

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 15, 2013

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

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 and noted the procedures of the meeting that were posted.

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.

Dr. Carol Osborne was present to represent this application.

Dr. Osborne of 953 Bell Road, Chagrin Falls, Ohio testified that she is here today because she was scheduled for a hearing but unfortunately she had to withdraw her application and that is because the adjoining tenant had an option for first right of refusal for the same space and they decided to take that option but since she would still love to be in Bainbridge she was lucky enough to find a space actually in the adjoining property still located within the same industrial zoning district. She said she has filled out and submitted a zoning application and she is scheduled for a hearing next month on September 19<sup>th</sup> and she appreciates the board's time and consideration, thank you very much and she looks forward to seeing the board next month.

Ms. Karen Endres, Zoning Inspector testified that Dr. Osborne is withdrawing her original application and will be resubmitting a new one for the other location on the property right next door and we will be hearing that one next month. She said it will be a new application under a different address.

Mr. Lamanna said so BZA 2013-21 is withdrawn.

Ms. Endres replied yes.

Mr. Murphy asked if there is anyone present to deal specifically with this application.

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

Motion BZA 2013-21 – 7181 Chagrin Road (Veterinary Office)

Mr. Lamanna made a motion to treat this application as withdrawn and the board will hear a revised application from the applicant at the next regularly scheduled meeting to be held September 19, 2013.

Mr. Lewis seconded the motion.

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

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.

Mr. Kevin Bouyer, General Contractor for the Church, Mr. Chad Graber, Engineer, Mr. Mark Porter, Attorney for the applicant and Mr. Arthur Wu of the Church of Solon were present to represent this application.

Mr. Bouyer testified that he has a video of the site. He showed the video and explained the locations on the property as follows: He said the new driveway has been staked and is the same on both sides and explained the curve that will be blown out to 20' wide and the cleared trees. He said the circle will be 24' with a 90 degree radius that is also staked out and they will dig up two trees and relocate them in front of the circle. He referred to inside the house and noted that the doors will open out, the front door is almost identical to the existing door, there will be exit signs with back-up lights. He said when you go up the steps there is a room at the top of the stairs, the second door swings open and it exits to a deck. He said the deck also has to have a permanent fixture to exit down to the ground and he stood where it will go. He said they will use the great room as the sanctuary and there is a set of doors that will swing out with an exit light above it and it is door #4. He said as far as the lighting goes there are six flood lights to shine on the path out to the parking lot and there will be solar lights to line the path. He referred to the video and said he is standing on the edge of where the parking lot will be and then he is standing in the middle of the parking lot. He showed where the 50' setback will be that the board requested. He said now he is walking to the south and walking to the end of the parking lot and the parking will run east to west and fit into the spaces. He referred to the old fence on the horse property that is all rotted. He said he is walking toward the large evergreens at the edge of the parking lot and to the back. He said where he is standing now is the line for the 50' setback and the property line is almost 20' into the woods. He said the location to the left is the septic system. He said the opposite side is the electrical service and added that the board asked if they had enough room and they will have 13.5' or 14' clearance at that point so from that point on the driveway will pretty much be 14'.

Mr. Bouyer continued by saying when they were here last time we got stuck on the lighting and we stated that we would just put reflectors on the front part of the driveway and in the rear but the neighbors stated that they really didn't want lighting in the parking lot and if they weren't going to be there late why was there light provided so what they came up with is they have the path that goes from the parking to the garage and to the back of the structure, they will line that with solar lighting and they will use the lighting that was original to the house and switched the lighting to the path and in the future or if they see a need for lighting for the parking, his plan was to put some solar lighting on the corners of the parking lot and tie it into the existing lighting and switch which was always there for the house so basically that is where he is at. He referred to Mr. Chad Graber who drew up the plan and any questions for the plan, Mr. Graber will handle that.

Mr. Lamanna asked if the lighting on the house is standard par.

Mr. Bouyer said yes.

Mr. Murphy said if based on what he saw, in a ground box with two flood lights lighting up the other side of the trees.

Mr. Bouyer said the flood lights are basically here, here and here and the walk is going through the middle and they will have solar lights on both sides of the walk and added that it is getting darker early so they might need to use that back light but for the most part the lights light that whole area from the back of the house to the parking. (He referred to the site plan.)

Mr. Chad Graber, Engineer testified that he is with Forsythe Engineering and from an engineering standpoint he really doesn't have a lot to add other than referring to the minutes from the last zoning meeting, the parking spaces were 18', the middle spaces were 20' and Mr. Gutoskey said the 18s on the outer edge could hang over a couple of feet so you want to leave them for the bigger spots. He said the only other thing he can add is disturbance is less than one acre so per Geauga Soil and Water storm water retention/detention is not a requirement for the size at this point and they do have a letter from Ms. Carmella Shale of Geauga Soil and Water that states that. He said that is all he has to add from an engineering standpoint, there is not a lot.

Mr. Lamanna asked how this parking lot is going to be drained, where is it going to drain to.

Mr. Graber submitted the approval letter from Geauga Soil and Water. He said this site particularly slopes from east to west so the parking lot itself will sheet flow basically as such from east to west. He said there is a small culvert that runs under the driveway to the north of the proposed parking lot that will pick up a little bit and most of it then drains, if you can see the barn in the back, if you go straight west of the barn most of it ends up in that area.

Mr. Gutoskey said he believes the one thing that was discussed at the last hearing on this was requiring a detention basin only because normally in this zoning district here you are allowed 10% lot coverage and we are almost at 20% adding in the parking lot so there are some issues that some neighbors have brought up with drainage down through here so one thing the board would like to see is some type of storm water detention as part of the plan. He said the other question he has is the driveway going to the rear, the 14' width, typically that is for a one-way drive. He said if you read the code a 14' drive is for one-way traffic and if somebody is trying to go in and out what kind of complications they will have or if you have to get an emergency vehicle in and something is blocking it because it is showing or allowing two-way traffic in the parking lot but not to get to the back. He said the other questions he has is do you (applicant) think that the 4" of gravel in the parking lot will be adequate for the paving surface.

Mr. Bouyer said he thinks it is adequate.

Mr. Gutoskey said it depends on the amount of traffic that will be generated and the spring thaws and after thaws.

Mr. Bouyer asked Mr. Gutoskey what he is suggesting.

Mr. Gutoskey said he would refer to the applicant's engineer. He said the other question is the zoning code requires a dust-free surface so the question is what is dust-free. He said he thinks gravel is not going to be dust-free and it is probably going to need some kind of chip seal to seal the surface.

Mr. Bouyer said they will mix cement and asphalt and top it off with gravel that will be dust-free.

Mr. Gutoskey said he doesn't know of any gravel driveways that are dust-free in the middle of the summer. He asked if there is any way to get a drive back there that would be a two wide. He said he understands where the septic tanks are and the transformer.

Mr. Bouyer explained that they have 13'-9" or 14'.

Mr. Lamanna asked if there is an option on the other side, but then they would be taking more trees down.

Mr. Bouyer said there is rarely two-way traffic.

Mr. Gutoskey said he was curious if there was another way to get this to come through here and come around (he referred to the site plan).

Mr. Bouyer explained that the traffic coming in will come back out at another time and it is going to be rare that two cars are coming at the same time, they will be before and after and it is more than wide enough and when they do the parking lot they will have a lot of topsoil to scrape off.

Mr. Gutoskey said the only issue is with the amount parking you will be adding and the coverage on the lot he still feels that they need to have some type of retention pond to take care of that.

Mr. Olivier asked if there is full site at the 14' driveway, can you see to the other end where the 14' begins so a car approaching is going to see a car coming the other way in those instances where you do have two cars.

Mr. Bouyer said you can see the barn all the way to the side of the house (he referred to the site plan) back to the garage.

Mr. Olivier said a car coming down will see a car coming out.

Mr. Bouyer explained the site distance and said you can still drive close. He said if the parking were north and south they would have had a footprint so big, this will create the smallest footprint. He said the parking lot will be graded so the high part in the middle of the field, when they pare it down they actually will eliminate some of the water running off and they will be addressing a lot of the areas with the topsoil.

Mr. Gutoskey said one of the other things the board discussed was the mounding around the parking lot and landscaping.

Mr. Bouyer said there will be mounding on both sides of the parking lot and talk about wooded areas, they planned this to remove as little grass as possible because this is a beautiful piece of land and you guys want us to put in mounds and plant more trees.

Mr. Gutoskey said if you have a lot of topsoil to get rid of he thinks that would be perfect. He said he thought the board looked at mounding around with some kind of screening for the parking lot in the winter months when the woods doesn't have any leaves on the trees that you would have something there, pine trees etc. to screen the parking lot.

Mr. Bouyer asked is that what you want.

Mr. Gutoskey said he thinks that is what the board requested, to screen the parking lot for the neighbors.

Mr. Bouyer said some who live at the south end didn't want to see the parking, that is why they wanted the mounds and the east and west sides have woods.

Mr. Gutoskey said in the winter when there are no leaves on the property the adjoining properties would see the parking.

Mr. Bouyer said you still won't be able to see it in the winter.

Mr. Gutoskey said the board received photos from the neighbors via email looking into the site from adjoining properties.

Ms. Endres showed the photos that were submitted.

Mr. Gutoskey said those are pictures looking into the site when there were no leaves on the trees.

Mr. Bouyer said that picture was taken from somebody 250' on the property. He said he knows where those fences are and he knows exactly where they were when they took that picture.

Mr. Olivier said that is generally the area of the parking lot, correct.

Mr. Bouyer said no, the parking lot is on the other side of the barn and they had to walk on the property to take that picture.

Mr. Lewis said it is 350' from the rear property line to the back edge of the parking lot. He said the parking area that is proposed is in front of the barn, way on the other side of the barn by another 50'.

Mr. Gutoskey referred to another photo and asked where it is taken from.

Mr. Dale Markowitz testified that that was from the Minzter's backyard right by their deck looking north.

Mr. Lewis said that area is actually fairly matured wooded that is about a 25' wooded area of very big trees so you are going to see big trunks, not a lot of little stuff so depending on where you stand you may have a very big gaping view or a minimal view.

Mr. Gutoskey said right because there is not much brush on the ground.

Mr. Lewis said right, mature tree line, he was there today. He said he wants to talk about the EPA data on the sanitary system and he has two letters from the EPA, one is dated April 16, 2013 and the other one is dated June 6, 2013. He said the first letter seemed to imply that the current system would not support the church's proposed use, the June 6<sup>th</sup> letter says that according to the information submitted it appears that the septic will support although the contractor Frank's Septic Tank Cleaning Company has got to do some minor repairs so the reason he wants to talk about these two EPA things was that the original sizing and presentation to the EPA was to support an occupancy of 60 to 80 people and what they have done is they have gone based on that, that they then come back after further inspection and with a contractor which stated on June 6<sup>th</sup> that the system as it is currently sized although there may be a repair or two will support what has been presented to the EPA as 60 to 80 sanctuary seats. He said he is okay with that but the point he wants to make on that is that then based on what the sanitary will support is how many sanctuary seats can be scaled which then takes us to how many parking spots. He said he believes the last conversation they were looking at 34 parking spots which would be appropriate for the 60 to 80. He said the current rendering is now up to 51 parking spots to which your sanitary will not support and the EPA has not approved so unless somebody is here stating they are going to tear out their entire sanitary and replace it with a greater scaled one there is absolutely no necessity for parking spots that your structure and sanitary will not support so he is really confused on how we got from 34 spots and an increase in congregation to 50 spots although the letter from the EPA does not support that so he is looking to say the parking lot is too big, make it smaller and get rid of the back row, you don't need it, the sanitary can't support it anyway and neither will the EPA.

Mr. Bouyer said he spoke with the EPA, they asked about the members and asked about the size, he gave her all of the information, he gave her his plan on what he thought based upon other experts.

Mr. Lewis asked who the experts are because as long as we are doing testimony, he wants to know.

Mr. Bouyer said there is one and he used his plan and she agreed. He said that system at the house has never failed, has never had a problem, he gave that information to her and her letter states that.

Mr. Lewis said he is not talking about does the system work, he is talking about capacity and the EPA said the capacity in bodies and nowhere in this letter does it state that it is going to support any more than 80 so if you've got that document he would love to see it.

Mr. Bouyer said he will have a meeting with her in the next couple of days.

Mr. Lewis said she has the size of the system, you see how this all relates to pursue the site plan it is proportionate to parking spots which is proportionate to seats which goes back to your septic capacity so he is fine talking of elements on the parking lot and mounding and making sure the adjacents are protected from light and all that kind of good stuff but right now because we are substantially over on lot coverage, any way he can reduce the lot coverage is one of his goals and right now he doesn't see that there is documentation to support 50 parking spots so if the applicant wants to pursue it, he is fine with that.

Mr. Bouyer questioned the number of parking spaces.

Mr. Lewis said he thinks it said 50.

Mr. Bouyer said he knows what it is now.

Mr. Lewis said 34.

Mr. Olivier asked if the tenant capacity of the building is still 80 and under.

Mr. Arthur Wu testified that at the second meeting we increased the number which is based on the fire marshal who gave us the rule as to how to calculate the number and it was 150 based on capacity and square footage.

Mr. Lewis said he understands so based on square footage you can get more bodies in it and more parking although the structure won't support it because your sanitary is not big enough so that is the dilemma that we are at, your building could be three times this size but if your septic tank has only got so much capacity, if you could fit 400 people in there, if it is only going to support 80 people you either have to make the decision on holding it at that based on the capacity of the septic or you are going to have to replace your septic system and then we get into the proportions of the parking.

Mr. Wu said he understands that.

Mr. Bouyer said in the June letter she states they have no problem with approving the plan and if there was any failure they would have to add a dosing chamber and some other things in there and if it failed again they would be required to replace it.

Mr. Olivier said but we don't know what plan you submitted to the EPA and based on the first letter you submitted a plan for 60 to 80 parishioners in the facility, this letter doesn't state that it is approved for 150 so did you change the plan for the EPA and they are just not acknowledging that change. He said is the plan for 60 to 80 or for 100 to 150.



Mr. Bouyer said he never saw that first letter and he told her the capacity of the building was 150 and 90% of that is 135, he told her how many parishioners they presently have, right now, and that eventually they would like to get up to the maximum capacity based on the numbers they have now which is 135. He said he understands that is why she requested the flow meter and for us to monitor it. He said there will be a flow meter and they will monitor it.

Mr. Lewis said the fact of the matter is the June 6<sup>th</sup> letter from the EPA does not quantify the capacity of people that can be using this and that is a real problem and that is what he is looking for from them. He said they know the size of the tanks and they need to put something in writing.

Mr. Bouyer said they would like to get started on this and will address this and see what she comes up with, they will put it in a letter and send it ASAP.

Mr. Lewis said he thinks the board needs to reconvene at that point, it can't just get your letter and arbitrarily say good, resize this, it would require us re-meeting with that as evidence coming in and then looking at the modification of the site plan. He said he realizes that the applicants want to get started on this but for him because we have something that is a modified use, it is not a purpose built building and it is in the middle of a residential area and he is looking to make sure that everything is proportioned appropriately right out of the gate and this for him is a holdup.

Mr. Lamanna said the only thing the board can do is if we have a number that says this is the maximum number you have, before you could do anything the board could allow the applicant to satisfy that requirement by coming in with a letter from the EPA that says this system is adequate and has the capacity for that number of people. He said if you (applicant) can't get that letter from the EPA and they say the board says 120 people for example and the EPA comes back and says sorry it is 100, then we would have to go back through the whole thing again, we can't have a floating requirement, we can set a requirement for the condition that the applicant presents a letter from the EPA saying we would approve that system for that many maximum people and then again, you cannot get a certificate until you get that letter and if they don't give you that letter and they give you a different letter for a different number then you would have to come back to the board, the board would have to re-look at it.

Mr. Lewis said he doesn't know what site plan the EPA has, they were looking at capacity for 60 to 80 people and they have had it inspected and it is in working order with a few little tune-ups.

Mr. Gutoskey said and they know what the components are.

Mr. Lamanna said his guess is that somebody gave them some information on the capacity but the board doesn't know what that information was.

Mr. Bouyer said his question is can they agree to 34 spaces by tonight and they decide to break ground in the Fall, he will have dealt with the EPA and the letter will state what the board wants so can we agree to 34 spaces now and whatever spaces are allocated from the letter they get from the EPA and they will adjust it to that.

Mr. Lamanna said he will contemplate that, he just doesn't want to be re-hearing this over and over again so he is trying to find a way to deal with these issues and make sure that the board knows exactly what they are dealing with so it does not have to be re-visited but they will figure it out. He asked what is the number of people that you (applicant) would like to have is the maximum capacity for this building. He said there is an absolute upper bound of whatever the fire marshal says.

Mr. Arthur Wu said they can manage at 80 is fine.

Mr. Gutoskey said based on what the fire department looked at.

Mr. Lewis said they talked that maybe a third were youths that can't drive.

Mr. Lamanna said it is obviously not forever. He said you are willing to limit it to 80 for purposes of the board considering this application at this point in time.

Mr. Wu said for now yes, they can have two sessions, one in the morning and one in the afternoon.

The board reviewed the site plan and discussed the proposed parking lot and mounding.

Mr. Lamanna said the board is trying to figure out the most efficient way to remove the parking spaces.

Mr. Bouyer said the mound stays put.

Mr. Lamanna asked if the board had any more questions for the applicant.

Mr. Chuck Chudakoff of 7845 Country Lane testified that he currently rents the residence next door and he is here tonight because the intent was for him to purchase this house which he has now elected not to do. He said he has some experience in these issues so he understands what we are all up against but from that perspective he feels that changing the residential neighborhood from what he used to call a mixed use neighborhood, we are going to impact these residents and the investment in their home which is a big part of their investment portfolio and something that people consider important in their retirement so he stands for the people in the neighborhood and hopes that tonight what needs to be done and note their concerns and perspectives on this when you gentlemen make your decisions on granting variances and how this will be policed and watched that we take these people's feelings and views in consideration because most of them have a legacy on this street and they are about to face something that they never expected so in support of those people he is here hoping the best for them. He thanked the board.

Mr. Dale Markowitz testified that he gave Ms. Endres, Zoning Inspector a flash drive and he has some photos for the board. He stated that he is Dale Markowitz and he is with Thrasher, Dinsmore and Dolan in Chardon Ohio and he represents 20 families who live on Country Lane, Penny Lane and Catsden. He said all of his clients are opposed to this project and he will go into that in a minute. He said he was asked to represent the residents because they have a serious concern about the viability of having a church on Country Lane which although he knew Country Lane, he didn't really know it until he drove down it about ten days ago. He said it is a very, very narrow road, it is not the kind of road where you can park cars and get two of the vehicles through or even a fire truck. He said it has got some site distance issues and this is a specific property but it is a very quiet residential neighborhood, it has no non-residential uses, it is just purely residential. He said this property used to be used for horses and across the street there are some. He said board members know he has been in front of them for churches before. He said the churches that he has gone before this board on are all on higher traveled roads where there was significant amounts of buffer or non-residential uses adjacent to them so they virtually have no impact on residential or where it did there were natural buffers on that property or we created the buffers. He said if you recall when they did Parkside Church, even though we were across the street from a commercial recreation area even there they put in landscaped buffers and the point being is that they buffered the entire site. He referred to an aerial photo displayed on the screen and said Mr. Don Sheehy took this photo a couple of days ago from Google maps that he took a picture of. He explained per the photo, this is the barn and this area here was taken before the trees were cut and there were significantly more than three or four decent size trees. He said they have a photo that is in the packet that showed there were at least 30 nice trees that were taken down, why they were taken down now they are not sure and he is going to ask Mr. Bouyer that before we are done tonight. He referred to the aerial photo and said the majority of the trees are right here, the house is there and then there are some trees here and the parking lot and that is where the trees were cut down. He said there is a tree-line between the house and the parking area.

Mr. Markowitz continued by saying this is a conditional use application, it is not permitted as a manner of right and if you find that it is not appropriate for this area and would be adverse to the health, safety and welfare of the residents, then the board can turn it down but alternatively if the board feels it is appropriate because it is a conditional use we think that there are significant conditions that need to be placed on it not only because it is a non-residential use but because it is not a very large site, it is not far from other homes, it is on a very narrow street and there are safety issues here as well as health issues as Mr. Lewis indicated with the septic. He said if you look at where the parking is going to go, the tree-line is really barely at all on the church's property on this side and this area is what is being cut (he referred to the aerial photo) and there is virtually no tree-line until you get to the property line. He said his client is the one who took the pictures and she is right here and one of the photos is of the barn at the time she was taking these it wasn't necessarily for the purpose of this hearing she just coincidentally had taken them but the point is the tree-line here is mature but when you are standing there as you can see from one of our pictures you don't get the buffer because the trees are so high there is no low vegetation to protect you which is why we feel that their landscaping plan is totally inadequate. He referred to the aerial photo and said there are a significant amount of trees back here but back with a lot of the activity the trees are almost non-existent and what was there is gone, they were cut down. He said at the last meeting the board said it wants a landscaping plan, a storm water retention plan and a lighting plan. He said the lighting plan that we heard tonight, he had a hard time understanding what Mr. Bouyer was saying when he was talking about the lighting plan, but when the board asks him to give a lighting plan, he gives the board a lighting plan, he draws it up on a piece of paper and it tells where the lighting is going go and the details on the kind of lighting that tells you the wattage, the voltage, the shielding and he locates on the site where they are going to be. He said regarding the storm water retention plan, clearly at the last meeting the board said it wanted to see some kind of retention in the southwest area where the natural flow would be. He said Mr. Chad Graber is correct because it is less than a one acre site but under the county regulations, they have the power to enforce storm water detention facilities on lots less than two acres but it doesn't prohibit the board from doing so when the detail is necessary. He said at the last two meetings there was testimony from various people indicating that storm water detentions are needed in the area and even though we don't know what kind of surface is going on the parking lot, if you put in the kind of parking lot that the church is planning the water is still going to flow into the common lower area so that is why a detention plan is necessary there. He said regarding the landscaping plan, Mr. Don Sheehy is one of his clients and is a professional engineer and he submitted a landscaping plan. He said he asked him how high are the mounds and he said it is not detailed, he asked him what is on it. He said it is not a landscaping plan, it is a 2' mound and a 2' mound will not provide any kind of buffer from the lights on the vehicles, it will not be a sound buffer and it will not provide a buffer from sound or visual from the parking lot for the residents in the area so before the board acts on this request the board ought to have a detailed plan that shows significantly more detail and it should show that the mound is high enough for screening of at least 4' and there should be year-round landscaping and that the mound should be not only on the south side, it should be at the east and west end because there is virtually no buffer left on their property and the buffer should be on their property and not rely on their neighbors to maintain their buffers.

Mr. Markowitz continued by saying they ask the board tonight not to act on their plans. He said there is the retention plan and very importantly there is the septic because they stated that they are going to have 60 – 80 occupancy on a Sunday and 15 people on a Wednesday night. He said the EPA letters are based on that application because there hasn't been another one and Mr. Sheehy called and confirmed it and that the second letter refers to the application for 60 – 80 people.

Mr. Lamanna said that is hearsay.

Mr. Markowitz said the letter you have from June does indicate that there has been a revised application in which she based her opinion.

Mr. Lamanna said it is impossible to tell what she based her opinion on from the letter. He said we have no basis to find what the EPA actually determined here.

Mr. Markowitz said we prefer you don't act until you have all of the information. He said they said they would like to have the number permitted in the building of 152 but they would like 90% of that and referred to the parking. He said he does have some folks who want to speak tonight based not just on what happened at the last meeting, based on the information we have on the re-submittal that occurred after the May meeting and a lot of the basis for the conditions that they sent to you that we believe should be imposed if you are going to grant a permit based now on that information. He said they also think that creating a limitation on the number of people who could be at that facility is important not only for the septic system but also for safety issues if there is some kind of a disaster in particular a heart attack and part of the problem was the drive and that was not only for vehicles getting into the parking lot but also if the safety forces have to get back there for another reason and having more than a one-way drive is important. He said if any of you have been in a crisis like he has been as a law director and you have a lot of people acting irrationally he wouldn't want to rely on a 14' drive for all of the access because people start panicking and going in different directions so he thinks it is a very important issue to think about and we think they should take the time and effort to redesign their plan and he recognizes that it might cause some more trees to be taken down but we believe that they can fix that by properly buffering the site so if that is what it takes by buffering it needs the appropriate consideration. He said he does have some pictures that he wants to present and referenced the mounding plan. He said that is something Mr. Don Sheehy did and we will talk about that, it details the landscaping and we have some photos and Dr. Beth Minzter will talk about those and he can assure you that the photos were taken on the other side of the fence on the Canyon Lakes side on her property. He said Mr. Sheehy will also talk about why he thinks there are safety and health issues and why this plan at this point is premature and shouldn't be approved. He said where he goes to worship it is a very nice facility and during what they call high holidays there are times when there are too many people and not enough parking so people park at the back of the facility and there is gravel and grass and in the Fall and Spring the ground is soft and muddy and people trip particularly when they are wearing high heels and it can be a safety issue.

Mr. Markowitz continued by saying he would strongly urge the board whatever size parking lot they have and what was proposed was a 34 car lot, that it be hard-surface and striped because you can't stripe a gravel parking lot and it can't be dust free and with gravel it is not possible to have a dust free surface. He asked Chairman Lamanna if he could ask Mr. Bouyer a couple of questions.

Mr. Lamanna said okay.

Mr. Markowitz asked Mr. Bouyer why it was that he cut the trees down at the rear of the property at the time he did it.

Mr. Bouyer stated because of the trees that fell in the front so they asked to remove the ones that were rotten. He said those trees were ready to come out no matter where the parking lot went, those trees were ready to come out, he had to take down those trees.

Mr. Markowitz asked Mr. Bouyer if he submitted a revised application showing an increase in occupancy.

Mr. Bouyer said there isn't an increase in occupancy.

Mr. Markowitz said the application indicated that there wouldn't be more than 80 occupants on a Sunday and with the septic system that is currently there.

Mr. Bouyer said no he didn't, that is not the case.

Mr. Markowitz said so you won't have more than 80 occupants on a Sunday.

Mr. Bouyer said presently yes.

Mr. Markowitz asked if it is possible to move the electric box and the transformer. He asked Ms. Endres to display the site plan on the screen. He referred to the site plan and said so everyone in the room knows what they are talking about, that is where the transformer and electric box are and then the septic system is right there, is that correct.

Mr. Bouyer said yes it is. He explained where the location of the septic is and said it is on the edge of the driveway.

Mr. Markowitz asked how many lineal feet of leach field there is.

Mr. Bouyer said 200'.

Mr. Markowitz asked Mr. Bouyer if he knows what the standard lineal feet of leach field is now in Geauga County and added that a four bedroom home requires more than 200'.

Mr. Lamanna said at this point in time we got an indeterminate letter from the Ohio EPA on this and that is all we have and nobody is going to be able to improve upon that and we recognize right now that the only thing that we have confirmation and looked at is 80 people, beyond that, that is all we have.

Mr. Markowitz said and that is all they are asking for now and he has nothing further.

Mr. Lamanna said so that everyone understands, that is the board's position right now.

Mr. Murphy said he thinks it says in there that it is actually a 600' leach trench system split into halves so there is 600' of leach system.

Mr. Gutoskey said it does have an aeration system too.

Mr. Markowitz said he will ask Dr. Minzter to speak now.

Dr. Beth Minzter of 17291 Red Fox Trail testified that she is not an expert in land use. She said she just wants the board to know the date of several pictures. She said she had several points and she wanted to lay out the setting of the backyard and the area. She asked Ms. Endres to display on the screen the picture of the deck and said the date that this was taken was April 21, 2013 about 1:00 in the afternoon on a Sunday and she was standing behind the fence, several feet. She the next one is from their deck and added that the deck is 100' from the fence and the fire pit is 80' from the fence. She said they have been there a long time and have a direct view and to show the proximity to the barn and you can see how close it is to the barn and therefore the parking lot. She referred to the next photo that is from her property and she swears to that on April 21, 2013. She said that is the barn again from their property line and there is another one and that again is from the back of their house, just to give an idea of the proximity and there is the corral or stable, the fence has been taken down and you can see the house and will be able to see the parking lot and the lights and again it was taken on April 21<sup>st</sup>. She said she thinks she has given the board a pretty good idea of the backyard. She said this is July 14, 2013 and these are the trees that were now taken down and all of those trees have been cut and that is from her backyard. She referred to the next photo that shows the barn and house. She said she has given the board the area behind the house and deck and it is very close to the house, they have a hot tub and deck and now that the trees have been cleared it is clear that the lights from the vehicles and the lights from the property and the noise, and she has a video on how quiet it is, her house is elevated and her bedroom is in the back of the house and added that she is standing behind the fence line from the backyard so that picture was taken from here and explained when she is standing on the deck.

Dr. Minzter continued by saying one of the questions they had was about moving the parking lot north and it should not interfere so they should at least move it further from the backyard because for six months of the year they will see clearly and that is what she is questioning, to move it as far north as possible and added that she is very concerned about the septic system but she won't belabor that but the winds are from the northwest and if it is not well done they will worry about bacteria and medical hazard that could leach out into the ground and the odors coming from the property. She said they do request that the fence in the back is maintained and they are happy to take care of it and she is concerned about their privacy and the other homes in the neighborhood. She referred to the lighting such as motion detectors and wants as much as the natural landscape the animals and wildlife. She said she and her husband Mr. Peter Alves have reviewed the revised site plan that Mr. Don Sheehy prepared and they want to retain the fence line, the lights are of minimal use, they don't get a septic odor problem and they want to reduce the impact on the residential area. She said she wants to make sure that it is critical to have mounding to reduce the noise, light and have to have trees that will be there all year round.

Mr. Lamanna said the fence was mentioned that you want it maintained.

Dr. Minzter said yes the fence behind their property.

Mr. Lewis said he was there today and the fence is barely standing, it is old.

Mr. Bouyer asked if Dr. Minzter is on the south.

Dr. Minzter replied yes.

Mr. Bouyer said that section of fence is the only section they left up.

Mr. Olivier asked Mr. Bouyer if it was their intention to leave it.

Mr. Bouyer said yes.

Mr. Lamanna said it is still in good enough shape to leave it and that was what he was concerned about but the other stuff looks like it has seen its best days.

Mr. Bouyer said regarding the lighting, their intention was to not have lighting and the light they had was for the path from the parking lot to the house and they did not have an elaborate plan so they didn't have a plan because they are trying to make it as friendly as possible, you didn't want any lights in the parking lot so they are limiting the lights for the drive, they will put in some solar lights and since that light is already there and it has always been there, they will light the path and he thought it was a positive thing, there will be no motion detectors and no bright lights.

Mr. Lamanna said the board understands.



Mr. Bouyer said his opinion is the south end only needed a mound and they are trying to make this a pretty piece of land and their intention was they will have a lot of soil to get rid of so that is why they decided to make a mound and their intention was it should be something you would see on a golf course so it is going to block the view of the cars in the parking area. He said they are going to cut the grass themselves so there is not going to be anything high but it will block the parking lot and they want it to be pretty.

Mr. Don Sheehy of 7825 Country Lane testified that a lot of the stuff he was going to say, Mr. Markowitz already said so he will try to keep it short and not go over too many things. He said he did prepare a buffer mound design that was to be included in their initial conditions and he also modified it, addressed the actual site plan that they got submitted so he preliminarily at least showed where potential mounding could go on the site. He said we design these all of the time, engineers have designed many of these types of mounding applications in the past and in his opinion they are fairly attractive, they are four feet high with a fairly wide dispersed number of trees planted on them, randomly, a lot of times people plant them in a straight row and then a couple of them fall over and then you see the gaps. He said the more appropriate way to do it is to have some sort of random, scattered planting of pine trees and that creates a natural vegetative buffer that is there all of the time. He said currently the mound that is shown on the plan is about the height of your desk and the cars in the wintertime, it is going to shine right over that with headlights. He said the screening has got to be a combination of a physical mound and vegetation on top to really do a good job of screening and protect the neighborhood so that is what he would recommend and again this isn't a perfect plan, he just took a rough swing at it, he just got the plans last Thursday and they marked them up as quickly as they could to give the board something to look at. He said he also shows a little storm retention area behind the barn, he shows a storm system on the lower end of the parking lot, he believes you are going to have a significant amount of run-off coming off of the parking lot especially if it goes in as a gravel lot, you know how gravel lots are, you can't plow them really well, they are going to be rutted up and there is going to be a lot of mud in the wintertime, with heavy rains there will be water running through the aggregate, the aggregate itself sometimes will leak out into the neighboring properties so you will need some type of storm collection system along that side and collect that water, slow it down, trap sediment and then release the water back at a more controlled rate. He said even though it is not required by Soil and Water Conservation because it is over a five acre lot and less than one acre of disturbed area it is a pretty significant increase in run-off especially if you are the neighbor immediately to the west. He said the driveway section proposed of 4" – 5" of gravel is just really totally inadequate, he built his driveway for his house just recently and he probably over-designed it but it is a single family residential and he has close to 12" of gravel and 3" of asphalt on top of it. He said the 12" of gravel was probably adequate but there was still some areas where during construction they had to add some additional material, 4" – 5" would be mud in no time and in his opinion it has to be a hard surface over there, a chip seal with 2" of asphalt, there will be striping, you have to have something paved, you can't just stripe on gravel.

Mr. Sheehy continued by saying the handicapped spots right now are shown on gravel and he doesn't know how you get somebody who is actually handicapped with a wheelchair access when you have to get from that spot to the house across a gravel lot, it is just not going to work so they are going to need a substantial hard-surface and it should be designed to handle that kind of handicapped access. He said we talked about restricting the number of parking spaces, he was the one who had the conversation with Laura Weber of the EPA and he doesn't want to go and revisit that again but from a design standpoint he asked the same questions that Mr. Lewis was asking and since he is under oath he thinks he can say what his conversation was and she said they only respond to what has been applied for, they have permission for 80 congregants and that is it. He said he is concerned, what happens if they go to 150 and she said she doesn't have anything applied for to her that says they are going to have more than that number (80) so that is where they are at. He said he thinks as well if you read through her letter there are a number of conditions regarding the structure, taking out fixtures, moving dishwashers and washtubs etc. and if it is true all of these should be conditions because we are very concerned about the function of that septic system. He said she also strictly prohibits in that letter any type of occupation or any type of living arrangement where somebody is going to actually be living in the house, it can't just be that they are going to have somebody living in the house for a few days, it is strictly prohibited in this house and he thinks that should be a condition for any kind of approval. He said the conversation he had with her (Laura Weber) is actually the distribution field, the septic system, it is fairly small.

Mr. Lamanna said it is completely hearsay and we can easily get direct information on what their opinion is and he thinks that the best evidence that the board can have and there is no contrary evidence around that is other than we got two letters and are relying on the two letters and what is in those and nothing else so we don't need to battle any other conflicting testimony with respect to that.

Mr. Sheehy said he thinks that there should be a restriction placed on the property to not clear any additional trees within 100' of the boundaries of the property especially moving forward since a number of trees were already taken down and there should be a restriction in terms of the time limitations based on the fact that it is a very residential neighborhood and he believes that the hours of operation should be limited to 8:00 AM to 9:00 PM or for outdoor activities that would disturb the neighbors. He said there is a concern that there will be buses or commercial vehicles coming to the site that if they are sitting there idling they should be requested to have their motors shut off, they shouldn't have buses or vehicles or that type of thing with everyone outside the structure. He said he would like to make a request that based on previous comments the church building is supposed to maintain a residential character and that may be a significant basis for any type of approval and we believe that it is critical that it always maintain a residential character and if the church is subject to some casualty that it be rebuilt with a residential character and no alterations or expansion permitted without board approval. He said the last item he has is the field area behind where they are proposing the landscaped mounds be kept as a natural area and only mowed a couple of times a year that serves a couple of functions, it reduces water run-off from that open field area.

Mr. Sheehy continued by saying the one time that he was on the site almost the entire site was covered with grass that was somewhere between knee and chest high and that actually acts as a pretty significant sound buffer and it does absorb a fair amount of water and reduces run-off to the neighbors and most of that has been removed but it would help with the neighborhood and also be diligent to leave it as a natural field as much as possible.

Mr. Bouyer said the EPA tells them what they want, they say do this, do that, the EPA has told us what they want, it doesn't matter. He said he had the grass cut because he went to the site and the grass was 5' tall so you are telling us that you want to live next door to weeds and grass 5' high, is that what you want. He said the grass was always mowed and he thought you wanted a well-manicured lawn, the grass was smacking him in the face because it was all weeds and that is why the grass was cut so you can blame that one on him.

Mr. Neil Cawsey of 16908 Catsden Road testified that with a parking lot with 35 cars you must have the grass high for an additional buffer.

Mr. Lamanna said this is a difficult thing to address because what we have is a situation where we have got some people saying they would like the property to look this way and then we have to deal with what if the next neighbor decides that they don't really like a wild looking natural look, they like the manicured green grass look, you can understand it is a little bit difficult to deal with this type of situation. He said maybe perhaps they would be willing to let the last 200' just grow natural but then the other people who then live adjacent have to understand if we say let the last 200' of your property go to a natural state, they then can't come back and start complaining that we don't like the way it looks in its natural state, you get what you pay for in that case so be careful what you wish for or you might get it and you will have to live with it. He said he doesn't know if it is an issue for them, it is probably great, they won't have to worry about maintaining it, it can just grow in its natural state and obviously if people want that and if it doesn't impact the applicant, why not.

Mr. Arthur Wu stated that he thinks that is fine but the question he has is what if there is some animal in there, very dangerous for the neighbors so they cannot take responsibility for that.

Mr. Lamanna said in this case you would be complying with a requirement to maintain your property in a natural state.

Mr. Olivier asked if they had any intention of any use beyond the parking lot, beyond the back of the parking lot on that field, in front of the barn if any plans have been made for any activities in that area and are they comfortable with maintaining a buffer area of a certain amount of natural grass.

Mr. Wu said at the moment they don't have any plans.

Mr. Olivier said your current plan stops at the parking lot.

Mr. Wu said yes.

Mr. Bouyer said they are going to have a lot of topsoil.

Mr. Rob Heiman of 7214 Country Lane testified that he has lived on Country Lane for 35 years now and echoes this gentlemen's words that he perhaps speaks for other people here where we have historically welcomed anybody to that neighborhood, it is a residential, wonderful street with kids growing up and older folks, we welcome anybody to come into that neighborhood yet he agrees with the basis of a church gathering of 80 people coming into a residential area, the church's mission of 80 people and we hear the legalities of 80 people and if you are number 81 do they not permit you in their door, you 81 because we legally cannot allow you, that is not the nature of a church. He said he believes the church practices in the back of Solon High School currently is what he understands. He said two weeks ago he just happened to take a bike ride on a Sunday morning to the back of Solon High School and he physically counted 53 cars and two cars coming in, he did not count anybody inside, he has no idea but today if the church is growing and wants to have more people, my kids, my cousins, my relatives, come to this good church, we can't because we can only have 80 people and he is not too sure that is going to fly in the future.

Mr. Fred Wendel of 17148 Catsden Road testified that this is a follow-up on something that Mr. Sheehy was commenting on, Country Lane as we all know is tremendously narrow and we all have a concern about safety issues because of the bikers, people walk their dogs and one of the concerns he has is he keeps hearing numbers change constantly, every time he has been here he has heard different numbers. He said one of the concerns he has is if that parking lot is reduced to 34 he thinks was the number being bantered around if we are talking about a maximum of 60 – 80 people, there should not be any parking permitted on Country Lane at all.

Mr. Lamanna said don't worry about that, that will be one of the requirements.

Mr. Wendel said from a safety standpoint that has to be mandatory because then we get into a serious danger and he is just very concerned about the dangerous aspect of that neighborhood with the additional traffic and the problem with parking.

Mr. Lewis said he has a question on that and he can address it to the church liaison. He asked if they are planning, if their congregation grows to over 80 to hold more than one service on a Sunday.

Mr. Wu replied yes.

Mr. Lewis said okay and he will have interesting curiosities with your sanitary with that capacity because now you actually have 160 people, not 80 so he wants to get back into the sanitary.

Mr. Bouyer said the capacity is 150.

Mr. Lewis said no but you could have two services of 80, one in the morning and one in the afternoon and therefore put 160 people through a day.

Mr. Bouyer said they would have to upgrade the system before they could do that because the system wouldn't handle that.

Mr. Lewis said the applicant suggested more than one service so this would be something the board would consider.

Mr. Robert Sickling of 7774 Country Lane testified that some of the comments from the church were that they would do this and they would do that and this is where the hang-up comes, we would like it specified so that we know what is going to happen because originally they weren't going to have any trees cut down unless required for safety reasons or by some agency and yet possibly 30 trees were cut down on the property even though on the original application they said no trees would be cut down so if they are only going to have these specific lights they are talking about moving around and shining in different directions without having that specified in writing, we don't know if that is the way it is going to be and there is no recourse if it isn't so that is why they really want these site plans with the lighting and all of the other things specified on there.

Mr. Lamanna said just so you understand if we place something in our decision as a specific condition or a specific requirement that is just as binding and effective as if it is on some site plan. He said he doesn't want to be dictating a 2-1/2 page long set of conditions, he would rather have a site plan and refer to that but you have to fine tune things. He said they can fine tune them by the motion that the board will ultimately make.

Mr. Sickling said he was under the impression that a 20' wide driveway was mandated by the fire department and then we are finding that it is only going to be 14' in certain areas, that doesn't seem to comply with the statement.

Mr. Bouyer said they only mandated the driveway from the curb to the circle and that the circle be 24'. He said they asked if there is room to make it 20' and he said he thinks so. He said with the trees, nobody said no trees would be cut down.

Mr. Sickling said yes they did, if you look at the application.

Mr. Bouyer said the fire department wants it to be 20' wide and actually it started out the drive and the circle to be 24', he got it reduced to 20' but he said keep the clearance at 24' so he had them design the driveway so that it cuts out the least amount of trees and what they were concerned with was the trees over 8", he never said no trees would be cut down, he said that there were about six trees. He said he had that parking exactly inside the space of the clearing so that not a single one of those trees had to be cut down and the board stated that they didn't care if trees had to be cut down and it was clear from the way he had it designed the first time that those trees were going to have to come out and they asked and he said that at the last meeting and he said there were about six to seven of them that are a decent size and the rest of them were small and he made that perfectly clear, that first site plan, that parking lot fit perfectly in that space.

Mr. Lamanna said the record is what the record is, they don't need to be going back over past iterations of this now.

Mr. Sickling said they would like to have it said in writing all of these conditions and the site plan as a condition etc. that is why they are asking.

Mr. Lamanna said the board understands that.

Mr. Olivier said they are enforceable by the zoning inspector.

Mr. Vince Opaskar of 17072 Catsden Road testified that the board is going to be looking like bad guys if you send the building inspector out on a Sunday morning to count cars, it is a no-win situation so how do you enforce it then, do you shut them down.

Mr. Olivier said we have sent the zoning inspector out at night to view lights. He said we will issue a warning.

Mr. Opaskar asked who officially will be the counter or the observer.

Mr. Lamanna said that would be her (Ms. Endres). He said we have the same issue with every conditional use that is granted and if they don't follow it they get a citation and they can be hauled in.

Mr. Murphy said we all drive around too but in fact a neighbor would call and say it looks like there are 90 cars in that lot this morning somebody would want to take a picture of that or they would call up here to the town hall and report it.

Mr. Lamanna said ultimately one could lose their conditional use or the next time it is up for renewal it doesn't get renewed if you've got persistent violations.

Mr. Opaskar asked what the renewal period of time is, one year, five years.

Mr. Lamanna said it is typically five years but very often an initial grant of a conditional use will have a shorter period, like a two or three year period.

Mr. Opaskar asked if it is a nuisance clause.

Mr. Lamanna said it is not a nuisance clause, it is basically an opportunity for the board to review what has actually happened so instead of basing it on purely hypotheticals the board can see what has really happened here, has there been a problem that the board didn't anticipate with all of the collected brain power here, something we didn't even think about and then we have the opportunity to address it so that is another way we keep control of these types of situations until we are at the point where we haven't heard any complaints, all is fine then eventually it might move out to a normal five year type of renewal but it is an effective way to deal with uses where we are concerned about what might happen and then if the actual impact may be more than anybody thinks it will be it will give them a chance to come back so the board can deal with it again and make sure that it is not having an impact that the board didn't anticipate beyond what we are willing to approve. He said that is the mechanism to deal with it and if it is really a problem they may not get their conditional use granted again when it comes back up for renewal. He said we have the tools to deal with situations that come up but in the real world if we had an issue with the church or something like that, they are generally more than anxious to come back in and solve the problem because they don't want to have a problem with the township so historically that has not been an issue with people and if we found something of concern they go and try to address it as quickly as they can.

Mr. Mark Porter of Gallup & Burns testified that he is the attorney for the Church of Solon and he conferred with Mr. Wu and the church understands that they are not going to have more than 80 people on Sunday unless they first upgrade their septic system.

Mr. Lamanna said the simple way to handle that is if you reach that point where you want to change the number of people you are going to have to come back before this board, seek an amendment and obviously at that point in time have detailed plans on what the septic is going to be and a clear letter from the EPA saying this is what we would approve as being the capacity of this system so that we could be assured that the system is going to be able to handle the number of people we might actually approve in that case. He said he thinks that is the only way the board can handle this and based on what is before us now, that is the limit, obviously there is nothing that prevents somebody in the future from coming back and asking for a modification, again that requires this board to determine that that change is not going to adversely affect the neighbors in the aggregate as to what it would be but at this point in time it makes sense to say we know the EPA has said 80 people is okay, that is the only thing he can say for sure right now.

Mr. Bouyer said that was their understanding all along and if it got to the point where they would have more people then they would have to upgrade the system, that was the understanding all along.

Mr. Markowitz said he doesn't want to belabor this point but actually the letter from the EPA doesn't say that 80 is okay, what they said is you have got to go out there and measure the flow and if the flow meets their estimates of what typically should occur it will be okay but if the flow meter shows that there is too much effluent coming from that system then they will have to update it.

Mr. Lamanna said he understands and ultimately the requirement is they are going to have to keep that system satisfying the EPA requirements so if the EPA comes in and says they have determined based on the actual performance of your system that it is not meeting what we thought to be approved, then you will have to upgrade at that point and that is the only way you can deal with that.

Mr. Bouyer said that is the purpose of the flow meter.

Mr. Markowitz said 90 days after they are in there.

Mr. Sheehy said this is an EPA issue but it is drinking water. He said they are going to be operating a public water system and he thinks it is referenced in the letter from the EPA and if they are over the threshold they will need that permit as well which is different than a home system.

Mr. Markowitz said 25 people makes it a public water system.

Mr. Sickling asked how many people do you have on Sunday attend your services other than children.

Mr. Wu said it comes and goes but around 80 right now. He said the way you see 53 cars, they meet at Solon High School so the speakers and me and my wife, we drive two cars but we can drive the same car and some of the cars don't belong to us, they are the school's, there are many activities every Sunday, janitors, there may be three or four there and a lot of people running on the field so it is not all ours.

Dr. Minzter asked if one point can be clarified for her. She asked if this permit is allowed and the board accepts their conditions and the plan, similar to the discussion about clearing the trees whether they weren't allow to do that, will the board insist, before issuing the permit that everything has to be met, can the board make sure it is all in place before any worship can occur, she is curious to know how you make sure that they have everything done before anything is started because we are not assured of that yet. She said she just wants to hear it from the board.

Mr. Lamanna said that Ms. Endres, Zoning Inspector can explain.

Ms. Endres explained there is a certificate of occupancy and inspections from the fire department.



Mr. Lamanna said the issue is you have got multiple governmental bodies who have jurisdiction so they look at what they have jurisdiction over and they won't sign off until that is completed. He said there is no single coordinated point and the zoning inspector will be looking at this as it goes along.

Ms. Endres said it will be a work in progress and the zoning certificate could be issued contingent upon the lighting plan etc.

Mr. Lamanna said yes and what she is talking about is who makes sure the plan is actually done so there is somebody doing that. He said there is not an analogous procedure from a zoning standpoint, the zoning inspector will inspect it and if they are at a point where they want to start using it and they haven't complied with all of the conditions then they are going to get a citation.

Ms. Endres said she will not issue a permit until they are in compliance with all of the requirements.

Mr. Lamanna said but the zoning permit will not be issued until they actually build the mound.

Ms. Endres said not necessarily. She said it is a conditional use and for example the fire escape will be a separate permit so they will be applying for a separate construction type permit and added that she would issue that concurrently.

Mr. Lamanna said the zoning inspector will be the one going out there to make sure that they have in fact satisfied all of the construction conditions and they haven't done something that is in violation of zoning.

Dr. Minzter said she just wanted to know.

Mr. Lamanna said that is how the process works.

Mr. Sickling said they stated that they don't intend to use any of the property behind the parking lot for activities and they also stated that they don't intend to use the barn for anything but storage and asked if those two in particular be included as conditions.

Mr. Lamanna said yes they certainly can be. He said it is not unlimited, the board can probably include anything as a condition that has a tangible and reasonable relationship to the zoning and the prevention of undue impact upon the neighbors but the board can't do something such as deciding they have to paint the thing purple, that is probably beyond the board's authority to say a condition like that but to say we need buffering because otherwise the neighbors can see this, that is related sufficiently to the purpose of the zoning code that that would be an appropriate condition for the board to put on.

Mr. Wu said whether they let it grow or not.

Mr. Lamanna said the idea is to let the back for maybe 200' or so, behind the barn to grow natural and then you can decide if you want to do anything between there and the mound or not.

Mr. Wu said they can let it grow.

Ms. Endres said it is about 250' from the back of the barn to the property line.

Mr. Murphy referred to Section 117.13 regarding the general standards and specific criteria for conditional uses says that we should find adequate evidence that the use we are proposing giving a conditional use for here would not change the essential character of the same area, that it will be designed to be harmonious and appropriate in appearance with the existing or intended character of the general facility and it will not change the essential, not be hazardous or disturbing to existing or future neighboring uses and he just doesn't know if he has adequate evidence that this is the case. He said every church he knows that is a church wants to grow, it starts out as maybe a small thing in a house and when he sees a church now, he knows it is a church, it doesn't look like a house anymore it looks like a church, they grow, they get bigger, they pave, they put in lighting. He said he has a problem with what we are given here as the general standard and he doesn't know that the board has got evidence that it will not change the character of the neighborhood and that is the one thing that disturbs him.

Mr. Lamanna said he would say that you can't look at what the future might be, we have to consider what is before us now because they have no right to expand beyond what the application is here, that is all the board can consider, it can't hypothesize that someday they may want to triple in size because they have no right to triple in size, they are limited to what is granted here and this is a permitted use in a residential area so also in this case the building is actually going to stay looking like a residential building so he is not sure that this thing really fits this type of situation when you talk about changing the character because it is a permitted type use and any church anywhere technically would be to some extent changing the character of a residential district so then it would become meaningless. He said it is not a gas station type of situation, if somebody were to put in a gas station among a lot of office buildings that might be a case that the board might think they don't want a gas station in the middle of a lot of office buildings and even worse daycare centers, that would be a case where a conditional use would be inappropriate and would change the character of the neighborhood.

Mr. Peter Alves of 17291 Red Fox Trail testified by asking if anybody else has a parking lot on their property without changing the character of the neighborhood.

Mr. Olivier said we live in Tanglewood and have a parking lot in a residential area.

Mr. Alves said they just talked about the neighborhood changing, he doesn't know if anybody has a parking lot in this little area.

Mr. Lamanna said somebody could throw up a tennis court.

Mr. Alves said you just said it was not going to change the character so could we all put parking lots up, is that okay.

Mr. Ken Brown of 16940 Catsden Road said the conditional use permits that have been given to churches in the past are sufficiently different from this situation to allow you (board) to stand tall and respect the wishes of the people of the community to protect their property values and their privacy. He said you don't have to accept this and there is enough legal room to allow them not to if you stand tall.

There was an applause from the audience.

Mr. Vince Spiert of 7333 Country Lane asked the board, in their experience when they grant one of these conditional use permits in an area that you see typically other groups follow suit and try to apply for permits in the same general area, he is worried that this might be opening Pandora's box here and opening the door to really transform their community more than what this church is doing.

Mr. Lamanna said no actually, typically these are pretty much one-all situations and these are permitted conditional uses, this is not like somebody saying they are going to sneak a commercial use on the edge of something and try to encroach a commercial district next to a residential district and then there is an issue of a creeping situation but these types of things, you get one of them, it is there and you don't really have somebody else wanting to put in another one of these, it just hasn't been the history of things happening like that.

Dr. Minzter said there will be 80 people on that lot so the parking lot will impact the neighborhood.

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

Secretary's note: A discussion continued after the public hearing portion was closed.

Mr. Olivier asked the church if they have seen the conditions that the neighbors have compiled.

Mr. Wu replied yes.

Mr. Olivier asked if they are comfortable with them or are there certain ones they are not comfortable with.

The board discussed the attached plan.

Mr. Markowitz said the changes were based on the revised site plan.

Mr. Lewis asked if the applicant has seen this proposed revised site plan.

Mr. Wu replied yes.

Mr. Lewis said and the parking lot and the mounding and storm drainage retention area. He said he would like to know if the electrical and mechanical's box can get moved because that would open up the throat of that driveway beyond 14'.

Mr. Olivier said he is particularly interested in any of those conditions, if the applicant has a problem with them or the ones that you agree with and he would like to hear if they have them.

Mr. Wu referred to the list and said he does have some questions like the required mounding on the south side all the way to the east side, he has a question on that. He said the 80 people he has already answered.

Mr. Lewis asked Mr. Sheehy if he would like to speak to that as he had made a suggestion of the mounding on the east side of the parking lot and his thoughts were or what the group was feeling about that.

Mr. Sheehy said on the east side on their site plan it shows it being a creeping grass and that is a gap or opportunity to do some mounding.

Mr. Wu asked if they can just plant trees or something.

Mr. Sheehy said the goal was to screen it from headlights and cars going in around the parking lot and there is a house next to them and they are just trying to screen the property.

Mr. Lewis said if you are excavating a lot of soil anyway, you have the resource right on the site to establish the mound and bring it to the recommended height.

Mr. Wu said he was thinking about going through the list one by one.

The board was in agreement to review the list of conditions submitted by the neighbors.

1. The Bainbridge Fire Department letter provided by Assistant Chief Lovell, considered at the May 16, 2013 Board of Zoning Appeals meeting be included and that all requirements, suggestions and recommendations of the fire department be attached as conditions to the permit.

Mr. Wu stated that that is something they have to do, no objection.

2. The Applicant submitted septic system approval to the Ohio EPA on the basis there would be a maximum of 80 people occupying the premises at any one time, and conditional approval was granted by the OEPA to use the current system on the basis of 80 occupants as a maximum, and therefore the maximum occupancy permitted in the building would be 80 people including children and staff as well as members of the Church. In the event any higher occupancy is requested, an amended conditional use permit must be applied for, with requisite proof that sanitary sewage treatment for the higher occupancy has been approved by the OEPA.

Mr. Wu said they will do that, no objection.

3. All of the requirements noted in the Ohio EPA letter of June 6, 2013 should be required including the capping of drains and waterlines to all tubs and showers in the main building excluding the master bath which may be permitted for religious exercises on a minimal basis, and that no food be prepared on site. In addition, a flow meter to monitor water use should be installed in the septic system and flow monitoring records be maintained and submitted to the Ohio EPA, with copies to the Bainbridge Township Zoning Inspector within three months of occupancy, and thereafter quarterly to the Zoning Inspector and when required, to the Ohio EPA. Should the system fail for any reason, the Church should be required to upgrade the system to comply with current regulations. In addition, septic tank pumping receipts would be retained on site and made readily available for viewing by regulatory authorities during inspections as well as being made available to the Township Zoning Inspector.

Mr. Wu said they will comply with the EPA and if it fails they will upgrade the system.

4. No clearing of trees within 100' of any boundary line of the property shall be permitted without approval from the Board of Zoning Appeals, except diseased or dying trees can be removed upon verification by the Zoning Inspector, and trees may be cleared in order to comply with the site plan requirements approved by the Board of Zoning Appeals such as the widened driveway, cul-de-sacs and parking area.

Mr. Wu said he doesn't see a problem, and they have a lot a trees and don't plan to cut any except they need to clear out the septic system, that area, the EPA wants it cleaned up.

Mr. Gutoskey said so you saying the area where the septic field is, the EPA wants that cleaned up.

Mr. Wu said yes so it will be more dry.

Mr. Gutoskey said so you can mow it.

Mr. Wu replied yes.

5. Landscape mounding shall surround all parking areas, other than the area between the main building and the rear parking area designated on the August 7, 2013 site plan submitted by the Applicant, but shall include screening year round on the sides of the parking in front of the house, and year round planting and screening in accordance with the attached mound planting design should be required along with annual maintenance and replacement of diseased or dead trees and other landscaping when needed. The height of the mound, before the planting of trees and shrubs shall be at its peak 4', with a slope ratio of 2:1. The Applicant's proposed mound is not approved due to insufficient height and lack of year round screening type landscaping on top of the mound. The attached mound planting design shall be the minimum mounding and landscaping required on the premises.

Mr. Wu said on #5 the mounding they were talking about is okay.

6. A storm water pollution prevention plan must be submitted to the Zoning Inspector and certified by a professional engineer licensed in Ohio that the plan complies with the critical storm method for detention and at all times the storm water management plan shall be in compliance with law and regulation and properly maintained and an easement granted to the GSWD and the Township for access to any detention basins to assure compliance. The detention basin shall be located in the area shown in the attached mound planting design.

Mr. Wu stated that #6 was talking about the detention basin. He said they don't plan to do that.

Mr. Gutoskey asked Mr. Wu if he is saying he will do that or he won't do that.

Mr. Wu said right now they don't have plans to do that but if you make it a requirement he would say yes.

Mr. Lewis said he put that also tied into at some point the discussion on gravel or true hard surface and striped and he is not sure that that was on this list but it is on his.

Mr. Markowitz said it is on there.

Mr. Wu said on #6 their answer is no.

Mr. Porter said they would rather not because of the cost involved.

Mr. Lewis said if it is board sanctioned.

Mr. Porter said then it shall be done.

Mr. Graber said apparently the Soil & Water has said you are okay with us and in the statement it said you have got to get an easement to give to Soil & Water because they have to have a maintenance agreement but this site does not fall into their jurisdiction or their requirements so he is confused.

Mr. Lamanna said the board understands that and because of their considerations and what they are worried about they draw a line at a certain size, we have to deal with a particular use on a particular piece of property with particular adjacent properties and we look at them and say because of the nature of the property here and the testimony about previous issues with run-off that we think it is appropriate to avoid adverse impact and because it is a conditional use, we are operating under different standards than Soil & Water does so basically we are saying we would want a detention appropriately sized to deal with potential run-off from this size parking lot which is a pretty small parking lot so he can't believe it is a very big detention basin.

Mr. Graber said it is probably more difficult to get it to function properly but we can do it. He said what he is more concerned about is "regulation and properly maintained and an easement granted to the Geauga County Soil & Water District."

Mr. Lamanna said we wouldn't require that because they are going to say no they don't want to do that because they don't want to be involved, so that part, the board would not require that aspect.

7. The hours of operation shall be no earlier than 8:00 AM or later than 9:00 PM, and no outdoor activities shall be permitted such as church services, use of broadcast or similar equipment that magnifies sound, voice or music, nor shall there be any outdoor camps or parties or other outdoor activities permitted on the premises other than small groups seated outside during daylight hours in discussion groups or similar activities that do not generate noise that can be heard beyond the property line of the premises.

Mr. Wu referred to #7 and said the operations from 8:00 AM to 9:00 PM but however at 9:00 PM they still may have a few brothers that will stay late to have a fellowship together and asked if that is allowed.

Mr. Lamanna said the board will think about that, he can see what Mr. Wu is saying, once it gets down to a half dozen people then it is really no different than somebody's house.

Mr. Lewis said and does not exceed the hours of operation that the board has defined so that it is not at 11:00 at night.

Mr. Lamanna said what the board is saying is if there are three people left it is not a violation because at that point in time it is no different than anybody's house.

Mr. Wu referred to #7 and said he still needs to point out that in the summertime there may be some children running outside, but we will not broadcast outside, it will be indoors and the house has its own speaker system so they may not use their own equipment at all, the previous owner had a speaker in every single room and also the door is always closed so the sound will not go out of the house so sound is not a concern.

Mr. Lewis said he thinks the spirit of what #7 was written with was having organized outdoor activities, not whether or not you have got a few kids running around and they are not going to go past the parking lot with mounding and they are not going to go in the back 250 where the grass is 5' tall.

Mr. Wu said we have 6<sup>th</sup> grade children.

Mr. Olivier asked if other than small groups seated outside during daylight hours for discussion groups or similar activities, they seem to be accommodating that.

8. No parking shall be permitted on any areas of the premises not designated on the site plan for parking. Parking shall be limited to 41 spaces, by eliminating the rear (southerly) row of 11 spaces as shown on the August 7, 2013 site plan. All driveways and parking lots are to be hard surfaced with either asphalt or concrete, with a 2" minimum base of asphalt or similar base of concrete, and all spaces clearly lined, striped, and marked at all times and all parking spaces designated for the handicapped are to comply with all applicable federal, state and local laws and regulations. All access and pedestrian lanes for handicapped parking spaces shall be served with an asphalt or concrete surface, in compliance with the Americans With Disabilities Act. All lighting shall be low voltage, low height landscaping type lighting that are shielded so that no glare or spill comes off the property and all lighting illumination shall be less than one foot candle at any property line. A lighting plan shall be submitted to the zoning inspector for approval, in compliance with the conditions of the permit before the permit is issued.

Mr. Wu said that #8 is okay.

Mr. Gutoskey said it says 41 spaces but we are at 34.

The board held a discussion regarding the parking spaces.

Mr. Wu said "No parking shall be permitted on any areas of the premises not designated on the site plan for parking." He said that is okay.



9. The Church shall have an evacuation plan clearly displayed in all assembly rooms on the first floor and second floor of the main building.

Mr. Wu said #9 is okay.

Mr. Murphy said #8 says it should be asphalt and it is limited to 41 spaces.

Mr. Wu said the new number is 34.

Mr. Lamanna said we are thinking maybe not squeezing it down to 34 because we don't want people parking in the driveways so we probably want to have at least a little extra buffer over.

Mr. Murphy asked does it matter which part of the parking lot gets cut off.

Mr. Wu said the last four.

Mr. Gutoskey said if you eliminated spaces along this end (he referred to the site plan) because what will happen is you will end up getting rid of more hard surface versus just eliminating that so it pulls the parking more this way so you have more hidden by the barn.

Mr. Sheehy said that is a good plan.

Mr. Gutoskey said this is 34 so it would be two more over or something like that so it would come off this side of the parking lot. He referred to the site plan and said if you start eliminating this way you will eliminate more pavement which will be more cost effective but also limit some of the hard surface.

Mr. Murphy said basically two rows off that end, get rid of eight out of 51.

Mr. Graber asked gravel or asphalt.

The board replied asphalt.

Mr. Graber said being the green person that we all are we are looking at impervious pavement here.

Mr. Lewis said you have to be able to stripe it and added that the board has a huge responsibility to the adjacents.

Mr. Sheehy said Geauga County doesn't recognize it as being less run-off.

Mr. Wu said regarding #9 yes, it will be required by the Fire Department.

10. All parking and loading areas shall be at least 50' away from any property lines. No commercial vehicles shall be permitted to operate their engines while at the premises and in parked or idle mode.

Mr. Wu said they are okay with #10.

11. In the event the Bainbridge Fire Department determines that a signal repeater or boosters are required for emergency communications, they shall be installed by the Church within a reasonable period of time not to exceed 30 days.

Mr. Sheehy said in Bainbridge, the cellphone reception etc., if they have trouble calling out a 911 emergency type of thing sometimes they put in a signal booster or repeater so that there is coverage.

The board discussed the towers in the area.

Mr. Sheehy said if there is an emergency they will use their cellphone but there may not be a signal.

Mr. Wu said they will comply with #11 if required by the Fire Department.

Mr. Markowitz said they put one in at the Weils, Target and Home Depot.

Mr. Lamanna said the building acts as a barrier and it cuts the signal off but that is not going to be an issue in this size of a building.

12. All buildings on the site shall maintain a residential character and no expansion or alteration of the main building or barn shall be permitted without approval from the Board of Zoning Appeals. No additional buildings shall be permitted on the premises. In the event that the main building is required to be replaced due to a casualty, the building shall be designed to retain a residential character. Design and replacement of such buildings shall require the approval of the Board of Zoning Appeals.

Mr. Wu said they have discussed it and will comply with #12, no issues.

13. In the event that certain holidays may cause the parking lot to be full, no parking shall be permitted on Country Lane or in the driveway on the premises. The accessory barn building in the rear shall not be used for any purpose other than storage for the Church.

Mr. Wu said they don't plan to park on Country Lane, that is very dangerous. He asked about a UPS truck or something.

Mr. Lamanna said that is not what the board is worried about, the UPS guy, we are worried about the guy that pulls up in his tractor trailer and sits there for two hours while they unload something.

Mr. Murphy said or if there is a big bus sitting out there.

Mr. Lamanna said or if a bus comes and drops people off and then sits there for two hours idling.

14. All potable water utilized on the premises shall comply with public water supply requirements of the Ohio EPA and yearly reports shall be provided to the Zoning Inspector with a copy of previous year's water testing submitted to the Ohio EPA.

Mr. Wu referred to #14 regarding the potable water and said they have a plan to order bottled water, they don't drink the water over there. He said they have bottled water in the refrigerator.

Mr. Lamanna said you are going to have to meet those requirements.

Mr. Wu said they will comply.

Mr. Lamanna said you will have to go to the EPA and if they cover you with a water distributor, you are going to have to go with that.

15. From the rear of the landscape mound behind the parking lot to the property line, the Church shall maintain such area in its natural condition, allowing the natural vegetation to grow, in order to improve drainage, and should not mow that area more than twice per year.

Mr. Wu referred to #15 and said we talked about that allowing the natural vegetation.

Mr. Olivier said or do it from the barn back.

Mr. Markowitz said they weren't saying never cut it, they were saying let it grow long and only cut infrequently a couple of times per year because otherwise you would never be able to cut it.

Mr. Wu said it would defeat the purpose.

Mr. Markowitz said they are saying if you cut it in the spring and the fall.

Mr. Sheehy said that is how people maintain fields and he doesn't know if anybody would have a problem with just letting it go.

Mr. Olivier said let it grow behind the barn, from the barn back.

Mr. Wu said okay.

16. The Church shall comply with any applicable deed restrictions and to the extent that any deed restrictions affect the Church's property, they shall be deemed enforceable by Bainbridge Township.

Mr. Wu referred to #16 and said they will comply with the regulations.

Mr. Markowitz asked if there are any deed restrictions on the property.

Mr. Lamanna said that is their issue with other people, we are not going to get into the business of enforcing private deed restrictions. He said that matter would have to go to the Board of Trustees to ask if they would take on that obligation and his guess is they would probably tell him no, they do not want to take that on.

17. While the premises are being used as a church, no one shall be permitted to reside in the house as a result of the removal of bathroom fixtures and based on the limited capabilities of the septic system for the property.

Mr. Wu referred to #17 and said they have talked about that and they will not have anyone reside there at any time and they are okay with it.

Mr. Lamanna said the reason why is not important, a prohibition is a prohibition.

Mr. Sickling asked a question about the hours of operation because the board was saying if there are only five or six there or this isn't a violation because one of the issues he has is that people come out of that driveway, their headlights shine right onto his property, particularly if they turn left, they just pan across his house. He said there are a lot of trees there but in the wintertime it doesn't help much and even now the lights are there and we normally don't see many cars coming out of that driveway late at night, it is going to change things.

Mr. Lewis said he thinks that if you had a family living there with a few teenagers and friends over, he doesn't know that four or five people coming out of there at 9:30 at night would be any different than what would normally occur. He said it is just the luck of the draw that the driveways line up that way.

Mr. Wu said there will be no teenagers.

The board discussed the lighting.

Mr. Lamanna said right now the lighting plan is whatever is existing and they are going to add solar powered lights along the path and if they want to do anything other than that then they will have to come back. He said what is already there is historical residential lighting so as long as it stays that way. He added that he would say the board should do a two year period on this to start with.

Mr. Lewis asked if we can get an exact count on the parking spaces.

Mr. Sheehy said there are 52 on that plan but we're taking eight out.

Mr. Lewis said 44.

Mr. Lamanna said the last thing we want is to encourage people to park down the driveway.

Mr. Olivier asked if lot coverage was counted.

Mr. Gutoskey said yes and right now it is 17.9%. He said one other question too is as far as seeing a need to add a little more screening around this (he referred to the site plan).

Mr. Lamanna said the front isn't going to change.

Mr. Lewis asked Mr. Wu if he agreed to the attached mounding plan, he knows the board talked about the two mounding locations.

Mr. Wu asked if it is necessary to put trees on top of that.

Mr. Lamanna said you don't have to do trees necessarily but maybe some kind of short evergreens such as arborvitae.

Mr. Sheehy said you can't use arborvitae.

Mr. Lamanna said a bushier shrub.

Mr. Sheehy said to be honest they hope for 5' – 6' pines, Spruce, Hemlock mix evergreen trees.

Mr. Lewis said when the leaves fall off all of the regular trees around the perimeter of the lot what is going to be on the mounds is going to be real trees with needles or whatever on them, it is not just going to be some bare sticks sitting up there and he thinks that that is the spirit the adjacent folks are looking for on this.

Mr. Murphy said the buffering is required to keep the glare down, that is one of the things mentioned in there.

Mr. Lamanna said if you put in bigger trees, as the trees grow bigger you end up with trunks and you end up with nothing underneath.

Mr. Markowitz said if you put in the right species you won't.

Mr. Gutoskey said you have to stagger them though to create a buffer so they can grow in and fill in.

Mr. Markowitz said you can put more shrubbery around it to cover the space as the trees get big.

Mr. Sheehy said typically a landscape architect puts together a detailed plan and has the species. He said he is just trying to show the intent of what we were hoping to get out of this as far as screening goes.

Mr. Wu asked if they have the freedom to choose different trees.

Mr. Lamanna said he thinks ultimately what you will have to do is come up with an actual plan and submit it to the zoning inspector for approval and she will review it to make sure that it reasonably provides the screening the board is looking for.

Ms. Endres asked if the board will define the required mounding height in the motion.

Mr. Lewis said he would like if somebody puts a transom out there and they are looking, we have a stipulated minimum that we are after.

Mr. Markowitz said normally trees are on 6' and 10' centers.

Mr. Lamanna said he thinks 4' will probably work here.

Ms. Endres asked about the locations of the mounds.

Mr. Lamanna said they will be on the south and east sides.

Mr. Sickling said the site plan that Mr. Sheehy drew up shows putting up screening trees.

Mr. Gutoskey said a couple in the island.

Mr. Sheehy said even in the front.

Mr. Porter asked if that will impact an emergency vehicle in the front.

Mr. Olivier said an emergency vehicle will want access to just the front of the building, at least fire.

Mr. Lewis said you are not going to get a fire truck back there but you can get an ambulance back there.

Mr. Murphy said he thinks it is also important for the mounding behind the barn for the driveway lights coming back there and what is important is the mound that is being indicated is also a mound and filled with evergreens for the traffic of lights coming back down the driveway and shining off the south end of the parking lot.

Secretary's note: There was no further discussion.

Motion BZA 2013-7 – 7765 Country Lane

Mr. Lamanna made a motion to grant the applicant:

- A. A conditional use permit for the purposes of operating a church in accordance with the plans as submitted by the applicant as such plans are modified to satisfy all of the conditions that are imposed in this decision; and
- B. A variance to the 100' set back requirement for conditional uses (i) for the house and barn for a variance of 50' and (ii) for the encroachment of the driveway from the front to the rear parking lot as shown on the Approved Plans.

The following conditions will apply to this conditional use permit:

1. The applicant will satisfy the requirements in the Bainbridge Fire Department letter of May 16, 2013 and also will provide any signal repeater or other equipment that the Fire Department may require for emergency communications within a reasonable time after requested to do so.
2. The maximum occupancy permitted in the building is 80 people including children and staff.
3. There will be no residential use of any building on the property.
4. The applicant will satisfy all of the requirements set forth in the Ohio EPA letter of June 6, 2013.
5. The applicant will determine and comply with all of the requirements of the Ohio EPA regarding potable water utilized on the premises. Copies of any reports to the Ohio EPA will be provided to the zoning inspector.
6. The hours of operation will be no earlier than 8:00 AM or later than 9:00 PM other than for a few incidental people who may remain after that period, not to exceed five such people.

Motion BZA 2013-7 – 7765 Country Lane (Church In Solon) - Continued

7. There will be no outdoor services or use of amplification, speakers or other equipment for magnifying sound or music. Other large scale outdoor activities will not be permitted on the premises but reasonable use for small groups or other generally or similar activities or play activities that do not generate noise that can be heard beyond the property at an annoying volume.
8. No parking will be permitted in any areas of the premises that are not designated on the Approved Plans. The parking will be limited to 43 spaces and all driveways and parking lots are to be hard surfaced (not gravel) with the spaces clearly lined, striped and marked.
9. The applicant will provide mounding to the east and south of the parking lot and to the south of the retention pond.
10. The minimum height of the mounding will be 4' and there will be planting on the mounding to screen the parking lot and lights in the parking lot.
11. The applicant will complete a detailed year-round landscape plan for that mounding and the screening on such mounding as well as for year-round landscaping in the front to fill gaps in existing screening with respect to the properties across the street and submit that plan as part of the final revised plans.
12. The year-round landscaping will be maintained so as to carry out the purpose for which the plan was prepared and the screening that it was designed to provide.
13. The applicant will prepare a plan for storm water and implement a plan for a storm water retention basin for the parking lot to be located in the area to the west of the barn. The plan will be prepared by a professional engineer licensed in Ohio. The plan will be submitted to the zoning inspector for approval as part of the final revised plans.
14. The exterior lighting will be limited to the existing residential style lighting on the premises, and the addition of low voltage, low light landscape lighting along the path to the parking lot. No other outside lighting is allowed without modification of the conditional use permit.
15. The principal building on the site will maintain its residential character and appearance and the barn building will maintain its barn-style and general appearance and no additional buildings will be permitted on the premises. In addition, the barn building will only be used for storage.
16. No activity will be conducted on the premises which would result in parking on Country Lane or on the driveway of the premises under any circumstances.
17. No commercial vehicle will be permitted to operate its engine on the premises for any extended period of time.
18. The area of the property from the rear of the barn to the rear of the property will be maintained in its natural condition allowing natural vegetation to grow.
19. This conditional use will be subject to a two year review, meaning two years after the issuance of the zoning certificate, measured from that date.



Motion BZA 2013-7 – 7765 Country Lane (Church In Solon) - Continued

20. The fence at the rear of the property line will be maintained.
21. If the building is lost to casualty it will be replaced as a residential structure.
22. All of the general requirements of Section 117.13 generally applicable to conditional uses will apply.
23. The applicants will submit to the zoning inspector for approval, final revised plans to reflect all of the requirements set forth in these conditions. No zoning certificate will be issued until the plans are approved (the “Approved Plans”).

Based on the following findings of fact:

1. This is a permitted conditional use in a residential area.
2. The applicant *is* maintaining an existing residence building for the purposes of conducting church activities so no special purpose structure will be built for that purpose.
3. With the mounding, screening and other conditions applied here, the use of this premises within the limitations provided will not change the character of the neighborhood or adversely affect the other adjacent property owners.
4. It is noted specifically that all such conditions must be satisfied in order to prevent that from happening.
5. The reasons for granting the 100’ variance to the setback are: this is an existing property and structures, the width would not allow a 100’ side setback, the existing 50’ setbacks will be maintained, and the principal structure is of residential design so that there will not be a substantial impact that otherwise might occur if it was a special purpose structure was built for a church.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 10:52 P.M.

Respectfully submitted,

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

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

Date: September 19, 2013

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 15, 2013

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:52 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the July 25, 2013 meeting as written.

Mr. Murphy seconded the motion.

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

Applications for September 19, 2013

Application 2013-22 by Waterway Gas & Wash Company for property at 7010 N. Aurora Road

The applicant is requesting a renewal and modification of a conditional use permit for the purpose of a driveway expansion and addition of two canopies. The property is located in a CR District.

Application 2013-23 by First National Bank for property at 8500 E. Washington Street

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

Application 2013-24 by McKnowles LLC for property at 16695 W. Park Circle Drive

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for September 19, 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 11:17 P.M.

Respectfully submitted,

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

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

Date: September 19, 2013