley said that Mr. Wrench was saying 75'.

Mr. Gutoskey said these all show as 25' and it is the function of the drainage area so if you look there are some 25' and there are some 75' and these are all small drainage areas that pretty much start or the headwaters are right in that property and work there way across Bainbridge Road and across Snyder Road so realistically the riparian is 50' based on this but he sees on some of them they are wider based on what you saw and cutting them at an angle.

Mr. Lamanna said the length of the actual structure.

Mr. Gutoskey said there are a couple of twenties in here and a 36.

Ms. Norley referred to the zoning resolution and said 142.02 (A).

Mr. Gutoskey said he is looking at 160.06.

Ms. Norley said 160 is structures so 142 says you can have a trail.

Mr. Gutoskey said that is the Passive Public Park District you are talking about.

Mr. Olivier said that may not be zoned that way.

Mr. Gutoskey said no it is R-5A.

Ms. Norley said it refers back to that recreational activity so 160.05 passive recreational uses as permitted by 142.

Mr. Lewis asked what kind of equipment is going to be brought in to set the pylons and if they are concrete.

Mr. Ickes said yes, correct.

Mr. Lewis said you get into the whole disturbing the soil scenario and he doesn't know if they are bringing in backhoes or you are hand digging or you are bringing boring equipment.

Mr. Ickes said an auger on a dingo and the dingo is designed specifically to not have any effect on the soil. He said Mr. Dave Parker will actually help them with the concrete pouring of the actual footers themselves. He said they will need a skid-steer to go back there for the trails rocks, etc.

Mr. Lewis asked what the frost line is.

Ms. Norley said 36".

Mr. Gutoskey said 42".

Mr. Lewis asked if the pylons are 36".

Ms. Norley replied yes.

Mr. Gutoskey asked if any of the caissons are within any Corps regulated areas.

Ms. Norley said no, we brought Geauga Soil & Water out and there is none.

Mr. Gutoskey said it is outside of anything that you would need a 404 permit from Army Corps.

Ms. Norley said no and the Army Corps has it for a certain amount of acreage and we are below that acreage.

Mr. Gutoskey said he is saying as far as putting any structures within the stream bed area, everything is outside of that. He said there are no caissons that are going to go in any stream bed or anything that would be under jurisdictional Army Corps.

Ms. Norley said according to Geauga Soil & Water no.

Mr. Gutoskey said what he is saying is if that is the stream-bed and you are coming across there, you don't have any caissons that are within that water.

Ms. Norley said that is correct.

Mr. Gutoskey said so they are outside of that, that was his question.

Mr. Lewis said it will be a summer home for the beavers underneath there.

Mr. Olivier asked if the trails themselves are natural, cinders etc.

Ms. Norley said they were going to use bare soil but with the amount of athletes running through there it got really slippery and slick especially last year, this year they would have been golden, so what they did in some of the areas they have a little bit bigger base on it so we are doing a natural gravel, #57 base, and then on top of that they have a gravel mix which is what they use on roadway shoulders and it is called trail mix, it has 3/8" down to almost clay material.

Mr. Gutoskey said kind of like limestone screenings but a little more.

Ms. Norley said it is very similar to screenings except rather than limestone they are using natural gravel because the limestone, especially in the riparian zones will throw your PH off so she didn't want to use any limestone on the project at all because it will kill the frogs and salamanders.

Mr. Lewis asked if they looked at the width of the stream in all of these places to determine the immediate on-bank pylon spacing. He said he can't tell if the span was divided and you have got it pretty much in the middle.

Ms. Norley referred to the site plan and said if you look at the span here, where it is flat and it dips down, this is where the water is running so what happens is the ground comes in and flattens and then dips down and comes back out. She said the dip on all of the drawings is actually where the water would be if water was running it.

Mr. Lewis said that helps out. He asked what happens with maintaining the treated lumber, you have got to seal it and do things with it from time to time.

Ms. Norley said they are using rough-sawn and the reason why they are using it, it is a special order product, it is 2 x 6 rough sawn lumber, is typically decking boards as you know will get really slick so if they have a lot of people walking on that, rather than trying to throw chicken grit down or trying to cover the boards up with something, what she found is to put rough-sawn on, you don't have to worry about treating it as much, it has a nice rough surface that you don't get as much slippage on.

Mr. Lewis asked how it is treated.

Ms. Norley said it is already treated coming in.

Mr. Lewis asked if it never has to be treated again. He said he is just thinking that if they get kids out there with rollers and they are top treating, there are gaps in the boards how do you protect what is underneath.

Ms. Norley said she has had some for 15 years that they haven't treated at all because it is a rough-sawn and it is a thicker board.

Mr. Lamanna said the question is, if the day comes when you have to do some kind of treatment with re-sealing it or surface treatment, at that point in time the board would want steps to be taken that so that that material is not allowed to enter the stream.

Ms. Norley said they would put a drop cloth down.

Mr. Lamanna said just so it doesn't get down into the soil and get washed down.

Ms. Norley said good point.

Mr. Ickes said it needs to be environmentally friendly.

Mr. Lewis said if you are not directly involved and another group of people are looking at this in 12 years, what will they do, we just want the right cautions.

Ms. Norley said she thinks having the rough-sawn you don't have to treat it as much as normal decking.

Mr. Lewis asked if it is coming out of a factory that way.

Ms. Norley said that is correct, it is coming out of the factory rough-sawn and going to a high pressure treatment facility.

Mr. Lewis said so it is already pre-treated, all you have to do is cut it and put it together.

Ms. Norley replied yes and typically a lot of places will just spray on the treatment but then it doesn't get penetrated into the wood. She said they are getting the one that is penetrated into the wood.

Mr. Lamanna said the board just wants to make sure if you are doing something that actually requires a Corps of Engineers permit that you actually do in fact have it and you are complying with the Soil & Water District. He said technically the trails are not a permitted accessory use in this district.

Ms. Norley said they are structures.

Mr. Lamanna said yes and if you have a driveway you can build a bridge over the riparian because a driveway is a permitted accessory use of the property and technically these trails are not a specifically permitted accessory use so once you start building structures for a trail, it is one of the things that nobody thinks of that somebody would be building trails in a non-park district type setting. He said it is kind of a gap that nobody ever thought of but the way it works is since that type of thing is not a permitted accessory use that we need to do something to bridge ourselves, no pun intended, across that little area. He said a bridge for a driveway would be permitted but that is because the driveway is a permitted accessory use of the property but nobody has ever mentioned running paths.

Mr. Gutoskey said they could be maintenance roads through the property too.

Mr. Olivier asked if someone had a five acre residential property and they didn't build on it they couldn't put trails on it and run their motorcycles technically based on the zoning resolution or ride their ATVs on their five or ten acre parcel.

Mr. Lamanna said they could ride around their property but they couldn't build a structure to do that but once they start putting in the gravel or a bridge but they could just clear a trail and didn't do anything more there wouldn't be any zoning issues. He said it couldn't be more than a casual use by the owner.

Mr. Paul Harris testified that it is hard to make a decision without a map to see where you are going but that doesn't make any difference and said he has seen water out there that your people have never seen before.

Mr. Ickes said they did their due diligence last year and they were out there every weekend.

Ms. Norley said they are saying now, what stream bed.

Mr. Gutoskey said what they are doing is an acceptable way to cross these streams.

Mr. Lewis said there are a lot of checks and balances with Geauga Soil & Water being involved, there are a lot of overseers and a lot of people involved and there is no intrusion on the main waterway areas with any of the support pylons, you are above the high watermark by 8", your bridge product is low maintenance and you probably want to get this done before school starts.

Mr. Ickes said absolutely and added that it is a Boy Scout project and they have limited time when school starts.

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

Motion BZA 2012-19 – 9500 Bainbridge Road (Kenston Schools)

Mr. Lamanna made a motion to grant the applicant a variance for the purpose of installing boardwalks and bridges over and through riparian areas as indicated on the map submitted with the application for the purpose of maintaining multi-purpose community trails.

Based on the following findings of fact:

1. The school district is going to use these trails for the purposes of school activities.
2. This is a low impact use of the property.
3. Although not specifically identified it is certainly consistent with other uses of these areas.
4. The applicant has carefully considered the nature of the bridges that are going to be installed so as not to adversely affect drainage through the riparian areas and therefore there should be no adverse impact on other property owners farther down stream nor will this be adverse to the nature or character of the area.
5. Furthermore other crossings of riparians are permitted with respect to allowed uses on residential properties and these crossing bridges should be of no greater impact than those other types of crossings that are permitted through riparian areas.

With the following condition.

1. The board notes that in the future if maintenance is required of these bridges since they are wood by application of preservatives or finishing compounds that appropriate steps will be taken to prevent the deposition of that material during application into the riparian areas.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:34 P.M.

Respectfully submitted,

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

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

Date: September 20, 2012

AUDIO RECORDING ON FILE

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