

Bainbridge Township, Ohio
Board of Zoning Appeals
August 16, 2018

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:10 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in.

Application 2018-35 by Ruth E. Jefferson for property at 17790 Haskins Road

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

Mrs. Ruth E. Jefferson and Mr. William C. Barnes were present to represent this application.

Mr. Barnes testified they just want to erect the shed.

Mr. Lamanna said tell us about the shed.

Mr. Barnes said it is a resin shed, it is 8' wide by 20' long, he wants to put it at the northeast corner of the property and he referred to the displayed aerial view. He said he gave drawings of the measurements from the centerline of Haskins Road, 50' off the fence line and we just need the okay to go ahead and pour a slab to erect the shed because the garage is filling up.

Mr. Lamanna said they have a habit of doing that.

Mr. Barnes said his father likes to buy all of his toys and we need somewhere to put them.

Mr. Lamanna asked if the slab is going to be just what is necessary for the shed.

Mr. Barnes said exactly and what he brought with him is exactly what it looks like.

Mr. Lamanna asked what the origin is of the strange little jog in the property.

Mr. Barnes said that is actually a creek that runs through the property that is real small and that jog in the fence line is where it actually starts to flow down towards alternate 422.

Mr. Gutoskey said they probably did it when they did 422.

Mr. Barnes said when they redid 422 is when it was done.

Mr. Gutoskey said they had to drop the grading down to hit the culvert.

Mrs. Jefferson testified that she had to give ODOT some land.

Mr. Lamanna said so they actually took that piece of land.

Mrs. Jefferson said yes.

Mr. Gutoskey said he thinks they took it off the front too because the right-of-way is wider there, you see how it wings out there.

Mr. Lamanna said they see this whole situation as being created by that little chopped out piece.

Mr. Barnes said right.

Mr. Gutoskey explained that there were pieces parts of a lot to the north that lines up with that line of Bainbridge Road and it kind of projects that line forward that was probably out of one parcel.

Mr. Barnes said your other part was, Haskins Road, the bridge is right there.

Mr. Gutoskey said if you read their deed their lot says they only have .05 or .005 acres taken out which is probably that little piece that says state and then somehow they consolidated those pieces parts in the other lot.

Mr. Barnes said and the reason they can't put it any farther back on the lot is where that fence jets in like that, it is woods the rest of the way back.

Mrs. Jefferson said and the creek.

Mr. Barnes said he would have to put a culvert in the creek.

Ms. Karen Endres, Zoning Inspector testified that there is a creek back there.

Mr. Barnes said and he can't get across the creek unless he puts in a culvert which would be more expense.

Mr. Lewis said to Ms. Endres that her notes show there is a riparian in that area.

Ms. Endres said there is a stream that goes through the property, it doesn't show on our riparian map but she has been on the property and she has seen the stream so the shed would need to be set back a minimum of 25' from the stream bank.

Mr. Barnes said which we are.

Mr. Gutoskey said 25' from the edge of the bank.

Mr. Lamanna said if you can find the bank.

Ms. Endres referred to the aerial map and said this is the riparian area and the stream area and the stream would be right in the middle.

Mr. Murphy said that is nowhere near what we are talking about.

Mr. Gutoskey said there is a culvert that goes underneath the driveway back to the recycle area that is closer to Haskins and then it connects up and goes behind her house.

Mr. Barnes said if Ms. Endres brings up the original picture there is a yellow little bridge there that is like a walking path to get over the creek.

Mr. Lamanna said you will stay 25' from the bank on that.

Mr. Barnes replied yes.

Mr. Lamanna asked if there is anyone else interested in this application.

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

BZA Motion 2018-35 – 17790 Haskins Road

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a 20' x 8' shed on a concrete slab.

1. A variance from the minimum side yard setback requirement of 50' on the north side property line to 35' for a variance of 15'.
2. This shed will also be positioned so that it is outside the riparian setback of a stream that runs across the property at that point into a culvert on the adjacent property through this little jog in the sideline of the property.

BZA Motion 2018-35 – 17790 Haskins Road - Continued

Based on the following findings of fact:

1. There is a practical difficulty.
2. This property is alongside of US 422.
3. Part of this property was taken which has created a jog in the sideline of the property from the normal right-of-way limits of the highway probably to accommodate the drainage and because of this, if you looked at the original property line it would be more than adequate.
4. This will have no adverse effect on any neighboring properties since it is a highway.
5. This will be far from the highway and will not concern that at all.

Mr. Lewis seconded the motion.

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

Application 2018-36 by Brian G. Feeley, Architect for Discount Drug Mart for property at 8459 Washington Street

The applicant is requesting area variance(s) from the landscaping screening requirements. The property is located in a CB District.

Mr. Brian Feeley, Architect, Mr. David Boodjeh and Ms. Kristy Carter of Discount Drug Mart were present to represent this application.

Mr. Feeley testified that Drug Mart is excited to be back before the board and he asked Ms. Endres to display their site plan. He said they touched on this a little bit at the last meeting and referred to the photos displayed. He said you can see they have existing mature vegetation, screening between the back of their building and the adjacent properties. He said their hardship is the powerlines that run behind the building, they cannot plant underneath those powerlines so in order to plant new landscape screening they would have to cut down all of the mature well established greenspace trees that are there so they are hoping that the existing vegetation would maintain for a lot of that and in addition they did not put any windows on the back of the building, they even moved their egress door to the side of the building so they gave preference to all of the neighbors to the south so that there is no noise, no lights, no disturbance from their building. He said they have a lot of skylights but they did not put any windows in the back, they do have some windows on the side but they have taken away all of their activity adjacent to the neighbors to the south. He said the powerline runs behind the building here and he referred to the aerial view with the established vegetation.

Mr. Lewis asked if there are wall packs on the building.

Mr. Feeley said no, there is no reason to have any lighting on the back, if anybody is going to be back there they will have work lights but there is no reason for it, the only thing back there are gutters and downspouts and the powerlines so if somebody has to work on the powerlines they will have their own lighting for that. He said for the new areas they have included a fence that will go from the corner of their building and it will be coming across behind the new truck turn-around area so they do have a fence in that area.

Mr. Gutoskey asked Ms. Endres to span out to see what is to the south of this property.

Ms. Karen Endres, Zoning Inspector testified that Dalebrook Subdivision is right here, and the parcels along Chillicothe Road are part of Dalebrook and there is Dunkin Donuts.

Mr. Feeley said there is a long distance between them and the adjacent properties, homes. He said even with the winter pictures that you have there is still quite a bit of screening. He said they don't want to plant directly adjacent to the building, that is just a long term maintenance with the roots etc. so close to the building.

Mr. Lamanna said nothing is going to be going on behind the building.

Mr. Feeley said correct and the dock that Sears had is gone, it is a solid wall.

Mr. Lamanna said no storage and asked about the far end to the left.

Mr. Feeley said they have their truck turn-around area that will be here, he referred to the aerial photo, and the corner of the building off the property line they will have a fence. He said they provided the screening where there is activity and the existing vegetation will remain in that area.

Mr. Gutoskey said there is a fence basically around the loading area in the back.

Mr. Feeley said correct, they are screening as much as they can and that existing vegetation will remain from that fence back there.

Mr. Gutoskey asked how far the fence comes around and asked if this is all fence here, he referred to the site plan.

Mr. Feeley said yes that will be fence right behind here and come right on the back side of their utility access drive with gates at the corner of their building. He said the fence will go from the corner of their building right here, they will have a gate with a utility access drive because of the powerlines back here so they will maintain their screening from here to here and up to the property line. He referred to the aerial and said the fence will come to this point across here to the building so that part will be totally screened off from the residential area.

Mr. Feeley continued by saying they removed the egress door from this location again to give as much deference to the neighbors to the south as they could just to screen that off as much as possible. He said there are no windows on the south side, they added a couple of windows on the side plus a couple of skylights.

Mr. Lamanna said it is a little hard to see but when you get right down to the eastern most corner there it looks like the existing vegetation kind of peters out, and asked if he is seeing that correctly.

Mr. Gutoskey asked if that is the west corner of the building looking east.

Mr. Feeley said yes. He referred to the aerial and said this is the corner of the Sears outdoor area so that is from here, you can see that little corner of the concrete.

Mr. Gutoskey said it looks like there are Pine trees there.

Mr. Lamanna said it does but he is talking about the very corner, it looks like there is a gap right there.

Mr. Feeley said they can put a couple of Pine trees there.

Mr. Lamanna said they can be in the area with the other stuff so they won't be under the powerlines and that was the only thing he noticed, that one spot that was kind of thin right there and it is a spot where you can plant with the other stuff in that open space. He said the only other thing is can you do a little clean-up of what is there, there is a lot of dead stuff and he sees a lot of what looks like vines and things like that.

Mr. Feeley said selective pruning and trimming.

Mr. Lamanna said yes, get rid of the garbage things and leave the good stuff.

Mr. Gutoskey asked if they can plant some of the trees they save in the back, in the front just to break up the parking lot.

Mr. Feeley said they will plant a couple of evergreens in the back in that thin spot.

Mr. Lamanna asked if that is all there is to address on this one.

Mr. Feeley said the second issue they are looking at is a signage variance but that is a separate application.

Mr. Gutoskey said this is the left end of the building and it looks like there is a little opening in here besides that other corner.

Mr. Lamanna said that is kind of way back in the corner, the other one is a lot closer to the house over there.

Mr. Murphy asked if we originally had this architectural site plan a month or two ago.

Mr. Feeley said yes.

Mr. Murphy said you have the landscape plan in the front with trees, that is all part of this.

Mr. Feeley said yes, that is new on the site plan.

Mr. Murphy said there is a landscape plan as well and is the board approving that right now.

Ms. Endres said one of the sheets should be the landscape plan.

Mr. Feeley said it shows the light levels for the property and the cut-offs for the adjacent properties.

Mr. Gutoskey asked if they are re-grading the parking lot.

Mr. Feeley said most of it will be a mill and repave and they will be berming over on this side because of the wetlands, they are banking up for some of the drainage but the rest of it is basically a mill and repave plus the new drive entry. He said essentially we talked about it at the last meeting.

Mr. Lewis said it is much, much better.

Mr. Feeley said we will be entering across from this drive now and this will be removed, he referred to the aerial, and it should be noted on his drawings. He said the existing drive will be removed and they will be expanding over a little bit keeping 20' from the side lot as required.

Ms. Endres said the missing piece is the storm water plan and she understands Ms. Carmella Shale is reviewing it.

Mr. Feeley said yes.

Ms. Endres said the one question she had had to do with the detention pond and whether she could exempt it from the lot coverage, she believes right now it is at 48% lot coverage which would be in compliance with the variance as long as the storm water plan does not have to count as lot coverage.

Mr. Feeley said and they are less than 1 to 6 so they should be okay.

Ms. Endres said we expect you will be okay but until she hears back from Ms. Carmella Shale she can't make an absolute statement about the lot coverage.

Mr. Feeley said they should be within the jurisdiction where you don't have to include the area itself, just the bermed area along the driveway.

Mr. Gutoskey asked if this has enough parking spaces.

Mr. Feeley said he has the calculation and it is 115. He asked if the board has any other questions.

Mr. Murphy said he is a big fan of the trees.

Mr. Feeley said they will give us some color and nice smells in the springtime. He said the board gave a variance from the double striping at the last meeting.

Mr. Lewis said all this is is relief on the screening on the back side of the building and we are home tight with some evergreens in the corner and some brush cleaned up.

Mr. Feeley said yes and overall dressing of the overall site plan.

Mr. Lamanna asked if there are any other issues on the site plan.

Ms. Endres said those are the only things she identified.

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

BZA Motion 2018-36 – 8459 Washington Street (Drug Mart) - Landscaping

Mr. Lamanna moved to grant the applicant a variance with respect to Section 143.03 (g) with respect to screening and landscaping on the rear lot line of the property which abuts a residential district.

Based on the following findings of fact:

1. The applicant has existing power lines in the back and beyond the power lines there is existing vegetation and the board has determined that that vegetation will be allowed to be used to satisfy the requirement of 143.03 (g).
2. To add additional vegetation would probably require planting either extremely close to the building or under the powerlines and neither of which is particularly desirable so the applicant will maintain this vegetation area to comply with that requirement.
3. The applicant will go in and remove dead and competing vegetation in that area so as to get it into a condition where more desirable vegetation will thrive and other nuisance vegetation will be removed.
4. In the area near the southeast corner of the property there is a small area where it appears there is no vegetation so the applicant will add a couple of evergreen trees into that area to fill it in so it is intended not to be under the powerlines and in line with the other existing vegetation and to fill in that thin area.

Mr. Gutoskey seconded the motion.

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

Application 2018-37 by Brian G. Feeley, Architect for Discount Drug Mart for property at 8459 Washington Street

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

Mr. Brian Feeley, Architect, Mr. David Boodjeh and Ms. Kristy Carter of Discount Drug Mart were present to represent this application.

Mr. Lamanna stated that the applicant is requesting a sign variance to permit five wall signs and one two sided ground sign totaling 276.6 sq. ft. of signage. He said based on the calculation he sees the permitted signage is approximately 214 sq. ft.

Mr. Brian Feeley testified that they were originally calculating their signage on the overall width of the building which would be a few more feet of square footage of signage that would be allowed and with reviewing with Ms. Endres they found that the code read more with the front wall of the building so that sort of squeezed out their signage a little bit of the allowable square footage and the calculations of allowable signage that Ms. Endres has worked out were based on the front wall of the building versus the overall width of the building so there is a little bit of a variance there. He said they are proposing a two sided sign on the site by the driveway.

Ms. Karen Endres, Zoning Inspector testified by saying changeable copy.

Mr. Feeley said yes and then they will have one Discount Drug Mart sign over the main entry, they have a professional medical supplies sign, a drive-thru pharmacy, digital photo that are all very similar to the existing store that we have and this gives the front elevations, the signs fit the scale of the building and in fact with the building being so far back from Washington Street sign letter heights versus the distance are pretty much at the minimum size that they can be for a lot of the signage. He said they discussed reducing signage a little bit but with the distance it is set back from Washington they prefer not to reduce the signage size at all. He said legibility of distances are an 8" letter height for the smaller parts of the signs with a 400' distance from the road, you will need a magnifying glass when you drive by. He said their new driveway will be coming in right here opposite of this driveway (he referred to the displayed aerial) so their ground mount sign will be right here.

Ms. Endres said she didn't count the loading bay area in the frontage.

Mr. Lamanna asked if the other little jog out was counted.

Ms. Endres said it is not the front building wall so she thinks it would be a 20 sq. ft. difference.

Mr. Lamanna asked what the current limitation is on ground signs.

Ms. Endres said they are in compliance with the ground sign, it is normally 50 sq. ft. but with changeable copy she thinks it is a little bit more but what they are asking for is in compliance with the sign regulations for height.

Mr. Murphy said there are some restrictions on the changeable copy.

Mr. Feeley said no flashing, right.

Mr. Lamanna said this is going to be the biggest ground sign on E. Washington Street he thinks.

Mr. Lewis asked what the messaging will be, are you going to have your messaging that will change maybe to compliment your medical supplies, pharmacy.

Mr. Dave Boodjeh testified that it is a combination of all of those things depending on the time of year, seasonal messages, the first Wednesday of the month is senior day, 10% off of everything and selected items.

Mr. Lewis asked if they will be advertising specific products, if you are running a Pepsi or Coca-Cola promotion and you have got vendor sponsorship for the sign each time.

Mr. Boodjeh said no it doesn't work that way, we don't sell the time but it will be similar to the selection of items that their other stores do, we have some to promote but there may be something going on in that parking lot for that festival and we will be promoting community minded things etc.

Mr. Feeley said change your fire alarm batteries etc. and the existing store has a changeable copy don't they.

Mr. Boodjeh said no, it doesn't have one.

Mr. Lewis said that is a fixed sign.

Mr. Feeley said he thought it was changeable copy.

Ms. Endres said changeable copy signs can be 54 sq. ft.

Mr. Lewis asked how much are they asking for over what they are allowed, the allotted amount. He said 193' so you are allotted 213.67 and you are asking for 276. He said he was looking at the wall sign, such as professional and that is 12" and then the lettering underneath, medical supplies, is 18", it looks like you are consistent on all of them, 12" for the top piece and 18" for the bottom. He said he is looking at his visibility chart going from 450' the visibility height on that of lettering for readability is 9" but they are set back 450' from the road, does it really mean anything.

Mr. Lamanna said his view of this is you have got a whole bunch of signs here and you are a long way back from the road, you cannot expect that you are going to have clear visibility of all of those signs from the road plus if anything it can become a hazard because what happens is because it is difficult to see if people look and they are trying to read what all of these signs say they are going to be distracted for too long a period of time and you are going to have the biggest ground sign on E. Washington Street so that is going to bring people in so his view is that this ground sign brings the people in, they drive down the driveway, when they get to the end of the driveway that is when they need to see these other signs and they should be sized accordingly.

Mr. Lamanna continued by saying you are asking for a lot of wall signs, it is not really consistent with what the intent of the sign ordinance was but we really did not want to have a whole string of wall signs across the building that are not separate businesses, that would be a different situation if you had five different businesses in there but to have a single business with a whole pile of different wall signs along the side of the building, certainly it is appropriate to have something over the main entrance so people know where the main entrance is and you want people to be able to find the drive-thru pharmacy but at that point in time those signs can be sized for somebody who has already arrived in the parking lot and it is just not feasible to have nor is it consistent with the ordinance to have a whole set of signs here that are designed to be read by people going down E. Washington Street, that is not what we want, it is not what the ordinance says and he doesn't think it is really necessary and in fact with that many signs, that far back, you are going to create a distraction if people are trying to see what all of these signs say. He said you have a nice big ground sign, that is going to get the people in, you know it is a Drug Mart and he is really not sure why you need a Professional Medical Supplies, Digital Photo or Fresh Deli signs on the side of the building.

Mr. Boodjeh said there is no signage on the side of the building, it is all in front and they are not really meant to attract people from the street, the people that know Drug Mart but there is a lot of other traffic coming through. He said delis in a drug store is really something unique and the photo is not that big anymore but it is something we continue to do and process 35 mm film too and medical supplies is something we are very much involved in with the hospitals, not just as Drug Mart but we supply hospitals too so if it is not in the store we can still get it for you. He said it is not something typical that you might find in a store like ours but it is not meant to pull people in, they will see their Drug Mart sign which isn't the largest one over the entrance but it recognizes the logo and as you mentioned, the street sign.

Mr. Lamanna said that sign is what is going to bring people in.

Mr. Lewis said all of the smaller sign categories can be alternated messages on your electronic sign out at the street level. He said you have better odds of capturing somebody's attention if you are thinking about traffic driving by that are not necessarily local Bainbridge, you are looking for new customers and with people trying to drive down there where you have got a lot of retail and a lot of traffic and a lot of moving pieces to be looking over their shoulder at 450' down the hill to the front of your building. He said actually the big sign, that is your hook, the rest of it he thinks as Mr. Lamanna said once they are in the parking lot they are near going into the building they are almost subliminal reminders of these categories but not for drive-by traffic 450' away.

Mr. Gutoskey said you are over 63 sq. ft. and 90 sq. ft. of that are those four signs because the majority of your sign is taken up in your Drug Mart sign on the building and the sign at the street.

Mr. Lewis said he understands the need for the pharmacy drive-thru sign but they could all be smaller.

The board reviewed the signage requested.

Mr. Lamanna said the board will give you 235 sq. ft., you can keep the first three signs the way you want it and then you are going to have to reduce the others. He said if you want to juggle it around differently that is fine too but that would give you your top three at their present size if you don't want to reduce them at all, you just have to reduce the other ones down about half.

Mr. Boodjeh asked and the monument space is the same.

Mr. Lamanna said yes.

Mr. Gutoskey said it would give you about 48 sq. ft.

Mr. Lamanna said if you want to take some out of the big Drug Mart sign over the door, that is up to you.

Mr. Boodjeh said they will work with that yes.

Mr. Gutoskey asked if there is anyone else that would like to speak on this application.

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

Motion BZA 2018-37 – 8459 Washington Street (Drug Mart) – Signage

Mr. Lamanna moved to grant the applicant the following variance:

1. With respect to the signs, to permit five wall signs and the two-sided ground sign with a total signage of 235 sq. ft. for a variance from the permitted approximately 214 sq. ft.

Based on the following findings of fact:

1. The variance is granted because the building is set back far from the street.
2. The applicant would like some additional signage to indicate some unusual aspects of its business and decided it would be more appropriate to be visible from the parking lot once it has been entered and not necessarily from the street.
3. The ground sign is a large ground sign which should be more than sufficient to attract traffic to the business.

Motion BZA 2018-37 – 8459 Washington Street (Drug Mart) – Signage

4. The other main identifying sign over the door is reasonable and the board thinks allowing a slightly additional amount of signage to accommodate the other signs at a reduced size would be reasonable and consistent with the intent of the sign ordinance.

Mr. Murphy seconded the motion.

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

Application 2018-38 by CVS Health for property at 16801 Chillicothe Road

The applicant is requesting modification to the previously approved landscape plan. The property is located in a CB District.

Mr. Dan Covington of CVS, Mr. Matthew Martin, Landscape Architect and Mr. Douglas Freer of Blue Moose were present to represent this application.

Mr. Lamanna stated that we have had some issues on the landscaping over time and asked if there is a new plan.

Mr. Dan Covington testified by saying correct.

Mr. Lamanna said tell us about it.

Mr. Covington said we have gone through a refresh on the inside of the facility, we identified this as one of sites for a refresh and we refreshed the inside so we want to refresh the outside as well but unfortunately we have overlooked some of the landscaping through this year and we have had some weed issues along those lines that we are well aware of so we are in the process of taking care of that and eliminating that going forward and the scope is addressing all of the landscaping issues from irrigation to weeds to mulch, pruning, trimming, grass, all of that stuff. He said what we are doing today and these guys will actually present better than he will be able to is what they want to do to update the landscaping to a more appropriate landscaping there for maintenance and we think would make more sense with your approval to be able to better maintain it and what to maintain.

Mr. Douglas Freer testified by referring to the original plan that Ms. Endres provided to them and said they look to bring the property back into what was requested of what was proposed several years ago, it is a heavily planted site and many of the plants have not survived, there are a few Juniper and other trees and the more substantial woody plants that are still in place. He said there is a series of site photos that we included to provide the board with a more detailed look of what the current state of what the landscape is. He referred to the landscape plan and referred to the displayed aerial and said these are obviously high profile beds on the corner and the two entry beds here on either side on the east side of the property so most of the plant material is to the side and some will remain but much of this will get replanted, a new Crabapple is going in here, a couple of Crabapples going in on that bed and you can see the list of plants that will provide some seasonal interest and color, a little bit easier to maintain and sustainable over time and if we try to think about this the next ten or fifteen year period we would like plants that don't have to get replaced too frequently and that is one of the issues or problems with some of the perennials in the previous planting plan had a lot of perennial plantings and requires an enormous amount of maintenance and replacement and upkeep so this should be an easier to maintain sustainable landscape plan to provide an improved look over what is there currently and really minor modifications to the existing bed spaces so the goal is to pretty much keep the existing spaces as they are, there are a few bed lines that will get tweaked or adjusted but no change in grading, no removal of trees or just pruning basic maintenance and health type work on the larger plant material.

Mr. Matthew Martin testified that the two spots of the beds change, along Chillicothe Road, that bed comes really close to the road and gets salt spray so it is very difficult to grow anything there so we shrunk that back a little bit.

Mr. Freer said he thinks this is migrated, when you look at the original plan and when you go out on site now it is almost down to, where the truck traffic goes, there is a narrow part that is sort of hanging on in there and that is this corner here, he referred to the displayed aerial, so this has been tightened up, there are existing Junipers so they are 4' to 5' and enough to accommodate the new plantings that are going in here.

Mr. Martin said there is a row of dead Junipers up in there.

Mr. Freer said this is a snow pile push point so there are huge stragglers and a couple up here and all of the snow gets piled and pushed over those, it is open now and has been and will be grass.

Mr. Gutoskey said with that being a State route and Washington being a main route if the stuff is going to handle the salt spray and what can we do forward to make sure that it stays maintained and doesn't get crazy again.

Mr. Martin said the shrubs that he scheduled to be planted in there are new varieties that are 3' to 4' tall so they don't require a lot of constant pruning. He said there are hardy Geraniums on the corner bed on E. Washington Street that other than when they are blooming they look really ratty all of the time unless you cut them so he switched that to a fountain grass which will look nice and doesn't require any maintenance until it needs to be cut back in the spring.

Mr. Murphy said in this photograph it appears that you've got perhaps four trees across the front of the parking.

Mr. Freer said they are all staying and explained per the displayed aerial photo.

Mr. Murphy asked if that little bed outside the drive-thru is actually CVS property or is that a neighboring property.

Mr. Freer asked on the northwest corner of the building. He referred to the aerial and said this is all grass, there is a tree but this is all turf right here.

Mr. Murphy referred to the middle photograph and asked if there is any reason that it is not getting a tree.

Mr. Freer said when you actually look at the original plan, this is all dumpsters and service area and somewhere it was switched so this turf was not part of the original plan, that was all parking lot so he can't speak to that but it is turf now and it works.

Mr. Murphy said it separates CVS from the adjoining property.

Mr. Freer said right now you have 100% visibility, anything that gets planted in there does something to that as a compromise.

Mr. Murphy said he could see something planted there at the west end. He said there is a drive-thru at Huntington Bank and they have a couple of trees. He said you have enough space there, he would like to see a tree or two.

Mr. Lewis said some of the ornamentals are pretty hardy, you are not overly salting that area, it keeps people from thinking that is part of your driveway.

Mr. Lamanna said this is really not your problem but that exit that is shared right there, he is not sure but he thought originally we were trying to keep people from turning left either into or out of that location. He said we want people turning in left where there is actually a left-hand turn lane dedicated on the highway, he doesn't know if that was there originally, but now there is a dedicated left-hand turn lane north of this entrance, he referred to the displayed aerial photo. He said he sees coming out trying to turn left out onto Chillicothe Road from that and we don't really want people doing that because that intersection is so busy now because people are trying to turn out and meanwhile people are coming down and they are pulling into that hatched area, which technically they are not supposed to do to get to the turn lane on E. Washington Street so if you have got cars trying to get out of there, it is a really difficult place to get out because you don't have a lot of room and the traffic is usually stacked up beyond there when the light is red so you are really taking your life in your hands. He said this is not really your problem to correct but since you share that drive and it looks like at least part of it is on there so he just wants you (CVS) to understand that we are going to bring this up the next time we have the opportunity with the other part of the center to try to stop left hand turns in and out. He said that is where we are going and that is what we want to do, you are here before us now so we are just sort of saying you are at least part of this because it looks like part of it is on your property and you have a shared agreement with them so we wanted to cover it with you now and we will cover it with them the next time we have them here but that is where we are going to try to go with this and he sees what is going on.

Mr. Covington said we share an access.

Mr. Lamanna said you see near accidents because people are trying to cut out there or somebody is trying to cut across the traffic that is accelerating away from the light when there is a perfectly good spot down there, it is a real dedicated left turn lane, there is an actual left turn lane they created there so there is really no reason now to be trying to turn left.

Mr. Martin said people don't realize they can get into CVS from that other entrance.

Mr. Covington asked what the board is thinking on how to handle it.

Mr. Lamanna said that is always a tricky thing, sometimes they put the little triangle in so that it makes it harder to turn left. He said in front of Heinens it is that way because you can't come out of Heinens on E. Washington Street and try to turn left there and they are a little farther away but it is for the same reason because if you have people trying to make that left-hand turn it creates a real traffic hazard if they are trying to come out.

Mr. Covington said so adjust that entrance that way to make sense.

Mr. Lamanna said because otherwise the people trying to go out of there they have to go either out the back or down to the other entrance where you've got room to get in there. He said there is a real dedicated turn-lane on Rt. 306, there is a place for cars to stack and not block the traffic. He said even turning in off of Chillicothe, it is questionable about whether it is proper, where they have those hatched yellow lines, to go into there to make a left-hand turn.

Mr. Covington said they are a caution kind of a thing, they are not something for a car to be in basically.

Mr. Lamanna said you could get cited potentially if you do turn in there anyway and every now and then they do cite people for that.

Mr. Lewis said he wants to talk about the temporary signs.

Mr. Covington said it is not his department unfortunately, he hates to say that and asked if these are other people's signs.

Ms. Karen Endres, Zoning Inspector testified that it is both, CVS has been known to put up "flu clinic" signs, "minute clinic" and they could be wherever and they also get other signs like tractor pulls on the CVS property.

Mr. Covington said nothing is supposed to be put up there at all, when he is checking his site and he finds something he pulls it. He said they did have a thing where they had flag banner signs out and corporate thought they could do it everywhere and we found them in our stores and we started getting phone calls because they didn't have permits for the signs so they had to get rid of them so they have gone nationwide to pull all of those unless we get the permit prior. He said those little 2' x 3' signs are not supposed to be on their property. He said the pharmacy sign you are talking about, he can talk to the local, some places are different, but you guys don't want us putting them in there. He said if we ask for a permit or permission to do that can we do it that way.

Ms. Endres said she has talked to the Zoning Commission about addressing those signs but right now they are prohibited and there is no mechanism for which she can give a permit to put in a temporary sign, right now they are simply prohibited.

Mr. Covington said he will make sure that the local upper management and the district people know that at this store we cannot do that.

Mr. Lewis said you can tell your store manager that if they see people sticking signs out there whether it is the rug place that has been going out of business for 15 years or the mattress sales to benefit the football league or whatever.

Mr. Gutoskey said you can even tell your landscapers to pull them up.

Mr. Covington said our store managers should be policing the sites. He said it is the responsibility of CVS and whatever the option will be we will figure it out and do it, that is not a problem.

Mr. Lewis asked if people are just tossing those or are they dropping those off here, ground signs the people are grabbing.

Ms. Endres said the ground signs that the road department picks up normally they go to the road department, when she picks them up she stores them here at the town hall.

Mr. Covington asked if members of the community are just pulling them or are they finding them as trash in the street, knocked over or something like that.

Ms. Endres said signs are simply not permitted in the road right-of-way so she picks them up and the service department and Mr. Lewis is asking, how do they retrieve their signs.

Mr. Lewis said even if he picks one up.

Mr. Covington said if there is a way to recycle them, he doesn't have any in his trunk right now but sometimes you can go to the trunk of his car and find ½ dozen or two dozen sometimes, you never know.

Mr. Lewis said and there are the realtor open house ones that are out there every week.

Mr. Gutoskey said and the garage sale signs.

Mr. Lewis said CVS is trying to run a business, it is a classy business, you have a featured corner lot, he is glad CVS is in here and let's dress the place up and keep it up.

Mr. Covington said he will make sure it is cleaned up and taken care of.

Mr. Lamanna asked the board members if they are happy with the plan.

Mr. Lewis said he is good with it.

Mr. Covington said he will push to make sure it is taken care of. He said you can have my business card and call me anytime.

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

Motion BZA 2018-38 – 16801 Chillicothe Road (CVS Health)

Mr. Lamanna moved to modify the landscape plan originally approved in BZA hearing 1999-34 as part of the requirements with respect to the variances that were granted at that time and substitute for it the landscape plan that has been submitted with this application.

1. The board does note that part of the landscape plan is continued reasonable maintenance of the landscaping that is installed in terms of managing it, watering it, replacing dead bushes and keeping things appropriately maintained as well.
2. The board also notes it has discussed with this applicant some questions regarding the shared entrance that they have with the adjacent property owners and how the board plans to address that at a future date with the adjacent property owner in terms of restricting certain access into that shared driveway.
3. The plants will be modified as discussed during the hearing adding two additional trees at the locations identified.

Mr. Gutoskey seconded the motion.

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

Application 2018-39 by the Federated Church Family Life Center for property at 16349 Chillicothe Road

The applicant is requesting the renewal of an existing conditional use permit for the continuance of a YMCA day camp. The property is located in a R-5A District.

Mr. Lamanna noted that this conditional use permit is expiring on September 30, 2018.

Ms. Amy Eugene, Director of Operations for the Federated Church and Ms. Cyndi Larned of the YMCA were present to represent this application.

Ms. Eugene testified that on behalf of the church thank you for having us back and continuing this collaboration to help us continue our partnership with the YMCA. She said every year that she comes to this meeting she learns something new so this evening she will be leaving here and driving down Rt. 306 and removing the temporary signs from their front yard inviting people to worship. She said they are here this evening to once again ask for the board's support in their partnership with the YMCA and Ms. Larned is going to tell you a little bit about what we would like to continue doing.

Ms. Cyndi Larned testified that their plan has not changed, it will not change, they are asking for the conditional use permit to be once again renewed and as nice as it is to come here they would like to get a five year renewal since they have held up their end of the bargain for the last two summers.

Mr. Lamanna said he thinks what the board will consider is since the general CUP for the church expires October 15, 2021, that we would probably run this until that date then after that they are all going together, you are going to be back here anyway so we might as well consider everything at one time because then we can see the whole picture of what is going on and make sure we are fully considering all aspects of what is going on and again what we would like to do is try to consolidate these things because several people have had multiple conditional use permits expiring at different times and it is a difficult management thing for the zoning inspector and then it becomes a pain for the property owner because they are in three times and let's do this one time and look at it all and make sure we are considering everything at once and we can go from there.

Ms. Eugene said thank you.

Ms. Larned said she was wondering if and she can't remember if she gave it to Ms. Endres, but they are the dates for the regularly scheduled days off from school that they have been having the fun days during the school year with occurrences of once, twice or three times per month, she has those dates for the board if it needs them.

Mr. Lewis said let's get those submitted in.

Mr. Murphy asked if they are different.

Ms. Larned said the only exception was we decided to not run the one the Friday after Thanksgiving, we will only do the Wednesday before Thanksgiving only because we didn't have any participation last year.

Mr. Lewis asked if she is dumping the November 23rd.

Ms. Larned said correct, but the rest of them are all the same. She said she used the days on the school calendar and went through and highlighted the ones that we are using if you want them in a calendar form, she can give it to the board. She said camp for 2019 will begin on June 3rd, she cannot tell you the date it will end yet because the 2019 – 2020 school calendar is not out yet. She said of all the schools, Chagrin's is pretty quick so theirs will be probably out in November, usually a proposed one is in November. She said summer camp actually ended yesterday and school started today.

Mr. Lewis asked Ms. Endres if there were any comments from this season.

Ms. Karen Endres, Zoning Inspector testified that it has been quiet, she never observed any problems on the property and she hasn't received any complaints and she hasn't heard that the trustees have received any complaints.

Mr. Lewis said this was the second year of the program.

Ms. Larned said yes, they commenced the second.

Mr. Lewis said and it seems to be running quietly and smoothly.

Ms. Larned said they actually made a couple of changes this past summer and she added field trips on that Thursday day that we typically were in the building so we did even more activities this summer and were able to go on a bunch of additional free field trips that she found just because it is a long day being in the building and limited access to the grounds so we just left and went other places and the parents were happy with it so it worked out well for them anyway.

Ms. Eugene said and the church is thrilled, we are thrilled to be able to have young people in the building doing great things.

Mr. Lewis said it is better than an empty building.

Mr. Jose Feliciano of 46 Wolfpen Drive, South Russell testified that he is in the development right below it. He said the board addressed the principal issue he was concerned with, he thinks it was too long, and to make it contiguous with what the church's CUP is then, it satisfies his principal concern. He said the second set of concerns he had was to ensure that they keep doing the same thing and the compromise they made the last time they were here has become effective, the noise is not coming into his yard which was the principal concern that he had so you do it in the front there so you limit it so that is really positive and asked if the conditions will be the same.

Mr. Lamanna said yes, everything stays the same.

Mr. Feliciano said the other thing is that his neighbor Mr. Joe Franzese is not here and he is the one that raised a number of concerns regarding these trees, the screening and the berming and he asked Ms. Endres whether or not that was done and if so if it were done from the time of the last appearance here, not before that and that would have been March or May of 2017 so he can't see it from where he is but Mr. Franzese's concern is related to these additional trees, the screening and the berming.

Mr. Lewis said he thinks that was all addressed and he believes that our zoning inspector was on site and verified and validated that the berming and the planting was exactly to the original plan requirements.

Mr. Feliciano said he just wanted to make sure.

Mr. Lamanna said they were very cooperative in going over everything.

Mr. Feliciano said it was clear that that was done after the last hearing here and not before the last hearing.

Mr. Lamanna said we went back and looked at everything in the past and made sure that everything was done according to the plan.

Mr. Feliciano said the one thing he does know that was helpful related to picking up the garbage he knows the Dipples were concerned about that, they were picking up garbage at 5:00 in the morning so that has been addressed so from his perspective, those are the concerns that he had and will look forward to coming back when the overall zoning matter is reviewed.

Mr. Lewis told Mr. Feliciano that he appreciates his comments.

Mr. Gutoskey said interestingly enough the board has been adding that to other businesses or churches near residential areas regarding the garbage pickup so it is not at 5:00 AM.

Mr. Lewis said we appreciate the comments because that triggered it for a lot of others and we don't know because if you don't live next door to it you are not aware of it.

Mr. and Mrs. Dipple testified that it has been quiet.

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

Motion BZA 2018-39 – 16349 Chillicothe Road (Federated Church Family Life Center – YMCA Day Camp)

Mr. Lamanna moved to extend the existing conditional use permit with respect to the YMCA program until October 15, 2021 which is when the general CUP for the location expires.

1. The board does note that the applicant will still be bound by all of the conditions that have been established in the previous two hearings regarding this conditional use permit.
2. In addition, just as a note, they will also notify the zoning inspector some time at the beginning of the school year of the days that they will be providing the “fun days” when school is off so the board is aware of the schedule which has been done in the past.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:50 P.M.

Respectfully submitted,

Ted DeWater, Member, Board of Zoning Appeals

Joseph Gutoskey, Member, Board of Zoning Appeals

Michael Lamanna, Chairman, Board of Zoning Appeals

Todd Lewis, Vice Chairman, Board of Zoning Appeals

Mark Murphy, Member, Board of Zoning Appeals

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

Date: _____

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
August 16, 2018

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:50 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the July 19, 2018 meeting as written.

Mr. Murphy seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2018-40 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a review and renewal request of an existing conditional use permit for the purpose of a Residential Care Facility and Skilled Nursing Facility. The property is located in a R-3A District.

Application 2018-41 by Lawrence and Patricia Oliveri for property at 17990 Chillicothe Road

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

Application 2018-42 by Peppermill Chase Homeowner's Assoc. Inc. (the HOA) by Elizabeth Pretzlav, President for properties at 8501 Peppermill Run and 8490 Peppermill Run

The applicant is requesting area variance(s) for the purpose of maintaining existing front yard walls and development identification signage. The properties are located in a R-3A District.

Application 2018-43 by Jason Lawenda for property at 7676 Chagrin Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for September 20, 2018 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 9:35 P.M.

Respectfully submitted,

Ted DeWater, Member, Board of Zoning Appeals

Joseph Gutoskey, Member, Board of Zoning Appeals

Michael Lamanna, Chairman, Board of Zoning Appeals

Todd Lewis, Vice Chairman, Board of Zoning Appeals

Mark Murphy, Member, Board of Zoning Appeals

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

Date: _____