

Bainbridge Township, Ohio
Board of Zoning Appeals
August 18, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:33 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2005-27 by James B. Thomas for property at 7945 Country Lane -
Continuance

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

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Mr. Lamanna noted that this application is a continuance from the July 21, 2005 meeting.

Mr. and Mrs. James Thomas were present to represent this application.

Mr. Thomas testified that the board had asked, at the last meeting, for the place where the leach bed and septic tanks are, but it is on the print and said with the tanks and leach bed where they are, they cannot build on that side of the property.

The board reviewed the site plan showing the location of the leach bed and tanks.

Mrs. Stanton asked if further consideration had been given to placing the addition in another area.

Mr. Thomas said that was ruled out the last time because of the slope and it is too bad in that area and the only place they were asked to look at was in the front, but because of the leach bed and tanks, it is impossible to build there.

Mr. Lamanna said the board also asked about the elevations of the property.

Mrs. Stanton said the board was asking where the drop off is.

Mr. Thomas said the drop off is in the front.

Mr. McIntyre explained the accessory structure location per the photo and said that Mr. Orłowski took measurements of the adjacent properties and explained the measurements to the board.

Mr. Lamanna asked Mr. Thomas to explain his property per the aerial photo.

Mr. Thomas explained the corner of the driveway and the location of the swing set per the photo and site plan.

The board discussed the location of the house per the photo.

Mrs. Stanton said she did go back and look at it and asked Mr. Thomas if he would consider putting the addition on the side because the grade does not drop off as much as she thought.

Mr. Thomas said the access from the house would not work and explained the porch location and how the porch wraps around the house.

Mr. Lewis asked how long the proposed pool structure is.

Mr. Thomas said it will be 26' x 50'.

Mr. Lamanna said there is really no grade drop.

The board reviewed the site plan and elevations of the site.

Mr. Lamanna said it will be in the front of the neighbor's house.

Mr. Thomas said there is a 4.5' drop from the patio.

Mr. Lamanna asked about a certain area on the site plan.

Mr. Thomas said it is the patio with shrubbery.

Mr. Lamanna asked if it is possible to flip flop the patio with the proposed pool.

Mr. Thomas said the pool would be right next to the driveway.

Mr. Lamanna said it would reduce the variance by 5'.

Mr. Thomas said no one will see the addition anyway because it will be heavily screened with trees and they will put in a lot of foliage and the only thing anyone will see is trees.

Mr. Lamanna said if the pool is moved down, it will be an equal distance between the two neighbors, and added there will be landscaping along the property line.

Mr. Thomas explained the access road.

Mr. Lamanna asked if the neighbors still use it.

Mr. Thomas said he did not think so.

Mr. Lamanna described the location of where the shrubbery should be planted.

The board calculated the setback to be 36' from the side property line.

Mr. Lewis asked if there will be 6' pine trees.

Mr. Thomas said yes and the back end of the property is a free flowing area and explained the location of the existing pine trees on the property and that he could block off the access road and eliminate it.

Mr. Lamanna said some foundation plants should be installed with pine trees along the back.

Mr. Thomas said that the neighbor cut his bushes down.

Mr. Lewis said some tall spire looking hedges could be planted.

Mr. Lamanna said they could be hedge or foundation plantings to dress the area up.

Ms. Kathleen Snedeker of 7985 Chagrin Road testified that she is the adjacent property owner and said the current rear yard setback regulation is 90'.

Mr. Lamanna said yes but explained that this lot was platted as a smaller lot and the rear yard setback was 50' when the house was built.

Ms. Snedeker said she wanted to make sure there was going to be landscape screening.

Mr. Lamanna said the applicant agreed to install a row of pine trees along the property line.

Ms. Snedeker said okay.

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

Motion BZA 2005-27 – 7945 Country Lane

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an indoor pool structure extension to an existing dwelling as shown on the plans with the change that the structure will be moved to the west in the area that is now shown as patio.

1. A variance from the minimum rear yard setback of 90' to 36' for a variance of 54'.
2. A variance from the maximum lot coverage of 10% to 12.34% for a variance of 2.34%.
3. As an additional part of this variance and the basis for granting the variance, the applicant has agreed that he will provide a row of approximately 6' pine trees running from behind the existing accessory structure along the property line to at least to the point of the building that is proposed to be constructed.
4. The applicant will also provide foundation plantings on the driveway side of the relocated building for screening and will provide some foundation planting around the existing accessory structure to further screen that structure from the neighbors.

Based on the following findings of fact:

1. A practical difficulty exists.
2. The applicant's existing house is placed in the rear corner of the lot. To attempt to place this building in the front area, it would run into the existing septic and leach fields.
3. To try to place it on the easterly side of the house would require that the structure be nearly in front of the house and make it more visible from the street and make it incompatible with the existing neighborhood and that the location that is proposed would have the least intrusive impact on the adjacent neighbors and the least impact on the existing development in the area.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-34 by Gary Framson/EHC Cleve. LLC for Alan Nusbaum for property at 16423 Stone Ridge Road

The applicant is requesting an area variance(s) for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Alan Nusbaum, Mr. Gary Framson, and Mr. Rick Siegfried were present to represent this application.

Mr. Rick Siegfried testified that Mr. Nusbaum has lived at his residence for 25 years, but recently got married and the house no longer suits their needs and they want to use the existing cleared area to build their house because they don't want to take down any existing trees. He said there is a riparian issue, but they do not want the house closer to the road and they have a significant investment in landscaping so it is logical to build the new house where the existing house is and it will grow a little bit to the side but not getting any closer to the existing property line than the house already is. He added that the setbacks have changed since the house was built.

Mrs. Stanton asked if the north side is part of a larger lot.

Mr. Siegfried said it is part of the Chagrin Falls School System and on the other side there is a big garage and added that no one will build a house there unless Chagrin Falls sells the property.

Mr. Olivier asked if the existing house is where the dotted line is on the site plan and if they are coming a little closer with the house.

Mr. Siegfried said yes, and explained the riparian setback location.

Mr. Gene Melen of 7466 Samuel Lord Drive testified that he owns the big barn and he just wanted to see what was going on and said he lives quite a distance away but he was just being nosy. He said he had heard that Mr. Nusbaum was going to sell his house but decided to build a new one so he just wanted to see what it looked like, but he did have one requirement of Mr. Nusbaum and that is the big spot light that shines in his house, if it could be moved, he would appreciate it. He said that the adjacent property is part of a well field property that belongs to Chagrin Falls Village.

Mr. Lamanna said if the Village wanted to carve out and sell some property there, the lots would have to be three acres.

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

Motion BZA 2005-34 – 16423 Stone Ridge Road

Mr. Lamanna made a motion to grant the applicant the following variances for the construction of a new single family dwelling.

1. A variance from the minimum required rear yard setback of 90' to 38.1' at its closest point for a variance of 51.9'.
2. A variance from the minimum required side yard setback of 50' to 32.4' at its closest point for a variance of 17.6'.

Based on the following findings of fact:

1. It is a 1.7 acre lot in a three acre district.
2. There was an existing dwelling and infrastructure on the property that is going to be removed.
3. The rear yard setback is essentially the same as the existing dwelling so there will be no increase in the encroachment at that point.
4. With respect to the side yard variance, because there is a riparian setback on this property, it limits the area in which the house can be built and because of that it is necessary to have a setback on the side yard that will allow sufficient width for the house to be placed on the property.
5. The construction that is being proposed is consistent with the construction in the area and due to the distance from existing structures, it will not adversely affect the neighbors.
6. The closest existing property is a piece of a non-residential lot so there will not be any adjacent property owner who would be adversely affected.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-35 by Andrew S. Castellano for property at 8550 East Craig Drive

The applicant is requesting an area variance(s) for the purpose of constructing a pole barn. The property is located in a R-3A District.

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Andrew Castellano was present to represent this application.

Mr. Castellano testified that there is no more swimming pool on his property and he wants to build a 40' x 60' pole barn on the back of his property and to access it with another drive. He added that he has a corner lot.

Mr. Lamanna asked if it will be 10' off the property line.

Mr. Castellano replied yes.

Mr. Lamanna asked if there is any reason the barn cannot be 50' off the property line.

Mr. Castellano said he did not want it to be that close to the house and his neighbor does not care. He said he wanted to keep the area open in case he wants to put a patio there.

Mr. Lamanna said there is no practical difficulty here.

Mr. Castellano said his house is 30' off the property line.

Mr. Lamanna said the barn could be the same distance from the property line as the house with 50' off the side property line so no variance would be required there. He said the rear yard setback could be 30' with a 60' variance and the side yard could be 50' with no variance.

Mr. McIntyre said the rear yard setback would be 37'.

Mr. Lamanna said the board will use 37' for the rear yard setback.

Mr. Bob Pine, next door neighbor, testified that he has no objections to it.

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

Motion BZA 2005-35 – 8550 East Craig Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a pole barn as shown on the plans submitted.

1. The applicant will move the barn 50' from the side line so there is no necessity for a side yard variance.
2. A variance from the minimum required rear yard setback of 90' to 37' for a variance of 53' which is computed based upon the existing rear setback line of the principal structure and 37' will be adjusted accordingly to match that number.
3. A variance from the maximum lot coverage of 10% to 13.4% for a variance of 3.4% (swimming pool has been eliminated).

Based on the following findings of fact:

1. A practical difficulty exists.
2. The applicant has a corner lot that is only 116' wide and it would be impossible to build within the setback requirements normally applicable.

Motion BZA 2005-35 – 8550 East Craig Drive - Continued

3. This variance will be no greater than the existing encroachment of the principal dwelling and because this is a 1.4 acre lot in a three acre area, it is reasonable to grant a variance to the lot coverage due to the smaller size of this lot and the reasonableness to the overall density of the development on this property which is not inconsistent with that of the adjacent property.
4. The board also notes that the use of this accessory structure must be for only those uses permitted in this zoning district and not for any commercial use unless an appropriate home occupation certificate has been issued for that use.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-36 by Paul & Kristen Doherty for property at 19001 Brewster Road

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

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Paul Doherty was present to represent this application.

Mr. Doherty testified that he wants to build a garage addition and he has a hardship situation because there is a ravine on one side and a pond and his septic is in the front and his well is toward the back of the house. He said he has to angle the garage parallel to the lot line so he is asking for a 12' setback to squeeze the garage in there.

Mr. Lamanna referred to the existing garage and asked how far away the neighbor is.

Mr. Doherty said the neighbor is about 45' away.

The board looked at the photos of the property, existing house and garage.

Mr. Olivier asked if the entry to the existing garage is on the side.

Mr. Doherty replied yes.

Mr. Olivier asked Mr. Doherty if he will lose the doors.

Mr. Doherty said yes.

Mr. Olivier asked if the addition could be put behind the house.

Mr. Doherty said he has a concern about the area behind the house because the lot narrows and this seemed like the best solution.

Mr. Lewis asked if this property is part of Rivers Edge.

Mr. Doherty said yes.

Mr. Lewis asked if there are any deed restrictions in Rivers Edge.

Mr. Doherty said no, their mission is to manage the common area period.

Mr. Lamanna said the board would like to see the area along side of the garage to be screened with foundation plantings.

Mr. Victor Shtin, 18989 Brewster Road, next door neighbor, testified that he had no objections to this variance.

Mr. Lamanna said the addition will be closer, but the area will be landscaped, so it should not be an issue.

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

Motion BZA 2005-36 – 19001 Brewster Road

Mr. Lamanna made a motion to grant the applicant the following variance in order to construct a garage as shown on the plans.

1. A variance from the minimum side yard setback of 50' to 12' for a variance of 38'.

Based on the following findings of fact:

1. The applicant has agreed to provide foundation plantings along the north side of the garage and to put in at least one-half dozen 6' pine trees in the area between the garage and the property line to provide additional screening from his neighbor and to mitigate the adverse effect of this variance on the neighbor.

Motion BZA 2005-36 – 19001 Brewster Road - Continued

2. The mitigation is necessary for purposes of granting this variance which the board would otherwise grant based upon the practical difficulty of the existing ravine and pond and septic system on the site which limits the potential locations for this garage and in order to have a consistent roof line with the existing house after modifications.
3. The overall size and layout of this house will be consistent with the neighborhood and will not otherwise adversely affect the neighbors with the additional screening.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-40 by Chris W. Brown, Prestige Homes for Joe King for property at 8140 Woodberry Blvd.

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

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Chris Brown of Prestige Homes and Mr. Joseph King, homeowner, were present to represent this application.

Mr. King testified that they retained Prestige Homes to build the home and they did a very nice job but they retained an independent contractor to construct a patio.

Mr. Lamanna asked if the patio was on the original plans.

Mr. King said he suspects it was not but Prestige built the home in February 2004 before the riparian setback regulations were passed. He continued by saying that the house itself violates the riparian setback and had the law been in effect, they would have moved the house but now they are faced with getting a variance or tearing it up and it will look like a bowling alley.

Mr. Brown testified that he has a letter from the Dennis family stating they had no objection.

Mr. King said he has an email from the homeowners association and they also have no objection and added that they own the property next to his. He also said the patio and stream cannot be seen.

Mr. Lamanna asked Mr. McIntyre if there were any other riparian issues.

Mr. McIntyre said the riparian setback is 25'.

The board looked at photos of the patio.

Mr. Lewis asked if plantings could be put in.

Mr. King said he wants to maintain his view of the stream and added that the back of his property slopes down and the water will not come up to the house and they kept the existing grade and did not change that.

Mr. Lamanna said it is a rather small stream anyway.

Mr. Brown said the only time there is significant water is when it rains.

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

Motion BZA 2005-40 – 8140 Woodberry Boulevard

Mr. Lamanna made a motion to grant the applicant a variance to the required riparian setback of 25' to 15' for a variance of 10'.

Based on the following findings of fact:

1. The applicant added, during construction, a patio to an existing house that was started just before the adoption of the riparian setback ordinance.
2. The patio addition does not create any additional encroachment into the riparian than already existed with respect to the house and considering the location and construction of this patio, that it would not adversely affect the flow in the stream nor is it likely to be adversely affected itself by the flow of the stream.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-41 by Stephen Crowther for property at 17138 Park Drive

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

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Stephen Crowther, homeowner and Mr. Bill Harndiges, builder were present to represent this application.

Mr. Crowther testified that he is taking the existing size garage and making it a double length car garage.

Mrs. Stanton asked if this is an addition.

Mr. Harndiges testified that it will be an addition.

Mr. Lamanna asked if the existing garage will be demolished.

Mr. Harndiges said they will save the foundation but will build a new structure.

Mr. Lewis asked if the structure is headed for demolition.

Mr. Crowther replied yes.

Mr. Lamanna asked if it will be brought up to current code.

Mr. McIntyre said if it is not up to current code, they will have to make it to current code and if it is a very old foundation, it will probably have to be replaced.

Mr. Crowther explained the new footers for the garage.

Mr. Lamanna asked if the garage will be detached.

Mr. Crowther said it will be attached to the house and explained that they will bring the garage forward 15' and attach it to the house.

Mrs. Stanton asked Mr. Crowther if he applied to the Lake Lucerne Architectural Review Board.

Mr. Crowther said not yet, he wanted to receive approval from the township first.

Mr. Lamanna said those are two separate and distinct obligations. He asked if the proposed garage will 3' off the property line.

Mr. Crowther replied yes.

Mr. Lamanna said the house is 16' off the property line.

Mr. Lewis said the proposed garage will be 34' deep but still only a one car garage.

Mr. Crowther said it will be for two cars.

Mr. Lewis said if the existing footers and pad are removed, the pad will be lost so the applicant might consider making the garage 40'.

Mrs. Stanton said it will be in the neighbor's backyard at that point.

Mr. Crowther said that last year a tree hit George Richards' garage next door and he is going to make it a 1-1/2 car garage.

Mrs. Stanton said there is a creek in the backyard.

The board viewed the aerial photo.

Mr. Lamanna said he would like to approve this variance and forget about the existing structure, so the board will treat it as not being there and asked if it could be moved over a little more. He explained that if the garage is moved over, and there is no more storage on the outside of the garage, there could be plantings on that side of the garage. He asked if it could be moved back 4' - 5'.

Mr. Harndiges said the property drops off back there.

Mr. Crowther asked if there is any way to stay 3' off the property line and still have a larger garage.

Mrs. Stanton said the board has never granted a variance that close to the property line before.

Mr. Lamanna explained that 5' will give a little more room on the side and 5' is more than anybody else has gotten and the board makes people stay at least 10' off the property line so the board would like to keep it at 5' and it will still work.

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

Motion BZA 2005-41 – 17138 Park Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a new garage addition on his house.

1. A variance from the minimum required side yard setback of 50' to 5' for a variance of 45'.
2. A variance from the maximum lot coverage of 10% to 14.8% for a variance of 4.8%.

Based on the following findings of fact:

1. A practical difficulty exists due to the narrowness of the lot and the location of the existing house.
2. It would be impossible to build a garage without violating the setback requirements.
3. Due to the total size of the lot, it is impractical to meet the 10% lot coverage requirement.
4. The applicant has also agreed to provide foundation plantings along the side of the house closest to the property line in order to reduce the impact on the neighbors.
5. Under such circumstances, the construction will be consistent with the development in the area and will not adversely affect the neighbors.
6. The board notes for the record that the applicant has to obtain approval from the Lake Lucerne Architectural Review Board.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-37 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing wall signs for Home Depot. The property is located in a CR (Commercial Recreation) District.

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Matt McGill of McGill Property Group and Mr. Terry Roswick of Greenberg Farrow were present to represent this application.

The board reviewed the variance requests for wall signs for Home Depot.

Mrs. Stanton asked if there was anything that showed the elevations.

Mr. Matt McGill testified by saying yes.

The board reviewed the elevations and signage requests for Home Depot.

Mr. Terry Roswick testified by explaining the separate doors and entrances.

Mr. Olivier asked if there were three entrances.

Mr. Roswick said yes and a garden center. He also explained the loading dock, lumber area location and the main entrance and added that the side sign faces the main road.

Mr. McGill said he is referring to Route 43.

Mr. Lewis said there are two main roads.

Mr. Roswick referred to the road from Pettibone to Rt. 43 as the side road.

Mr. Lamanna said it is an interior road.

Mrs. Stanton asked which end of the store is the nursery.

Mr. Roswick explained where the sign will be located on the building.

Mr. McGill said the same brick will be used on the building as was used on the buildings across the street.

Mr. Roswick said his understanding is what they are asking for is comparable to what is across the street.

Mr. Lamanna said that because the real front is on the interior street, the board will use the long front of the building and if you take the main signage from 6' high to 5', which that is what it was going to be on the other side of the street, it will reduce the signage to a little over 700 sq. ft. He also stated that the Nursery and Contractor Pick-up signs could be reduced to 18" and the Rental Center sign could be 2' high.

Mr. Roswick asked how this compares to what was granted before.

The board reviewed what was granted before for Home Depot versus what is requested now.

Mr. Roswick said previously they had a tag line and referred to the entrance and exit signs.

Mr. Lamanna said he is not concerned about the directional signage. He added that the one could be trimmed down to 5' high for a total of 725 sq. ft. not counting the two directional signs.

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

Motion BZA 2005-37 – 7044 Aurora Road (Home Depot Signs)

Mr. Lamanna made a motion to grant the applicant variances for the purposes of installing wall signs as follows:

1. The applicant can install the seven wall signs as shown on the application with the modification that the large “The Home Depot” sign will be reduced to 5’-0” in height and the length reduced correspondingly in the same amount of scaling. This will result in overall signage square footage permitted of 725 sq. ft. which will not include the “Exit Only” and “Entrance” signs which the board will treat as directional signs notwithstanding that their square footage is 8.25 sq. ft. This represents a variance from the permitted signage of 684.25 sq. ft. based on the 595 linear feet of building on the interior access road times the 1.15 formula in the zoning ordinance.
2. A variance to the maximum height requirements of a sign above grade level for the two Home Depot signs as follows:
 - A. A variance for the first sign from the maximum height above grade level of 15’ to 34’ for a variance of 19’.
 - B. A variance for the second smaller sign from the maximum height above grade level of 15’ to 22’-3’ for a variance of 7’-3”.
 - C. A variance for the “Tool Rental Center” sign from the maximum height above grade level of 15’ to 22’-8” for a variance of 7’-8”.

Based on the following findings of fact:

1. Because of the large size of this building and the multi-faceted operation, it is necessary to have additional wall signs to direct people to the appropriate areas of the store.
2. The board is allowing a second wall sign because the building also faces State Route 43 on one side so the additional wall sign is permitted to allow vehicles approaching in that direction, on the exterior of the development, a view of the business name and location.
3. These are signs mounted on large buildings and the location is consistent with the size, shape and bulk of the building.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-38 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing ground signs for the shopping center development. The property is located in a CR (Commercial Recreation) District.

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Matt McGill of McGill Property Group was present to represent this application.

Mr. McGill testified by saying that each design on the ground signs depicts each tenant but the sign will have the same design and same architecture. He said the logo may change on the top panel and each one will be 16'.

Mr. Lamanna said the existing signs are 14'-8".

Mr. McGill said there will be one additional major anchor on the panel and there will be one ground sign at each entrance - Geauga Lake Road, Route 43 and Pettibone Road.

Mr. Lamanna asked if the width will be the same.

Mr. McGill replied yes.

Mrs. Stanton asked if the lighting will be the same.

Mr. McGill said yes the lighting will be identical along with the architecture and brick.

Mr. Olivier asked how many ground signs are across the street.

Mr. McGill said two.

Mr. Lewis asked how many anchor tenants are across the street.

Mr. McGill said Kohl's and Walmart and added that the size determines if they are an anchor tenant. He continued by saying that they consider Home Depot and Target and one other large retail as the major tenants on this side.

Mr. Lamanna said given the overall scale of this shopping center, the existing signs are not really overwhelming.

Mrs. Stanton asked if the signs will be landscaped.

Mr. McGill replied yes.

Mr. Lamanna said the existing ground signs have a very nice scale and look good and fit into the scale of the development.

Mr. McGill said they will be the same product as you see across the street.

Mr. Lamanna said given the scale of development across the street, they look okay.

Mr. Lewis said the board was looking for the same aesthetics on both sides of the street.

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

Motion BZA 2005-38 – 7044 Aurora Road (Shopping Center Ground Signs)

Mr. Lamanna made a motion to grant the applicant the following variances.

1. A variance for three ground signs. Each ground sign is to be 10'-8" x 12' for a variance of 176 sq. ft. per sign.
2. A variance from the maximum height permitted of 10' to 16'-8" for a variance of 6'-8" per sign.
3. A variance from the maximum height permitted, for the text on a portion of the sign, of 10' to 14'-2" for a variance of 4'-2".

Based on the following findings of fact:

1. Due to the substantial size of the proposed development and the fact that there will be ground signs only at entrances to the development, these signs are consistent with the intent of the zoning and are not unduly large given the scale of the development.
2. They are also consistent in size to the adjacent development so they will not be different from other development in this area.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-39 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing wall signs for Target. The property is located in a CR (Commercial Recreation) District.

The zoning inspector's letter dated August 2, 2005 was read and photos of the site were submitted.

Mr. Matt McGill of McGill Property Group and Mr. Michael McGarrigle of Philadelphia Sign Company were present to represent this application.

Mr. Lamanna said this is a logo issue.

Mr. McGarrigle testified that Target is updating its image.

The board revised the elevation of the building and proposed signage for Target.

Mr. Lamanna asked Mr. McIntyre to explain the architecture feature depicted for the front of the building.

Mr. McIntyre said it looks like part and parcel of the logo and added that the township trustees approved the elevations.

Mrs. Stanton asked if the elevations will be as shown and if the Target logo will extend above the roof and what the issue is of that.

Mr. Lamanna said it is to prevent structures on the top of buildings.

Mr. Lewis said he does not think the board has any information about the height of the roof but the board would like the sign moved down.

Mr. Lamanna asked how big the letters are.

Mr. McGarrigle said the letters are 32".

The board discussed the signs requested.

Mr. Olivier asked what the fourth sign is.

Mr. McGarrigle said it is a pre-cast decoration in front with an arch logo.

Mr. Lamanna said if the front arched logo is taken out, it will bring the signage back to where the board wants it to be.

Mr. Lewis asked about the size of the Target logo.

Mr. McGarrigle said it is 12'.

Mr. Lamanna said he is not thrilled about the pharmacy sign.

Mr. McGarrigle said the actual pharmacy will be right behind where the sign will go.

Mr. Lamanna said the board would only allow it if it had a distinct entrance and the board receives other requests for multiple wall signs.

Mr. Lewis referred to Walmart and the height of some of their signs and asked if this will be on the front of the building too.

Mr. McGarrigle replied yes.

Mr. Lewis asked how far it will be from the street.

Mr. McGill said it will be 590' from the street.

Mr. Lewis said a 15" sign can be read from 630' away.

Mr. Lamanna said the pharmacy sign will identify it to the people, but people won't be driving by looking for a pharmacy and notice it from the sign.

Mr. McGarrigle said it is a major service that Target offers.

Mr. Lewis asked if it will be illuminated.

Mr. McGarrigle said yes, with red letters.

Mrs. Stanton asked if all of the signs are illuminated in the same way.

Mr. McGarrigle replied yes.

Mr. Lamanna said the board would like to cut down the size of the pharmacy sign to 1" letters because it is a subordinate business.

Mr. McGill said it is well over 1,000' from Rt. 43.

Mr. Lamanna said the sign is to inform somebody that is already coming to Target and the board sees it as a secondary information sign and that is why there is a restriction to one wall sign and it should not be a primary means to lure people to the store and it is not intended to attract people off the street.

Mrs. Stanton said it could be consistent with the signs at Walmart that are 1'-6" in height.

Mr. Lewis said the board has a pre-established criteria and would like to stay with it.

Mr. McGill said it will be consistent with what is across the street.

Mr. Lamanna said they did not have too many problems with tenants across the street and added that the pharmacy sign should be reduced to 1'-6" and the Target logo (bulls eye) should be lowered so it does not project above the building and the board will not consider the front architectural design.

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

Motion BZA 2005-39 – 7044 Aurora Road (Target Signs)

Mr. Lamanna made a motion to grant the applicant the following variances to install signage as shown on the application.

1. A variance from the maximum one wall sign permitted to three wall signs for a variance of two wall signs, and, after review, the board did not consider the front architectural style piece to be a sign.
2. A variance for the front Target logo sign to be 12' x 15'-8" as requested.
3. A variance for the side Target logo sign to be 12'-7" x 13'-4" as requested.
4. A pharmacy sign which will be 1.6' times the proportionately reduced length which was formerly 17'-10".
5. With respect to the maximum height of the signs above grade level the following variances were granted:
 - A. A variance for the first Target sign from the maximum height permitted of 15' to 28.5' for a variance of 13.5'.
 - B. A variance for the second Target sign from the maximum height permitted of 15' to 20'-4" for a variance of 5'-4".
 - C. A variance for the pharmacy sign from the maximum height permitted of 15' to 21'-6" for a variance of 6'-6".

Based on the following findings of fact:

1. The elevation variances were granted because these signs are then consistent with the overall height and bulk of the structure.
2. The additional wall signage is granted because of the dual facing nature of the building.

Motion BZA 2005-39 – 7044 Aurora Road (Target Signs) - Continued

3. This overall signage permitted is consistent with other signage permitted in this zoning district.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-42 by Doris J. Lanza for property at 16716 Chillicothe Road

The applicant is requesting an appeal alleging error by the zoning inspector for the purpose of establishing a sleep clinic. The property is located in a PO District.

Secretary's note: This application was withdrawn by the applicant prior to this hearing.

Application 2005-43 by Doris J. Lanza for property at 16716 Chillicothe Road

The applicant is requesting a use variance for the purpose of establishing a sleep clinic. The property is located in a PO District.

Secretary's note: This application was withdrawn by the applicant prior to this hearing.

Since there was no further testimony, the public hearing was closed at 10:13 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier
Ellen Stanton
Donald Takacs

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

Date: September 15, 2005

Bainbridge Township, Ohio
Board of Zoning Appeals
August 18, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:13 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the July 21, 2005 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Meeting Schedule

Mr. Lamanna made a motion to hold a special meeting on September 22, 2005 for the purpose of considering part of the applications scheduled for the September 15, 2005 meeting.

Mr. Lewis seconded the motion that passed unanimously.

Applications for next month

September 15, 2005

Application 2005-44 by Brian Winovich for property at 17477 Chillicothe Road

The applicant is requesting area variances for the purpose of constructing multi-family residential – condominiums. The property is located in a R-3A District.

Application 2005-47 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting area variances for the purpose of creating a lot split. The property is located in a CR District.

Application 2005-48 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting area variances for the purpose of creating a lot split. The property is located in a CR District.

Application 2005-49 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting area variances for the purpose of creating a lot split. The property is located in a CR District.

Application 2005-52 by Lisa Harry for property at 7045 Aurora Road

The applicant is requesting a conditional use permit with variances for the purpose establishing a hand car wash, hand car wax and hand car detailing center. The property is located in a CR District.

September 22, 2005

Application 2005-45 by Timothy W. Bloxson for property at 16809 Geneva Street

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

Application 2005-46 by William H. Splete, IV for Clifford N. Gorski for property at 17627 Northview Drive

The applicant is requesting area variances for the purpose of replacing a residential single family dwelling. The property is located in a R-3A District.

Application 2005-50 by Dr. Rashad & Jehan Eldabh for property at 16485 Majestic Oaks Drive

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

Application 2005-51 by Dinallo & Wittrup Homes, Inc. for property at 17509 Chagrin River Road

The applicant is requesting a conditional use permit with variances for the purpose of establishing a residential cluster development. The property is located in a R-5A District.

Since there was no further business, the meeting was adjourned at 10:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier
Ellen Stanton
Donald Takacs

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

Date: September 15, 2005