

Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 25, 2013

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:03 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna noted that this meeting was postponed from the Board of Zoning Appeals regular meeting date of last week (July 18, 2013).

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 2013-18 by Tracie Piazza for property at 8460 E. Washington Street

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

Ms. Traci Piazza was present to represent this application.

Ms. Piazza testified that she is requesting a variance for their monument/ground sign in the front and both businesses from the left and to the right of them have a monument sign out front which is 6' from the road right-of-way so she is requesting hers to line up with theirs instead of the 15' that zoning is permitting. She said she has even taken measurements from across the street at Key Bank and theirs is only 3' from the road right-of-way. She said if she were to put hers back it would be out of site from the roadway and you would not be able to see hers because the other signs would be blocking hers. She said the Heinens sign is located exactly 6' from the road right-of-way where she wants to put hers.

Mr. Olivier asked which of the green spaces in the front of her building is she planning on putting the sign, is she planning on putting it on the center one, the one directly in front of the building.

Ms. Piazza replied yes.

Mr. Olivier asked if the old pole sign is coming down.

Ms. Piazza said there is a 30' pole sign up now to the left of the building if you are looking down on it and that one they will take down if they can get this one approved to put up.

Mr. Olivier asked if will be centered on the center parcel, 6' off.

Ms. Piazza replied yes.

Mr. Lamanna asked if that is correct, all of these signs are all closer.

Ms. Karen Endres, Zoning Inspector testified that research was done on these signs and all she can think is the sign regulations maybe changed.

Mr. Lamanna asked if this was part of the change that was made.

Ms. Endres said at one time maybe it was 5' and now it is 15' and there have not been any variances.

Mr. Lamanna said he doesn't remember this issue coming up before.

Mr. Dale Markowitz testified that when they did the Caputo center and they went to court on that there was an agreed consent entry that included signage in the entry.

Ms. Endres said she didn't find a variance.

Mr. Markowitz said no and they replaced those signs recently too. He said they replaced the one that was built because Panera wasn't there at the time but the sign on Washington Street was part of the original approval.

Mr. Olivier said they came in for a second sign.

Mr. Murphy said Panera wanted to add their sign to Heinecks.

Ms. Endres referred to the GIS aerial photo and said the top left corner is the Kitchen and Bath sign and you can see the monument is still there and referred to the Washington Street Heinecks sign. She referred to a temporary sign and will have to talk to Panera about it being in the right-of-way.

Mr. Lamanna asked how far back the Heinecks sign is.

Ms. Piazza said 6' from the right-of-way, the same as what they want to do.

Mr. Lamanna said you want to be the same as they are.

Ms. Piazza said absolutely because when people are traveling in both directions we want them to be able to see their sign.

Mr. Murphy asked if there are any neighbors in attendance.

Ms. Piazza said when Ms. Endres was over yesterday, they got a verbal agreement from the Kitchen & Bath Etc. owner Mr. Emeil Soryal saying that he was okay with it.

Ms. Endres said she talked to the neighbor at Kitchen & Bath Etc. and he said he wasn't able to attend tonight but he wanted the board to know that he approves of the sign and would love to see the older one disappear.

The board reviewed the zoning code regarding distance from the road right-of-way.

Mr. Gutoskey said the other signs are going to be blocking it especially the Heinens sign plus we will get rid of that ugly pole sign.

Mr. Lamanna said there is not a lot of frontage there anyway to start with and if those other signs have already been there it is not unreasonable to stick the next sign in.

The board discussed the Highway Garage ground sign and viewed it on the GIS aerial photo.

Mr. Lamanna said it is also highlighted that no portion of the sign face can project past the base of the sign.

Ms. Endres said if you look at the sign diagram, the sign hangs over the base.

Mr. Lamanna said he cannot exactly fathom why that is in there but they may have wanted to have that in there to prevent some kind of giant cube sitting on a little pole or base where the base is really tiny and the sign is hanging over so it returns to being a pole sign virtually. He said he doesn't have a problem with this particular design, he doesn't think that is what they were intending to do. He said he thinks the idea is if the base is extraordinarily small and the sign is extraordinarily much larger than the base and now it looks like it is hanging in mid-air as a pole rather than sitting on a base and a 6" overhang is not a problem.

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

Motion BZA 2013-18 – 8460 E. Washington Street

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

1. A variance from the minimum 15' setback from the road right-of-way to 6' for a variance of 9'.
2. The applicant has shown on the drawing where there is a 4' sign sitting on a 3' base with a 6" overhang. The board will grant a variance to Chapter 173.11 (d) (4) to allow a 6" overhang on each side.

Based on the following findings of fact:

1. All of the other monument signs in this area are that distance and to place this sign farther back would make it very difficult to see the sign and would create an inconsistent pattern in the neighborhood.
2. It doesn't seem inconsistent with the intent of this particular provision.
3. The board also notes that part of granting this variance for the new sign is the existing pole sign will be removed and replaced with this sign.

Mr. Olivier seconded the motion.

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

Application 2013-19 by Truth for Life for property at 7040 Pettibone Road

The applicant is requesting area variance(s) for the purpose of constructing a building for the Truth for Life administrative and office facility. The property is located in a CR District.

Mr. Dale Markowitz, Attorney for the applicant, Mr. Michael Bowerman of Parkside Church, Mr. Jason Kekic, Engineer and Mr. Anthony Paskevich, Architect were present to represent this application.

Mr. Markowitz testified that he is with Thrasher, Dinsmore and Dolan in Chardon, Ohio and he represents Truth for Life, an Ohio Not for Profit Corporation and he also represents Parkside Church another Not for Profit Corporation. He said they are here on behalf of Truth for Life so that they can obtain approval to build a new office building which will become a back office and the administrative facilities for Truth for Life. He said Truth for Life in its simplest term is a broadcast ministry where Pastor Alistair Begg, who is the spiritual leader of Parkside Church, his sermons, his teachings, his unique interpretations and explanations of the Bible are presented and broadcast on radio stations throughout the world. He said he has CDs and DVDs and downloadable files that people obtain from the internet and the offices for this use will go into this new building.

Mr. Markowitz continued by referring to a Power Point slide and said there are 2,165 downloadable sermons that they have on the internet right now and there are a number of books, CDs and DVDs. He said the next slide shows the kind of media that they do which is audio, video and text and their business is moving towards the model of everything going on the internet. He said they do ship out books, CDs and DVDs but a lot of it is now going down over the internet because files can be downloaded more often. He said the facilities that they are going to build on this site will house the offices that will copy the sermons and papers and send them out over the internet or by distributing them from this specific site here and they will be going out all over the world. He referred to the site plan and said he will orient everybody first. He said this is the railroad track that is not in use but the track that exists to the northwest and southeast and some of the tracks are gone. He showed where the new drive is that the board approved for Parkside Church and showed the new traffic signal that has gone in here and where they added a right-turn lane for the Shops at Marketplace so this is now a signalized intersection. He said their plan is for there to be an entrance through the existing access here (he referred to the site plan). He said one of the variance there is an existing drive there now that was for the old VFW building and that building was 50' from the side yard because it is a triangular shaped lot. He referred to the site plan and said that is Pettibone Road down here, the old VFW building sat here and it was 50' from the rail line. He said the building would go on an angle to the road in this direction here and he will go into more detail on that and added that they had a model that they made for a better illustration. He said the railroad right-of-way is 100' wide and it is heavily treed both on this side as well as on their side of the railroad and it has been heavily treed for a long time. He again referred to the site plan and said the plan is to add parking here and landscaping here and they will maintain this existing buffer here next to this golf green and the cart path that goes around the green. He said there is also another green here that is on the other side of the railroad tracks and then the church is in this area here with parking along here. He referred to the next aerial and said this was how the VFW site existed before we demolished the building recently and they had parking here and here and the lot coverage is what you see in blue and the addition is in green. He added that he had mentioned that it is 50' from the railroad to the right-of-way line. He said the percentage of lot coverage was 47.75% on the VFW site and our coverage will be less than 40% and one of the variances that they seek is a parking variance to reduce the amount of spaces and they would be under the 40% if they had to increase their parking they would still be under 40%. He referred to the next slide that shows the aerial and this shows the church as well as the parking and the aerial was done before the drive went in and it shows where the VFW building existed. He referred to the aerial and said this is a golf hole here and sand trap and there is another green up here on the other side of the track. He said the significance of this green and the cart path around it will be explained later by the architect but the way they sited their building, if you look over here, they tried to stay as far away as they could from that golf green and to maintain the existing treed buffer that is there now. He said if they were to move the building further from the road they would end up impacting that entire buffer and with the grading, would have had to remove all of the trees that are there so they want to avoid that. He said they are seeking essentially four variances and one is going to connect to another.

Mr. Markowitz continued by saying the requirement in the code says when you are in a CR District you have to follow the area regulations for a CB District. He said a CB District says that if you are going to abut residential your building has to be 100' back and when they acquired the property they didn't realize that the railroad was treated as residential so they have to meet that requirement for that setback so they are asking that the setback be 63' rather than 100' and we would be 63' from here (he referred to a site plan). He said the retention basin meets the setback requirements and Mr. Jason Kekic will explain why they sited the building right here but keep in mind that if we move the building further down from the road to try to meet the 100', this part of the building right here would literally be in the trees and with all of the grading they would do will lose the entire tree line along there so they are seeking variances from 143.03 (d) and 143.03 (g) so they are 63' back rather than 100'. He said they also want to reduce the number of parking spaces from 72 to 56 and the reason for that is the number of employees they will have there and the number of volunteers who happen to be there from time to time, the code requirements for parking are excessive from what their requirements are but what they are willing to do is agree to land bank 16 spaces that they want to reduce now and in addition to land banking them they are seeking a variance so that if we do have to add those spaces it would go in the area that is shaded over here and the reason why they seek to be 20' from the line rather than 40' is that it would interfere with their loading area which is back here, if they had to move it 40' from the line it would block the ability to back in or out of the loading area. He said they also seek a variance to eliminate the screening that is required in the CB District if you abut residential you have to have screening. He said they don't have to have it on this side (he referred to the site plan) next to the golf course because that is zoned recreational in Solon and it is only along here that is zoned residential for the railroad that way it would have to be screened. He said they have a series of photographs that will be shown as part of their Power Point that shows how extensive the screening is right now and even if that screening weren't there, because they are really abutting a railroad track and they are abutting the church property which is also not a residential use, they don't think that screening would be necessary.

Mr. Lamanna asked who owns the property.

Mr. Markowitz said the church owns the property and they are going to ground lease the property to Truth for Life.

Mr. Lamanna said the abutting residential area is owned by the same property owner.

Mr. Markowitz said exactly and the railroad track is in-between. He said they came across the railroad track for access and the most likely future use will be turned into a path for bikes which is what they have throughout the other counties. He said this railroad is different than theirs though, they are wanting to keep their railroad rights and he is not exactly sure why but they still do operate the line, the line goes to some industrial facilities in Solon and Glenwillow so right now they are zealously maintaining their railway rights. He said this is the model that Mr. Tony Paskevich put together for them and it shows the building, it shows the retention basin and that is the existing buffer next to the golf course and Pettibone Road.

Mr. Markowitz continued by saying the last variance they received and the more they talk about it they probably didn't even need the variance but in the code the driveway has to be offset 2' from the property line, this driveway already exists, it was there for the VFW but when we were talking to Ms. Endres it all made sense to get a variance for that but Mr. Bowerman said the driveway is already there so it is already non-conforming so we shouldn't have to do anything but we still have it in there and hope that the board will agree to give us a variance for it. He said the reason why they really need the variance, it is two-fold and one is because the parcel is a triangle and this model is not a triangle, it is box but if you go back to the site plan, because of the shape of this back line here it was hampered so much and that is why they couldn't fit the building to meet the 100' setback and try to retain the green space and in addition that is why they need the 2' variance because with the access coming through here (he referred to a site plan), you couldn't possibly be physically off the line because there is no line. He said the other reason for the variance is due to the relationship of the church and Truth for Life and wanting to share that access so they need that variance. He said they wanted to keep the building on the west side so that they could make better use of the access and to keep the building away from that access point. He said the other is they adjoin a railroad which it is zoned residential but it isn't used for residential it adjoins recreational so they were trying to keep as far away as they could from the golf range because they don't want errant golf shots hitting the building. He said he has been told that golf balls are sitting in that lot right now so they want to keep the building away and you can see from one of their elevations that on that side they have a lot of windows so they want to keep those trees and want to keep themselves as far away as they can from the golf green and from the cart path. He said it is a public course and he knows from being involved in a lot of golf course developments and representations that a public golf course doesn't seem that bad but the people using the course all of the time have a tendency to wander off the course so they want to try to keep the building as far away as they can. He said they read over Ms. Endres' report and the only comments they have is they do not intend to eliminate the buffer next to the golf course and other than that they agree with everything in the report. He said Mr. Mike Bowerman is here, Mr. Tony Paskevich is here to give the board the layout of the front of the building and Mr. Jason Kekic will explain the site and the photos. He said he doesn't have anything else other than he wanted to give the board two minutes on the Duncan factors and why they think a practical difficulty test applies because they can't use the property beneficially without the variances. He said the variances are not substantial based on the surrounding uses. He referred to the GIS aerial and said this is a big retention basin right here that serves the shopping center and this area here is part of the land that Milstein owned and explained that it was given to Solon and not going to be used, the golf course is here, the church and shopping center here. He said they are further back from the road and feel that it works better as well. He said the essential character is not going to be affected, nobody is going to suffer a detriment by having the parking 20' rather than 40' away and the building 63' rather than 100' away and not putting in the screening we don't think affects the railroad. He said for government services, moving the building further up, they create more space here so if they had some emergencies, vehicles could get through here and if they had to move closer, they would be unable to do that and they also have the ability to have more space there. He said they have public sewer and public water coming from Geauga County in Solon so that is all taken care of, the utility lines are already on the street and so we don't have to worry about any utility service.

Mr. Markowitz continued by saying they didn't realize that the 100' setback for the building and 40' for the parking when they bought it because they didn't realize that zoning on the railroad was residential and they couldn't find another way to obviate the already developed site. He said the building size is based on what they know are the needs of the Truth for Life facility and you will see from the floor plan that they have a lot of flexibility for changes and they expect this building to last for a long, long time. He said Mr. Bowerman will explain how many employees they have and what their parking needs are. He asked the board if they had any questions and turned the floor over to Mr. Bowerman, the head of facilities. He said Truth for Life is a separate entity, they are two different non-profits but they will have a ground lease from the church to Truth for Life.

Mr. Lamanna said this activity is permitted in this district.

Mr. Markowitz replied yes, it is an office building.

Mr. Michael Bowerman testified that Truth for Life is essentially the distribution of the teaching that goes on at Parkside and Pastor Begg is pretty talented in teaching and explaining the Bible and there is a great request and demand for listening to his perspective and his particular take on Biblical issues and so the outreach or the broadcast, the distribution of his work at Parkside has evolved under a separate arm called Truth for Life and you can listen to him on 1,600 radio stations around the country and in Canada as well as around the world on the internet. He said they have people that are dialing up from India and the Philippines and all over the world tuning into what sermons get preached at Parkside Church and so the ministry has grown because of the demand for understanding the Biblical teaching that Pastor Begg has gifted us.

Mr. Lamanna asked why they need 71 parking spaces.

Mr. Bowerman said the personnel and staffing is expected to max out at 35 people and then they will have 10 – 15 volunteers from time to time that come in and help out so they don't think they will ever exceed the parking that they are installing but they are land banking and making provisions and further to that is they will maintain a relationship with Parkside and just across the tracks so they have access to all of our parking as well. He said their business is complimentary, they don't operate this building on Sunday morning when they have their maximum parking and it will be a nine to five business Monday through Friday.

Mr. Olivier said the zoning code requires 71 – 73 spaces.

Mr. Bowerman said they will build 56 and will land bank the other and even if they have to build out eventually they are still underneath the lot coverage. He said it is not a retail business, it is not a drop-in business and people will only stop by if in fact they know of its existence or want to come and take a tour.

Mr. Lamanna said people are not coming there to buy stuff, you are shipping it out.



Mr. Bowerman replied no, it is not a retail store.

Mr. Lamanna said the sales will be by phone or internet, nobody is coming in, it is not set up to do that.

Mr. Bowerman said the majority of the work is fascinating, the sermon downloads, they have reached the capacity of one million sermons downloaded per month, there is that much of a demand around the globe to listen to the Bible teachings so they think it is a viable enterprise. He said with electronic media today, they can manage it out of a fairly small footprint.

Mr. Lamanna asked if anybody else is interested in this application.

Mr. Bowerman said they do have Mr. Bob Butts here who is the Executive Director of Truth for Life and he can address any specifics.

Mr. Gutoskey asked how the parking lot lighting will be handled.

Mr. Bowerman said the parking lot lighting will be limited to broadcast cut-off fixtures similar to what the church has and probably even lower, he thinks they have 30' poles.

Mr. Lamanna said they had to meet the commercial requirements.

Mr. Bowerman replied yes.

Mr. Gutoskey asked if the parking lot will be asphalt.

Mr. Bowerman said the pavement will be asphalt yes.

Mr. Gutoskey asked if there will be islands in there. He said he was asked regarding the construction that is going on at the church right now and the township has been getting some complaints about work starting real early about 6:00 in the morning with truck back-up alarms going off so he would suggest that the starting time be at least 7:00 AM as one of the conditions.

Mr. Bowerman said they would dispute those claims and he has spoken with the complainant and we don't start and never have started before 7:00 AM and it is perfectly acceptable to them. He said he thinks it is an improvement to the neighborhood and it is an improvement over the property that was there and they think it will be an improvement for the community.

Mr. Gutoskey said he doesn't have any other questions.

Mr. Bowerman said the civil engineer is here and Mr. Paskevich is here if you have any architectural questions.

Mr. Gutoskey said it is a lovely plan.

Mr. Murphy asked if there is a reason why there are two driveways, could it not have been accessed out of the one.

Mr. Bowerman said that was the driveway that they added for an additional access into the church parking and it made sense when the VFW was still there they made a right-hand turn lane into that and that was added there and they just extended it from what it was. He said there is some communication between the church and the Truth for Life.

Mr. Markowitz asked Mr. Murphy if he was talking about this drive (he referred to the site plan).

Mr. Murphy said one or the other.

Mr. Markowitz said this one already exists.

Mr. Murphy said that one is brand new to the church parking lot so for this particular Truth for Life facility and business he is not sure if both are needed and it would seem that definitely it is tied to the church considering Mr. Begg has 1,000 sq. ft. and 83 sq. ft. for his personal office so he is assuming that he not only will be in the church but he will be in this building as much or half the time or something.

Mr. Bowerman replied yes and he has ten years left before he retires at the church and as he retires this will become his office.

Mr. Lamanna said if you have the west driveway, will that end up becoming an outlet and cars will be cutting through the parking lot to get out.

Mr. Bowerman said you approved an addition of a right-hand turn lane and that is done, completed and operational and it has sped up their exiting tremendously. He said no one cuts through that VFW parking lot, it is a continuous right-hand exit now.

Mr. Murphy said with the business with the church back and forth, do you really need an exit on Pettibone.

Mr. Markowitz said they want to have a separate in and out and we want them to be able to get out and it always showed two driveways here.

Mr. Murphy said going back to what he remembers the talk was we were going to block that off. He said all of this time was spent on putting in a traffic light and an intersection there on Pettibone that if this is in fact part of the church business, having a second driveway just 100' further down the road or whatever it happens to be.

Mr. Bowerman said they are an independent entity and they use the content and distribute the content that is created at the church.

Mr. Lamanna said there is an access already on their property.

Mr. Markowitz said for safety purposes so he is not sure why you don't want the driveway.

Mr. Lamanna said if something happens you will have two ways to get into the property.

Mr. Bowerman said the address is on Pettibone, there is not a public street on the other side.

Mr. Murphy said he thinks it is a very lovely building.

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

Motion BZA 2013-19 – 7040 Pettibone Road (Truth for Life)

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a building on this lot in a CR District.

Variances:

1. A variance to the 100' building setback line to the northeast side lot from the minimum 100' to 36'-1".
2. A variance, along that same lot line, from 40' to 20' for the purposes of parking.

Based on the following findings of fact:

1. The reason for granting these variances are that these requirements are from setbacks from the adjacent residential district.
2. The actual adjacent property is a railroad right-of-way 100' in width and so it would never be a residential property in actual usage and for the further part of the length on the other side of the railroad the existing usage is a church which is owned by the same property owner as this building therefore under those circumstances it is appropriate to grant a variance as the intent of this requirement is not really applicable to this situation.
3. There would be no adverse effect on the adjacent property owners or a detriment to the character of the neighborhood.
4. It is an unusual triangular lot shape and the situation with the railroad right-of-way creates a practical difficulty.

Motion BZA 2013-19 – 7040 Pettibone Road (Truth for Life) - Continued

Variance:

1. A variance from the parking requirements from the 72 spaces required to 56 spaces.

Based on the following findings of fact:

1. This variance is based upon the current use of the building and the number of 56 spaces is adequate for the purposes and will not create a parking issue.
2. There is also additional parking available on the adjacent church property that can be used if necessary.
3. In addition the applicant is designating a further space on the property for 16 additional parking spaces as shown on the drawing that can be installed if it becomes necessary based upon actual demands and usage at the site.
4. The reason for granting this variance is based upon testimony. It appears that the number of spaces is actually reasonable for the proposed usage of the building and that in any event there is still sufficient space on the property to add the additional spaces if they are in fact necessary.

Variance:

1. A variance to the requirement for screening and landscaping along the northeast lot line.

Based on the following findings of fact:

1. This is a requirement for screening off the residential area and there is the existing railroad right-of-way which is not now nor will ever be a residential area.
2. There already exists on this property a substantial amount of growth and screen in any event so that this requirement really has no practical application or impact on this particular property.

Variance:

1. A variance on the east side of the property line for the driveway being within 2' of the property line.

Motion BZA 2013-19 – 7040 Pettibone Road (Truth for Life) - Continued

Based on the following findings of fact:

1. This is a practical difficulty because this lot comes to a point at the end and the board already permitted an existing drive coming off the adjacent property through the railroad right-of-way to the intersection.
2. Because of the point and the nature of the existing layout, there is no other feasible way to connect the driveway at this point.
3. It will not affect the adjacent property owners or the flow of traffic through the township streets.

With the following condition:

1. The applicant will maintain the existing buffering located on the west side of the property between it and the adjacent golf course to provide a screening between the building and the golf course.

Mr. Olivier seconded the motion.

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

Application 2013-20 by James and Ann McClintock for property at 8844 North Spring Valley Park Drive

The applicants are requesting area variance(s) for the purpose of constructing a storage building. The property is located in a R-3A District.

Mr. James McClintock was present to represent this application.

Mr. McClintock testified that he wants to build a storage building and the most practical place he has is at the end of his driveway. He said the only thing is he can't make the 90' setback and if goes to the east of his driveway it is a swamp and if he goes to the left his house is already on the property line so he can't go there so he hopes to get a variance so that he can go ahead and build the building at the end of his driveway. He said he has a building there that he built between two trees and the trees are now pushing it over so it is ready to fall and he is going to have that taken down and he can't go over there because he has a lot of water problems over there now because all of the homes from Riverview drain down through that area. He said the only home that is close to him is on the east side which is Coles and there is quite a section of woods between them and the property behind him is strictly all woods and that house is on Riverview so they don't even see his property. He said the only time they can see his property is in the wintertime when there are no leaves on the trees. He said on the other side is Pemberton and that home is on the west side on Elmwood so he has no homes really close to him except across the street.

Mr. McClintock continued by saying the best place is right there but he can't meet the 90' setback and he really would not want to put it in front of the house but as you can see it wouldn't be in front of anybody's home or they would be looking at it all day long. He said the best place for him is right at the end of his driveway because if he goes out to the side it is swampland or marshland.

Mr. Murphy said so you are going to take down the little existing structure.

Mr. McClintock said yes it is coming down if it doesn't fall down in the next windstorm. He said he thought that this would be an improvement in the neighborhood because that building is in bad shape, he put it up 35 years ago.

Mr. Lamanna said it also exceeds the maximum size but it is not that tall, it is not any taller than the house.

Mr. McClintock said 13' 2" is the max.

Mr. Lamanna asked if the house is a single story.

Mr. McClintock replied yes and it is just a ranch house. He said he has two cars that he has to sit outside all of the time and he has some woodworking tools that he uses so he would like to have a little bit of space.

Mr. Lamanna said he doesn't see an issue.

Mr. Murphy said we typically try to get people to tuck them behind the house and asked if there will be a double garage door facing down the driveway.

Mr. McClintock replied yes so he can drive right into it.

Mr. Murphy asked if there will be windows in the garage door etc.

Mr. McClintock said the builder drew the picture up and usually he doesn't like people looking into his buildings because of his cars he keeps.

Mr. Murphy asked about the siding.

Mr. McClintock said it will be vinyl siding.

Mr. Gutoskey said the siding and roof will match the home.

Mr. McClintock said right but added that he doesn't have siding on the house, his house is a light green so they decided to go with a beige siding so they can paint their house what they want.

The board discussed the variance request.

Mr. McClintock said his house is close to his neighbor's property.

Mr. Gutoskey said and the other houses are set closer to the road.

Mr. McClintock said there used to be a lake in the front and he thinks they put the house back there and off to the side because there was a lake there.

Mr. Murphy asked if the lake was on the left side or right side of his driveway.

Mr. McClintock said on the left side of his driveway there was a lake and he had it filled in because of the mosquitos and snakes.

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

Motion BZA 2013-20 – 8844 North Spring Valley Park Drive

Mr. Lamanna made a motion to grant the applicant a variance for the purpose of constructing a detached accessory building (34' x 24' and approximately 14' high).

1. A variance from the minimum rear yard setback of 90' to 57' for a variance of 33'.
2. A variance from 300 sq. ft. to 768 sq. ft. for an accessory building on a non-conforming pre-existing lot of record.
3. A variance from the maximum lot coverage of 10% to 11% for a variance of 1%.

With the following condition:

1. This variance is conditional upon the removal of the old structure within 30 days after the completion of the new structure.

Based on the following findings of fact:

1. A practical difficulty exists because of the lot size there is no place to put the structure other than behind the house which is already set back far into the lot.
2. Due to the location of the dwellings on the adjacent properties this will have no adverse effect on the adjacent properties nor will it be inconsistent with the character of the neighborhood and the same reason for allowing the larger accessory building size.
3. The lot is sufficiently large and there is a sufficient distance between the adjacent structures.

Motion BZA 2013-20 – 8844 North Spring Valley Park Drive - Continued

4. This building height will be no higher than the one-story existing house so this will not adversely affect the adjacent property owners as well.
5. The lot coverage variance is de minimis and necessary because the lot is only one-half of the normally required acreage and will not be inconsistent with the density of the development in this area.

Mr. Olivier seconded the motion.

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

Application 2013-21 by Dr. Carol Osborne for property at 7181 Chagrin Road

The applicant is requesting a conditional use permit for the purpose of establishing a veterinary office. The property is located in a LIR District.

Secretary's Note: The applicant was unable to attend the meeting.

Mr. Lamanna made a motion to postpone this application to the next regularly scheduled meeting to be held August 15, 2013.

Mr. Olivier seconded the motion.

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



Since there was no further testimony, the public hearing was closed at 8:15 P.M.

Respectfully submitted,

Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy  
Mark Olivier

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

Date: August 15, 2013

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
July 25, 2013

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:15 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the June 20, 2013 meeting as written.

Mr. Olivier seconded the motion.

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

Application for August 15, 2013

Application 2013-7 by Dr. Caleb Chou, The Church in Solon for property at 7765 Country Lane - Continuance

The applicant is requesting a conditional use permit and area variance for the purpose of establishing a Place of Worship. The property is located in a R-5A District.

Application 2013-21 by Dr. Carol Osborne for property at 7181 Chagrin Road - Continuance

The applicant is requesting a conditional use permit for the purpose of establishing a veterinary office. The property is located in a LIR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for August 15, 2013 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 8:34 P.M.

Respectfully submitted,

Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy  
Mark Olivier, Member

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

Date: August 15, 2013