

Bainbridge Township, Ohio
Board of Zoning Appeals
August 17, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:46 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Mr. Lamanna stated that the board will hear the applications not in the order they appear on the agenda.

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

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

Mr. Lamanna asked if there was anyone present for this application.

Secretary's note: The applicant was not present.

Motion BZA 2006-22 – 16750 Hilltop Park Place

Mr. Lamanna made a motion to deny the application on the basis that the applicant has not seen fit to attend either last month or this month's hearing therefore has not presented sufficient evidence supporting his request for an area variance.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated August 9, 2006 was read and photos of the site were submitted.

Mr. Jack Fay, architect and Ms. Sarah Sanders, applicant/owner, were present to represent this application.

Mr. Fay testified that they want to expand the house slightly to the north with an addition to create a master bedroom and a larger family room and it will make their living room twice as big as it was because the family gatherings are getting larger with wives and kids and it was a pretty small house. He said the house never had a garage and Ms. Sanders lives there predominantly by herself and is asking to have a garage built on so the car can be a little bit more protected in the wintertime and that is the other part of the addition. He said the biggest difficulty is that her three lots are very narrow and there are two lots and three in the back which give her an odd configuration of the property and that is why they are asking for the side yard variance and they have also attempted to purchase the property to the north which is in between one of their other properties and then their larger property and so far that has been to no avail and they would still like to pursue that, there is no guarantee the owner will actually sell it and added that it is an unbuildable lot by a large stretch.

Mr. Murphy asked if that is the lot that is marked Walden Development Group.

Mr. Fay replied yes and said being that nothing will be built next door, and then Ms. Sanders owns the next property down, that side yard would not encroach on any other structures. He said he included with his sheets, some exterior elevations of the building and it will definitely improve the property value and it might raise the taxes a little bit but it will definitely help Ms. Sanders' lifestyle and that is the whole synopsis of it.

Ms. Sanders testified that she has lived there for 32 years.

Mr. Lamanna asked what is to the south of the property.

Mr. Fay said it is a residential property and there is quite a large hillside.

Mr. Takacs said it is 2-1/2 lots away.

Mr. Fay said it is probably about 8' higher.

Mr. Lewis referred to the lot line and asked where the expansion will be.

Mr. Fay said the addition will go east and north.

Mr. Takacs said it will come to a triangle.

Mr. Fay said they had it professionally surveyed and showed the board a site plan that is a better depiction.

The board discussed the lot and the variances requested.

Mr. Lewis said it will not be close.

Mr. Takacs said they are going east and to the right to the little jog.

Mr. Lamanna said that Mary Briggs owns the triangle.

Mr. Fay said they wanted to align the edge of the garage to the edge of the existing house so they would not be going any further than the house.

Mr. Murphy asked if the driveway on S. Franklin needs to stay.

Mr. Fay said it is a parking space for a guest or someone and added that it is gravel now.

Ms. Sanders explained where she parks.

Mr. Fay said if that is something the board would like removed, they can park on the street.

Mr. Lewis asked if the front door faces S. Franklin but the garage and primary parking and the turnaround are on another street.

Mr. Fay said yes it would all be new.

Mr. Lamanna said the board would want to get rid of the existing driveway because of the added structure and lot coverage and the new drive.

Mr. Fay said he thinks they could compromise there.

Mr. Takacs said there is really not much there.

Mr. Murphy asked if they would want to change their address.

Ms. Sanders asked if she would have to move her mailbox.

Mr. Lamanna said she will not have to change her address.

Mr. Olivier asked if the deck needs to be relocated.

Mr. Fay said no, if they did anything, he would recommend that they put in a patio and more landscaping.

Mr. Murphy said the garage does not really have a way into the structure.

Mr. Fay said there is a walk there and that is all they could do.

Mr. Charles Hesse of 7777 Bainbridge Road testified by saying he would like to give a perspective on the background and Ms. Sanders' interest in this property. He said the board will recall that when he served on the board of trustees, his term ending at the end of last year, the trustees were engaged in a rather significant effort to help revitalize Chagrin Falls Park and part of that effort was to purchase or to bring under township control, properties that were tax delinquent. He said about three years ago or so, the trustees were at the auditor's office for the Sheriff's sale and there was interest both by the township and by other applicants to buy the properties from the point from Sublot 1 down to Ms. Sanders' home. He said Ms. Sanders did buy the property immediately north of her house and she was hoping to buy the property just beyond that owned by Mr. Denman and then Ms. Briggs bought a couple of properties further to the north and her intent at that time two or three years ago was to have enough property available that she could put on a garage and not be cramped too much on the size of the garage.

Mr. Hesse continued by saying that Ms. Sanders has been talking to Mr. Denman on occasion here over the last several years but thus far there has been no agreement as to a sale price for his piece of property but if in the next couple of weeks or so she were able to get his property and using her own property, she could make some variations to her garage but in that case, she would not be here for a variance because she would have enough room. He said if that purchase does not go through in the next few weeks, then of course she needs the variance from the board so she can put her garage on the piece of property that she bought through the Sheriff's sale three years ago. He said she recognized the importance of the Land Bank program and the revitalization of the park when the township started that several years ago and in fact served on our community advisory board and came to a number of meetings over a two or three or four year period giving the township guidance as to how the properties that were in the Land Bank should be used and as you remember, the properties are primarily directed to people who live in the park and want to expand their own properties, make green space of the properties adjacent to their dwellings or taking four to five properties and making that a base for a new home entirely and he personally has worked with Ms. Sanders in the past and said to the board whatever can be done this evening to give her satisfaction so she can go forward with the garage, it would be much appreciated by not only the Sanders family but everyone connected with the program.

Mr. Lamanna said the board would like Ms. Sanders to continue to try to acquire that property because one of the goals is to try to make some sense out of some of the random hodgepodge of property owners down there and not end up with these little pieces of property floating around, the board would like to have that as all one contiguous piece of property but in the mean time, there does not seem to be a reason to hold up what Ms. Sanders wants to do because it is not really going to affect anything, it is consistent with the development in the neighborhood and will certainly improve the quality of the neighborhood by upgrading the house.

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

Motion BZA 2006-24 – 16653 S. Franklin Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an addition and a garage.

1. A variance from the maximum required front yard setback of 50' to maintain the existing 14' 3" on S. Franklin Street for a variance of 35' 9".
2. A variance from the maximum required front yard setback of 50' to maintain the frontage of 34' 1" for a variance of 15' 11" on the Akron Street side.
3. A variance from the maximum required side yard setback of 10' to maintain the existing 8' 11" side yard setback for a variance of 1' 1" to the south.
4. A variance from the maximum permitted lot coverage of 20% to 33.4% for a variance of 13.4%.

Motion BZA 2006-24 – 16653 S. Franklin Street - Continued

Based on the following findings of fact:

1. A practical difficulty exists because of the existing irregularly shaped lot.
2. The lot is approximately 60' wide.
3. The additions being proposed are reasonable in size and still consider the character of the neighborhood.
4. The setbacks that will be maintained are consistent with those in the neighborhood and will not adversely affect the adjoining properties.
5. This property is actually between two streets so there are no neighbors that will be affected to the Akron Street side with the setback.
6. To the north, the immediately adjacent lot is a single lot that has no ability to be developed and on the south side, the adjacent structure is approximately 30' away so it is a distance that is consistent with separations between structures in this neighborhood.
7. The board will ask the applicant to continue to attempt to use reasonable efforts to acquire Sublot #4 between her current existing house and Sublot #3 which she already owns.
8. The existing drive from S. Franklin Street will be removed as part of this project.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated August 9, 2006 was read and photos of the site were submitted.

Ms. Stephanie Dennis was present to represent this application.

Ms. Dennis testified that they are on a culdesac on Woodberry Blvd. and when they purchased the lot they were told by the builder there were wetlands so they knew that going into it and subsequently as the plans developed, they had to move the house further on the property to be within the requirements of the wetlands so we moved the house 30' forward. She said they are not allowed to extend the deck more than 2' and referred to the site plan that showed the entrance out from their home (kitchen) which is out 4' above the ground and they would like to have a deck and would like to have it in front of their kitchen and in order to do that is to be able to extend the deck out from the sunroom so they are asking for 10' out from the sunroom which reduces the distance to the wetlands but if you look at where the actual creek is, it is about 65' where actually the water is so there is a really good distance there.

Ms. Dennis continued by saying that most of the posts that would be put into the 10' area would not be in that area, only a handful of the posts would be in the area they are asking for the variance and what they don't want to have happen is to have a long skinny deck, they would like to have something that they could utilize the space better instead of a long skinny thing along side the house. She said the deck would be 4' above ground where the entrance is and to put a patio on would not make sense because the back of the yard is sloping so a patio might mean a retaining wall and it would be much more detrimental to the whole topography of that area and the goal is to work within the guidelines and parameters that are established for the wetlands.

Mr. Takacs asked if the deck is going to be 50' wide.

Ms. Dennis said no, the width of the deck is 24' and explained that it will not be running along the whole house and it will be 10' from the sunroom. She said they have no yard because it is sloping and wet and because they had to move the house forward, they have very little front yard too and again the goal here is to try to put in as few posts as possible in the area they are asking for the variance and if they don't get the variance the deck would be long and skinny.

Mr. Takacs said it would be a 14' x 50' long deck.

Ms. Dennis said they could shorten it but the problem is the width.

Mr. Lamanna asked what the elevation will be above ground level for the deck.

Ms. Dennis said it is 4'.

Mr. Lamanna asked if it is 4' above the ground.

Mr. Takacs said it will fall three more feet.

Mr. Murphy said there will be 7' posts out there and 10' above grade.

Mr. Olivier asked if the stream is an active stream.

Mr. McIntyre said it is an active stream during a storm.

Mr. Lamanna asked if there was any ingress and egress from the deck itself.

Mr. Takacs asked if there will be any stairs.

Ms. Dennis said they would like to put the stairs on the side closer to the garage away from what we consider the variance area.

Mr. Lamanna said not in the riparian.

Ms. Dennis said exactly and they are trying to eliminate as many things or what would be obstructions in that area.

Mr. Lamanna asked if the construction of the deck will be post type with the house on one side and posts on the other side.

Mr. Takacs said there would be six or eight posts.

Mr. Lamanna said it will not be really much of an impact.

Mr. Lewis asked if the underneath of the deck will be enclosed with lattice or will it be an open area with posts.

Ms. Dennis said she did not think they will be using lattice, if anything they will put some plants or bushes there.

Mr. Lamanna said the purpose of the riparian setbacks is to protect the riparian from damage from structures and it is also to protect the structures from damage from the riparian and certainly a structure that is made of posts is not going to be damaged if the flood waters come up there.

Mr. Takacs said like down on the coast.

Mr. Lamanna said yes, like down on the coast they build things on stilts so that is not really an issue and he does not think that six or eight 6" diameter posts in the ground will really do any damage because it is outside the wetlands.

Mr. Takacs said he would like not to see the lattice on there.

Ms. Dennis said they are not going to put lattice there and asked if there was an issue regarding putting some landscaping there.

Mr. Lamanna said yes, it can be landscaped there.

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

Motion BZA 2006-25 – 8120 Woodberry Boulevard

Mr. Lamanna made a motion to grant the applicants a variance of 9' for the purposes of constructing an elevated deck on posts in the riparian setback. This variance is based upon the deck being constructed this way and the deck not having any egress into the riparian setback area.

Based on the following findings of fact:

1. Regarding topical elevation from the riparian and the very limited impact of sinking a small number of posts for purposes of putting up a deck, there will be no adverse impact on the riparian in any significant nature nor should the structure be exposed to any danger from flooding from the riparian area.

Mr. Takacs seconded the motion.

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

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

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

The zoning inspector's letter dated August 9, 2006 was read and photos of the site were submitted.

Mr. Matthew Lynch was present to represent this application.

Mr. Lynch of 17392 Sugar Hill Trail testified that he was here last month for a use variance for the purpose of opening a small law office in the Burns property and at that time the board suggested two things, one that there may be some requirements or restrictions that the board was going to talk to the county prosecutor about and that was a possibility to achieve that result and secondly, the possibility of issuing an area variance for use as a home occupation because home occupation is limited to 25% and he wants to use essentially all of the area, 1,600 sq. ft. for this purpose. He said he filed the request for the home occupation/conditional use permit which is before the board and he does not see it listed as a use variance and he is not sure if it is technically before the board tonight or not and he won't go through his spiel again because he thinks the board is familiar with the property but it is a very difficult piece of property in a difficult location, very close to the roadway and his project is supported by essentially all of the neighbors in the condo associations nearby and there are letters in the file to that effect and the most significant thing is that he can preserve this very quaint century home for the community. He said he will answer any questions the board may have.

Mr. Lamanna asked Mr. Lynch to tell the board what he has done with respect to renovating the property.

Mr. Lynch said he prevented the basement walls from falling in and when the basement was dug out it appears that the basement actually had a cistern and all of the water from the gutters was running into the basement. He said it is not a cinder block wall it is a stone wall with all irregular stone so water was coming through.

Mr. Takacs asked if that was what all the mud was from.

Mr. Lynch said yes, they dug it up and took out the old floor, poured a completely new floor with drain tiles all running to a sump pump and they dug under the original foundation and poured about 3' high new supporting foundations on the inside so there is a knee wall in the basement.

Mr. Takacs asked if any walls were put up.

Mr. Lynch said no, and another thing with the house was there was a very strong musty smell in the house which happily is gone now, so that is essentially what they have done and they also put new drain tile on the outside as well so it is pretty much dry now. He said the only other thing they have done is there was a couple of very old steps that went to the front doorway that were highly deteriorated so they are in the process of putting in new footers to put in a new set of stairs there.

Mr. Takacs asked Mr. Lynch if there will be any other employees other than himself.

Mr. Lynch said his wife works for him part-time and she won't work more than Tuesdays and Thursdays and added that it is a small office so it is not a situation where they are going to have a lot of traffic with clients or with employees and last time he predicted that they would have less traffic with them in there using it for an office than with a family of four because they won't be there at all in the evenings.

Mr. Lamanna asked Mr. Lynch if he is keeping the existing driveway.

Mr. Lynch said yes and there is currently a space for two cars and a two car garage as well.

Mr. Lamanna asked if the garage will be usable.

Mr. Lynch said yes, the garage is probably the best part of the house because it is not 160 years old.

Mr. Takacs asked what the garage will be used for.

Mr. Lynch said he will be parking there in the winter as well as his wife's car also.

Mr. Lamanna asked Mr. Lynch if he is going to maintain the interior the way it is.

Mr. Lynch presented a floor plan to the board and explained the main floor and how it will be used. He said the only addition to the existing wall is the wall between the conference and waiting rooms because it is one big room now, so that will be the only interior change and the upstairs will have two little offices.

Mr. Takacs asked about the area between the garage and the right of the stairs and asked if that will be the reception area.

Mr. Lynch said yes and when his wife is not there, they may have someone there the other three days in the reception area.

Mr. Lamanna asked where the kitchen is.

Mr. Lynch said the kitchen is the little room that is marked stockroom and it is very narrow. He said in terms of configuration the stockroom will be in the kitchen, the reception room is the former dining room, the conference and waiting area will be in the living room, the file room will be in a former bedroom, but does not really know what they used it for and added that the toilet room is off of that area and it is the only fully size bathroom with a shower and tub there.

Mr. Lamanna asked if the kitchen will be maintained.

Mr. Lynch said they are not going to use it as a kitchen, it has shelves in it and they will use the cabinets for boxes of stationery, file paper etc. and they will spruce it up a little bit.

Mr. Lamanna said that considering this is technically a residence, it should have at least a kitchen.

Mr. Lynch said they will replace the old sink and make coffee there.

Mr. Lamanna said how it is used is the applicant's business but if somebody were to walk in the house at some point in time it should look like a residence with a kitchen.

Mr. Takacs asked if there was a porch in the back.

Mr. Lynch said yes, there is a little screened-in porch and will probably be the employee lunch room.

Mr. Takacs asked if there is a bathroom upstairs.

Mr. Lynch said yes, there is a half bath upstairs and referred to the location on the floor plan displayed. He said part of the problem with the house is that it was not designed under modern standards so when anyone looked at it as a residence, they were not interested, because the bedrooms are upstairs and the shower is downstairs and there was just no interest also because of the closeness to the street etc.

Mr. Olivier asked about the outbuilding.

Mr. Lynch said the outbuilding is in extremely poor condition and it would be nice to be able to store something in there but at this point we can't do it, it would have to be completely restored, so he will have to leave it as is.

Mr. Lamanna asked about the proposed signage.

Mr. Lynch said the variances from the home occupation are the 25% usage for the home occupation, although it will probably only be himself and his wife, the other is signage and the fact that he won't physically be living there and he wants to put some kind of sign out. He said the home occupation regulations provides for a small sign and under the use variance he could have a very substantial sign and he referred to the size on his application which is 5' x 3'. He said he had a sign guy come out and one of his concerns is, because it sits at the top of the hill, he does not want people who are coming to over-shoot going down the hill and going past the property and he wants people to know he is there so he recommends a 5' x 3' sign and he gave the board, in the original application, a few samples of typical signs and added that there would be attractive looking posts with a board in between.

Mr. Takacs said a home occupation allows 4 sq. ft. and Mr. Lynch is asking for 15 sq. ft.

Mr. Lynch said yes.

Mr. Takacs asked what the purpose of a larger sign is.

Mr. Lynch said he does not want an issue of not turning and going up Chillicothe hill.

Mr. Takacs asked if a bigger sign would avoid that.

Mr. Lamanna said a 2' x 2' sign is a little small.

Mr. Lynch said there are two lots and does not know if theoretically he would get 8 sq. ft. for the home occupation or not.

Mr. Takacs asked about the size of the proposed letters.

Mr. Lynch said he has not gotten there yet, but it would be something appropriate to the sign and would not do much more than their name, attorneys at law, the street address etc.

Mr. Lewis said you are not trying to lure drive-by traffic.

Mr. Lynch said that is right, no one will pull in and say they want to hire me.

Mr. Lewis said what Mr. Lynch is suggesting is he does not want people to shoot by and go down the hill. He said there is not a lot of room between the house and the roadway already.

Mr. Takacs said the code says that the sign has to sit back at least 12' from the right-of-way.

Mr. Lewis said you will almost be by the house going one direction or by the house going the other direction.

Mr. Lynch said right and added that the Burns family for years had a chain across their driveway with a sign that said no turn-around and if someone is going down and they realize they have gone past my location and find themselves at the top of Chillicothe hill, that is not a good situation so the sign in part will let people know he is there but if someone is coming down either way going up the hill or down going north, if they see this is where it is, they can slow down in time for the turn.

Mr. Takacs said he would think going up is not bad because if they went by, they could turn around on either side there, going down, it would be better to put it on the south side so they have some time to react to it.

Mr. Lynch said yes and he even thought that maybe the drive should be reconfigured to be farther south but it is definitely a situation where you don't want people to over-shoot.

Mr. Takacs said his first inclination was that 15 sq. ft. was a little big for the residents and the hill etc.

Mr. Lamanna said 10 sq. ft. should be sufficient.

Mr. Lynch said that is what the guy recommended.

Mr. Lamanna said that 4 sq. ft. is a little small for there but 10 sq. ft. would be a sign that people could see. He asked if the sign will be illuminated.

Mr. Lynch said it was not his plan.

Mr. Murphy referred to the variances requested which are (b), (d), (e), (i) and (k) within the home occupation and asked if a variance should be requested for item (j) as well which states no more than one person shall be present and working at the home occupation at one time and Mr. Lynch is telling us that there will be two people possibly full-time and he may be so busy that he will need another receptionist. He also asked why the board is looking at a variance from item (b) external alterations.

Mr. Lamanna said item (b) refers to the repairing of the foundation but the only thing that falls into that category is the addition of a small wall.

The board discussed the interior and exterior construction of the house.

Mr. Lynch said there is really nothing there.

Mr. Murphy said he is not sure item (b) was listed.

Mr. Lamanna said the stoop would not be an issue because it is part of the house, it is the wall that is a modification to accommodate the home occupation.

Mr. Takacs said that item (b) refers to external alterations.

Mr. Lamanna said that is not to accommodate the home occupation and there is nothing that is unique or specially suited to the home occupation, all of the external work has been to support the basic structure of the house.

Mr. Lynch referred to the floor plan and pointed out the part of the house that was original and the additions that were added at a later time.

Mr. Lewis asked if home occupations have ADA stipulations.

Mr. Lamanna said no.

Mr. Lynch said he thought about that as well and added that there is a door from the garage to the kitchen that could be used if necessary.

Mr. Lewis said he did not have any dramatic issues, his take on this is that the area variance follows the current residence and not the property, it would be in compliance with the current residence with a continuation of use as requested.

Mr. Lynch said he did not have a problem with that.

Mr. Lewis said if Mr. Lynch decides to change it from a law office to a tanning salon, he would have to come back to the board.

Mr. Lamanna said that does not fit the home occupation definition.

Mr. Murphy said if Mr. Lynch decides to sell it, it goes back to a residence.

Mr. Lynch said it is a conditional use permit and the reason they went down this road is to avoid changing the property from residential, it is still residential and if someone wants to do something else down the road, they will be back to the board of appeals.

Mr. Takacs asked Mr. Lynch if he will be starting work in the morning before 8:00 A.M.

Mr. Lynch said no.

Mr. Takacs asked what if someone wants to come in earlier.

Mr. Lynch said he could be there at 7:00 A.M. but he does not think he will have clients there at 7:00 A.M.

Mr. McIntyre stated that he believes item (b) does apply to this application because of the way it is written in the zoning resolution.

The board discussed exterior and interior alterations regarding home occupations.

Mr. Lynch said he does not have a problem putting a condition in there for no more than what you see here.

Mr. Lamanna said he thinks the idea is that an addition cannot be added to the house for the home occupation and the idea of any alteration, construction or reconstruction would not be permitted would not make sense because almost anything someone conceives as a home occupation might require knocking out a wall between two rooms to make it bigger or subdividing it etc. and he thinks the zoning resolution refers to external alterations such as a big huge entrance door that would not be consistent with residential.

Mr. Lewis said he sees it more relevant that the general definition of the kitchen and its functionality is staying so it still serves as a residential use.

Mr. Lamanna said the concept is that the structure itself is still a residence, it still looks like a residence, and it has the accoutrements of a residence and conceivably could revert to a residence because it hasn't been modified so it is no longer capable of being lived in.

Mr. Lynch said the refrigerator and range are still there.

Mr. Lamanna asked if the existing parking will be used.

Mr. Takacs said if he parks in the garage, it makes the drive available for cars.

Mr. McIntyre explained the parking requirements and said that Mr. Lynch needs a variance for one.

Mr. Lynch asked if that is under the commercial parking requirements.

Mr. Lamanna said that is assuming that all of the square footage was actually being used but in truth, the whole square footage isn't being used, there will only be about one or two people so four parking spaces should be adequate assuming there would be two for the people working and two others.

Mr. Lynch said there is another garage in the back but it is in disrepair.

Mr. Takacs asked if there is a turn-around off to the side.

Mr. Lynch asked if it is to get to the other garage and said you would have to work something out to get there.

Mr. Lamanna said under the circumstances, four parking spaces are adequate.

Mr. McIntyre said under home occupation, there should be two for the dwelling unit and two additional for a total of four.

The board reviewed the variances requested, the application and the home occupation regulations.

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

Motion BZA 2006-20 – 17477 Chillicothe Road

Mr. Lamanna made a motion to grant the applicant the following variances for a home occupation for the purposes of using the property located at 17477 Chillicothe Road as an attorney's office.

1. A variance with respect to the use of the gross floor area from the maximum permitted of 25% up to 100% although the applicant may not actually be using the full 100% of the property.
2. A variance with respect to parking to use the existing parking that is located in the front yard setback in front of the dwelling unit. The board notes that the parking standards fully apply to the home occupation standards requiring four parking spaces which the property has.
3. A variance so the requirement that the applicant live in the dwelling unit will be waived.
4. With respect to the signage permitted, the applicant will be allowed a variance to 10 sq. ft. from 4 sq ft. for signage purposes.
5. The applicant will also be allowed to have one additional employee or the equivalent to one additional full-time employee on the premises.

Motion BZA 2006-20 – 17477 Chillicothe Road - Continued

The conditions for granting these variances and in order to allow the board to grant these variances are as follows:

1. The structure will remain in the condition and configuration with the appropriate accoutrements so that it could revert to residential use without significant modification.
2. The variance is personal to the applicant and if the house is ultimately taken by eminent domain or destroyed as part of an eminent domain proceeding, this variance would also terminate.

Based on the following findings of fact:

1. This variance will allow this property to remain in a residential configuration and will also allow the employment of the property in a way that is consistent with the residential area and will not present adverse consequences to the adjacent residential properties.
2. The applicant is a nearby resident of the property.
3. This particular property poses some unique difficulties with respect to occupying it as a residence because it is not of modern design.
4. The property is located extremely close to the right-of-way of the highway.
5. The house is very old which makes the actual occupation very difficult and for that reason it would be appropriate to grant this variance.
6. With respect to the parking, the existing driveway and parking area will be used so it will not change the character that already exists at this location and it also will not adversely affect the neighboring properties.
7. The board also finds that by granting this variance, it would not be in derogation of the residential character of this neighborhood and will help to preserve that character with respect to this particular piece of property.

Mr. Takacs seconded the motion.

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

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

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: September 21, 2006

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
August 17, 2006

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

Minutes

Mr. Lamanna made a motion to adopt the minutes of the July 20, 2006 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for September 21, 2006

Application 2006-26 by Janet Switzer for property at 7147 Rocker Avenue

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

Application 2006-27 by David M. Berry for property at 7416 Pettibone Road

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

Application 2006-28 by Noreen Bordonaro (Kaseda) for property at 7025 Pine Street

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for September 21, 2006 at 7:30 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:03 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: September 21, 2006

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