

Bainbridge Township, Ohio
Board of Zoning Appeals
August 20, 2009

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Ms. Lorrie Sass. Mr. Mark Murphy and Mr. Mark Olivier were absent.

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 announced that the two township applications will be heard after 2009-19 and 2009-22.

The following matters were then heard:

Application 2009-19 by Michael J. Cooper for property at 8428 Eaton Drive

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

Mr. Vic Finomore was present to represent this application for Mr. Michael Cooper.

Mr. Michael Joyce, Zoning Inspector testified that Mr. Cooper had sent in a letter authorizing Mr. Finomore to be his spokesman.

Mr. Finomore testified that they are asking for a variance on the side lot line of 7'. He explained that Mrs. Cooper is in a wheelchair so it actually spreads the house out a little bit wider than normally would be done because of the wheelchair access. He said he was unaware that when the home was built the sidelines were 35' and it was changed to 50' and they are approaching 7' on that.

Ms. Sass asked when the house was built.

Mr. Joyce said it was built in 2002.

The board discussed the setbacks at the time the house was built.

Mr. Lamanna said there is only 2.27 acres.

Mr. Joyce said correct.

Mr. Lamanna asked what kind of an addition this is.

Mr. Finomore showed the board, on a site plan, the room now and explained that they are extending their bedroom out and adding an office because they are both in a pharmaceutical field and Mrs. Cooper works at home and they have had their office in the kid's bedrooms and the kids are getting older and they want to stay on the street and stay in the area so they want to make it bigger so they don't have to work out of the kid's bedrooms.

Mr. Joyce asked about the pharmaceutical profession out of the home.

Mr. Finomore said she is a consultant and a writer and added that she is not doing pharmaceuticals out of her home.

Mr. Lamanna asked if a home occupation application is needed here.

The board discussed home occupation permits.

Ms. Sass said the board will leave that to Mr. Joyce.

Mr. Lamanna told Mr. Finomore to pass on to Mr. and Mrs. Cooper that this is really a home occupation.

Mr. Finomore said he will do that.

Mr. Lewis said he was reviewing the application and the basis for requesting the variance is for wheelchair accessibility.

Mr. Finomore said right, that is what threw everything this way.

Mr. Lewis asked Mr. Finomore if he does not think the size of this addition is causing the need for this addition because he does not see any exterior access requirements, he sees through the house.

Mr. Finomore said right.

Mr. Lewis said he sees a box being added to the house.

Mr. Finomore said this is all for the wheelchair and it will be concrete, a ramp with a wall.

Mr. Lewis asked what the board is looking at.

Mr. Finomore said the board is looking at the structure.

Mr. Lewis said so it is the structure that is big and it is the structure that is intruding so if the structure is 7-1/2' less deep, regardless of the concrete and the handicap access outside, this would not be here.

Mr. Finomore said right.

Mr. Lewis said the real choice is they want a bigger addition, not handicap accessibility.

Mr. Joyce said if it is just for accessibility, the ADA overrides the zoning requirements but he concurs with Mr. Lewis it is not an exterior ADA solution.

Mr. Lewis said it is just the applicant's choice to make it bigger.

Mr. Finomore said because of the wheelchair inside, it is spreading it out, the addition is 23' and referred to the site plan.

Mr. Lewis said if the 7-1/2' is shaved off going out, an area variance is not needed and he referred to the site plan.

Mr. Finomore said he has not done the math on it so he does not know.

Mr. Lewis explained that if the corner is reduced by 7-1/2' and that is the point of the variance, that corner, so if it is reduced by 7-1/2' there is 50'.

Mr. Finomore said this corner, he referred to the site plan, is where they are running into a problem.

The board discussed the property line and the corners of the house.

Mr. Finomore showed the front and back on the site plan.

The board reviewed the site plan and property lines.

Mr. Lewis said he is trying to establish some form of practical difficulty because the first one doesn't have merit.

Ms. Sass asked why it can't be reduced by 7-1/2'.

Mr. Finomore said he doesn't have an answer for that, only Mr. and Mrs. Cooper have reasons for doing what they are doing, he is just standing in for them.

The board discussed the way the house is oriented on the lot and the side yard setbacks.

Mr. Lamanna said the way it is sitting back that far, it does not have any adverse impact on the neighboring property.

Mr. Lewis said there is a basis with the odd-shaped lot.

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

Motion BZA 2009-19 – 8428 Eaton Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of adding an addition as shown on the application.

1. A variance from the minimum required side yard setback of 50' to 42.5' for a variance of 7.5'.

Based on the following findings of fact:

1. There is a practical difficulty given the existing layout of this lot and the fact that it is less than three acres.
2. The existing orientation of the house and the natural location to be able to place an addition causes it to encroach slightly into the side yard setback.
3. Due to the distance that the house is to the street, it sits far behind the adjacent property owner so it will have no adverse impact on the adjacent property owner or the character of the neighborhood.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Application 2009-22 by ECHO Real Estate Services, Inc. for GetGo Partners South for property at 17675 Chillicothe Road

The applicant is requesting area variance(s) for the purpose of constructing an access drive. The property is located in a CB (Convenience Business) District.

Mr. Joe Tassone of Echo Real Estate Services Inc. and Ms. Becky Coulter of Giant Eagle were present to represent this application.

Mr. Tassone testified that what they are proposing is a 24' access drive that goes from the existing GetGo to the Tanglewood Square Shopping Center and the focus of this access drive is to provide direct access between the Giant Eagle and the GetGo without having to travel out onto a public street instead of coming down to Bainbridge Road and adding to the congestion there.

Mr. Tassone continued by saying typically a new Giant Eagle has a GetGo on site and this is a must have with a direct access between the two properties so people can get their groceries and get their gas using their fuel perks all in one stop and that is why they are here now to get that direct access between the two. He said they have an existing 20' side yard setback that they are asking for a variance on and as it sits right now they have 36' out front and 40' plus here (he referred to the site plan) with 24' here and it is the only area they are asking for a variance. He said also in the shopping center it looks like on previous zoning applications, this property line along here and right here (he referred to the site plan) was treated as an interior lot line to the shopping center and referred to the property on the east where the parking and ATM are and added he is not looking for parking or anything else, just the 24' access to connect to the property. He said he also brought the shopping center plan where it connects into the bank and where they have a direct access to Giant Eagle and he also has an agreement in place with the property owner that is not Giant Eagle and GetGo for the access use between them. He asked the board if they have any questions on what he is proposing. He said he did have one question in how they treat this with access aisles on the adjacent properties and in looking into the side yard requirements for this zoning district there is an exception for parking and loading that may be located up to the boundary line of an adjacent property where such areas serving the establishment are shared with or coordinated with similar areas serving such adjacent properties and thinks this is the case where it is more of interpretation where the board can take a look at where the bank's use and the overall shopping center's use is similar to what they are proposing and what they already have approved with the GetGo and by this so they can get up to the property line and loading areas.

Mr. Joyce said you are talking about a driveway not a parking or loading area.

Mr. Tassone said correct.

Mr. Joyce said a parking and loading area are not applicable.

Mr. Tassone said if you look at the back of their drive-thru that is not a parking or loading area either, it is their drive and the same with the ATM to the east.

Mr. Joyce said that was not under his watch.

Mr. Lewis said he has some traffic flow questions and when he heard this was coming he envisioned it however he did not envision it in this location. He referred to the GIS map and said his concern is the driveway is right here you will dump people through here and this is a major exit onto Route 306 and it is the primary entrance into the Giant Eagle shopping center so if folks are coming this way (he referred to the GIS map) right at this intersection and in front if it with incoming traffic they are going to be turning left in front of that traffic to cut over and if they are exiting up this way and they are going to leave the shopping center they are going to be turning a dangerous left and crossing.

Mr. Lewis continued by saying he expected when he heard this is coming that it was going to be over here (he referred to the GIS map) and not parallel to Route 306 where there are two major State highway in and outs and that is his apprehension on this location. He said it is not about the access and not about the definition but about the location.

Ms. Sass said that is what she thought also.

Mr. Tassone said the area Mr. Lewis mentioned is where the ATM is and they looked at that and approached the owner about moving that ATM and he was not in agreement with that.

Mr. Lewis asked who the owner is.

Mr. Tassone said Mr. Katz.

Ms. Becky Coulter of Giant Eagle testified that it is part of the agreement for the ATM to be back there.

Mr. Lewis said it would be nice if Mr. Katz was here.

Ms. Sass asked if the people using the ATM are exiting going north through the parking lot.

Mr. Tassone asked if that is the ATM for the bank itself or the standalone.

Ms. Sass asked where the standalone is.

Mr. Tassone explained the location of the standalone ATM per the site plan.

Ms. Sass asked about the one connected to the bank.

Mr. Tassone explained that location per the site plan and said it has an over-hang.

Mr. Lewis said that is an illusion because where you see this implied driveway it is really not a driveway lane in the shopping center it is an ATM window.

The board discussed the location of the ATM and the proposed driveway.

Mr. Lewis said he can see that it poses a real dangerous traffic pattern.

Mr. Tassone said there is already an access drive with a stop sign.

Mr. Lewis said in all reality he sees very poor adherence of stop signs in shopping centers.

Mr. Tassone said they are taking into account the traffic coming into the Giant Eagle and Kmart, it is more or less cross access.

Mr. Lewis said it is mostly once they clear that front building and they get into the two lanes in and out and that is a really challenging intersection.

Mr. Tassone explained where the pavement comes out to.

Mr. Lamanna said they are putting a drive-thru on the front of the other building that is pointing towards the gas station.

Mr. Joyce said they are building a drive-thru on that building and explained the location and added that the pizza place wants to put one in and indicated the location on the GIS aerial map.

Ms. Sass asked if the back part of that lower building isn't where the dry cleaner is.

Mr. Joyce said yes.

Ms. Sass said she has a drive-thru, people drive up and pick up shirts and drive off.

Mr. Lewis asked how practical it is to move a standalone ATM structure.

Ms. Coulter said it has to do with the agreement Mr. Katz has with the bank and their traffic and he was adamant that we could not put our access drive through that spot.

Mr. Lewis asked if it could be run diagonal and added that he was kicking around some ideas.

Mr. Tassone said it was mentioned about the traffic coming through, it is only in this spot and they will be going very slow you will not have someone coming off that road 40 mph through the shopping center and the same thing with the exit.

Mr. Lewis said there is aggressive competition for that space on that internal, we all live here and we shop there and we cringe every time we send our kids up there and it is very difficult getting in and out, he just hesitates to compound it.

Ms. Coulter said they are leaving the center and coming back in to get the gas and that is the congestion point they are trying to alleviate.

Mr. Lewis said he does not think anybody is challenging that.

Mr. Lamanna said the concept is certainly a good one but the real question is you have a lot of traffic running through that isle there and the concern is if it stops the traffic coming in off of Route 306, that can be a real problem because if there are cars trying to turn left and when a car comes around a corner it is going to be on them very quickly and it is a problem now with people trying to turn in and use the bank if they are coming from the other part of the shopping center they can create a problem. He said obviously the more traffic you have the more likely that somebody is going to come around the corner and either one of two things happens, you have a collision because the person turning left doesn't realize somebody is coming off of Route 306 and there is not much room there to stop and people are trying to get off Route 306 because they don't want to get rear-ended because people are cutting around the left-hand turners into the gas station and into McDonalds so what happens is people are looking back to try to change lanes and if somebody stops going into the shopping center, they will collide because they don't expect the car in front of them to stop so you can't have anything that is going to stop cars from going in there because if somebody has to stop going into that driveway, they will get hit.

Mr. Lewis asked about the southeast corner on the eastern border anywhere between there and the ATM.

Mr. Lamanna said there is no room in there, they have everything all torn up.

Mr. Tassone said he believes what they are doing here is going to alleviate traffic and the biggest problem he sees here is getting off into the shopping center itself, than now getting to GetGo, going out onto the road and trying to make another left off of the main road into the GetGo. He said it is not a perfect situation but it is a better situation in the long run, we are keeping off the public road. He said although it is not ideal, it alleviates some of the problems they have had.

Ms. Coulter said grade will prevent some of the speeding.

Mr. Tassone said it is a short area.

Mr. Lamanna said what he is concerned about is the traffic coming out of the shopping center and then trying to turn left onto that access road and with all of that traffic coming in there it impedes the inbound traffic in two ways, first the person turning left has almost no warning of somebody coming into the shopping center because when somebody comes around that corner they are on you in a second, there is only 20 or 30 feet of space there.

The board discussed the proposed access drive and traffic pattern.

Mr. Tassone said you still have 100' of seeing that car coming directly towards them.

Mr. Lewis said people have no problem blocking a lane of traffic if they can get their nose nestled into the lane they want. He asked if Mr. Katz was absolutely adamant.

Ms. Coulter said yes and she can't remember the exact deal with the bank ATM but he said he would not be able to accommodate that.

Ms. Sass asked where the ATM is attached to the bank.

Ms. Coulter said it is on the side and she thinks the new ATM is attached to the building.

Mr. Lamanna asked if there is a lot coverage issue.

Mr. Joyce said this is the area where the off lot was used entirely as green space that is going to be challenged shortly.

Mr. Lamanna said this parcel has always been a standalone parcel.

Mr. Tassone said the lot coverage is 59-1/2% with an additional 2% with the access drive.

Mr. Lamanna said then it is way over and a variance would be needed.

Mr. Tassone said they could eliminate some of the parking spaces.

The board discussed the access road onto Bainbridge Road from the gas station.

Mr. Tassone said if the green space is an issue, they could reduce some of the parking and indicated the stalls that could be eliminated on the site plan.

Mr. Lewis said the lot coverage limit is 40%.

Mr. Joyce said it is 61% approximately.

Ms. Sass asked if it is as it is now or with the driveway.

Mr. Joyce said as it is now.

Mr. Tassone said they took a radius around the corner and they are adding 970 sq. ft. adding back in 1,000 sq. ft. of green space.

Mr. Lewis said he does not want to get somebody injured and create a major problem because where they are sending in everybody is at the main entrance to the shopping center and it is 20' off of a state highway and there is a lot of left turn stuff going on. He said the customer can get there safely by making two easy right turns if they go through the parking lot down by Kmart to Bainbridge Road, make a right turn, go 500' in and make a right turn into the south driveway, it is there for them and it is very safe and a lot of the customers are already doing that.

The board discussed the traffic flow.

Mr. Lewis said maybe Giant Eagle should be talking to the bank tenant and added Giant Eagle is the landlord's biggest tenant but the land lord may be bound by a pre-existing agreement.

Mr. Lamanna asked if the ATM got a structure permit or a variance.

Mr. Joyce said it was there longer than him and he did not check on it and added that Giant Eagle displaced the bank (Charter One).

Ms. Coulter said he does not think it is the structure it is the agreement he has with the bank.

Mr. Lamanna said with what is going on there, there is going to be a whole change in the traffic flow in the front of that building at their drive-thru.

Ms. Sass asked Mr. Joyce if he has an application from the pizza and coffee place for a drive-thru.

Mr. Joyce replied yes and they have not built it yet and they insist that their only intention is to sell coffee in the morning but he strongly doubts that.

Ms. Sass asked what they are envisioning the traffic flow to be.

Mr. Joyce said they want it to be one-way and exit out onto Bainbridge Road.

The board discussed putting the drive in diagonally at the top and leave the ATM where it is.

Mr. Lamanna said it could be made just in-bound and one lane out-bound.

Mr. Lewis said when you are in an interior parking lot, people do not heed directions very well and they are going to go both directions.

The board discussed the traffic flow in this area.

Ms. Sass said she is inclined to continue this application and look at some other alternatives and see if Mr. Katz can attend the next meeting.

Mr. Lamanna said the board needs to have accurate measurements with some of these distances.

Mr. Tassone asked Mr. Lamanna what he is looking for.

Mr. Lamanna said so the board can see how much there is in some of these lanes and he would like to see something that shows what is going on with the other bank and what their plans are with that because that is all torn up and they are re-doing everything down there.

Ms. Sass said the board needs to get Mr. Katz in here.

Mr. Lewis said he is the landlord.

Mr. Lamanna said the board needs to look at what the radius is at that entrance and whether anything can be done there.

Ms. Coulter said they (Giant Eagle) were hoping to start the demo (expansion) the second week in October and added that it will be a 13 month project.

Mr. Joyce asked Ms. Coulter what the timeframe is for this.

Ms. Coulter said as soon as they get approval, they would like to put it in.

The board discussed the traffic patterns of the cars going from Giant Eagle, GetGo and the bank.

Mr. Lamanna said a convenient spot needs to be found for people coming in because for people coming out of Giant Eagle they will come to that intersection anyway so it would be a lot easier for them to come down and turn in and then they won't be crossing the main ingress/egress there and then all of the traffic will be moving that way anyway.

Mr. Tassone referred to the GIS aerial map and explained the traffic pattern flow from Giant Eagle to the GetGo.

Mr. Lamanna said have your access into the shopping center where you have it now so cars will be going out of the GetGo into the shopping center in the same location you are showing now but they will be coming from the shopping center to the GetGo somewhere in the back because the problem is the traffic turning left to cross, it will not be so much the traffic coming in and turning right and because there will be more traffic coming from the shopping center into the GetGo.

Mr. Tassone reviewed the proposed traffic route on the GIS aerial map with the board. He added that with 27 feet and a turn at 45 degrees you are going to have enough room.

Mr. Lamanna said there will only be a single lane now.

Mr. Tassone said Giant Eagle wants a two lane access but he understands the board's concern with that.

Mr. Lamanna said the board is talking about one lane in and one lane out and there will be access but it will be done in different locations.

Mr. Lewis said there could be a no left turn sign at the top so they are not turning across the in-bound traffic.

Mr. Walter Rudyk, Road Superintendent testified that a right-turn only sign could be put there.

Mr. Lamanna asked the applicant to collect more information with a good drawing of what the entrance area of the shopping center is going to look like and what is going to happen in the area once the remodeling is done.

Mr. Joyce reminded the applicant that any drawings that are going to be submitted for the next meeting have to be in at least a week ahead of time for review.

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

Motion BZA 2009-22-17675 Chillicothe Road (GetGo)

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held September 17, 2009.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Application 2009-20 by Bainbridge Township Board of Trustees for property at 17800 Haskins Road

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

Mr. Steve Ciciretto, Township Projects Manager and Mr. Walter Rudyk, Road Superintendent were present to represent this application.

Mr. Lamanna swore in Mr. Ciciretto.

Mr. Ciciretto testified that the proposal to build a new salt storage dome is for the township's salt storage needs on a yearly basis and has to go with a building that would allow 4,000 tons of salt so if it is purchased at the beginning of the year it would last instead of buying it in the middle of the winter. He referred to the drawing and said it shows a typical salt storage dome and it will have a 12' wall and the dome itself is about 38' tall and altogether it is about a 50' element. He said this will be a township building and theoretically it is exempt from zoning standards but the township trustees thought it would be a good idea that anyone that might object to it such as a neighbor be notified and given an opportunity to come here and the first house is about 350' away through the woods. He said the height of the dome which is the first variance is limited to 35' and this is at 50' which is 15' higher than that. He said the property has been surveyed and the dome itself on this drawing shows that it is a 50' setback when they were trying to comply with the zoning but what they found was the asphalt pad that it sits on is a structure and the previous drawing looks like it is about 25' off the property line and in effect it would really be 40' but the paving for the base of the structure is 10' in the setback. He said the nearest house is about 350' from the dome and it is heavily wooded and they estimated that the height of the trees in that area to be about 50' so it will be near the top of the trees although they won't be cutting any trees, this is just a graveled area that they use for cinder storage. He said there are two variances associated with this, the first is the height of the building and in fact they looked at a smaller dome but they would not have been able to accommodate the township's needs and the second is the setback of the blacktop from the property corner but not the building, the building is about 75' in reality off the line and not the minimum 50'.

Mr. Rudyk testified that when they build this building they wanted a 90' x 90' pad put down and it will probably be close to one foot higher because there will be a 9" base of asphalt and they will pour a 12' high wall as a floating ring around on top of the base so the base is not connected to the pad at all but the dome is connected to the base and it is concrete and steel reinforced within the wall of the dome to build the dome on it. He said the dome is brought in on a semi and the pieces are installed like a puzzle starting at the bottom with a crane and they put the pieces in and they build it up so it is all pre-fabricated and takes about four or five days to build the actual wood part of the dome not including the concrete work.

Mr. Ciciretto said they looked at alternative types of buildings and felt that the shingled roof would blend in more with the trees and this is a much more stable building than a canvas building being in our elements so it will be a little less intrusive.

Mr. Lamanna asked how typically sized this is, is it normally what you see when you see these things like ODOT's.

Mr. Rudyk said the two at the State at 422 and 271 are bigger and added this will have a brown roof so in the summer with the trees and in the winter the brown will blend in better in the woods and it will be far enough back, you probably won't see it at all. He said they want to build a shed that is close to the capacity that they use.

Mr. Lamanna asked where the salt is kept now.

Mr. Rudyk said they have a smaller shed that holds about 750 tons and they paid \$109 per ton last year for salt and they are on the state bid for \$56 so it is about half the price. He said their hope is to buy close to a year's supply, and next year they can fill it in July for the year.

Mr. Ciciretto said the salt is put in with a conveyor.

Mr. Rudyk said his plan right now is for 2,000 tons to get dumped into the building and Arms Trucking has a conveyor to bring the last 3,500 in and added that this will hold 4,200 tons but if he gets 3,500 in he will be happy.

Mr. Lamanna asked where the entrance will face.

Mr. Ciciretto explained the location of the entrance and the fuel pumps.

Mr. Rudyk said right now they have two 1,000 gallon tanks for diesel and gas and his fear was to get it too close in case they get a bigger tank because they need at least 20' and this is 35' or 40' so they have allowed for a new tank.

Mr. Lamanna asked about the salt control.

Mr. Ciciretto said that is the reason they want to use asphalt because they can't use concrete.

Mr. Lamanna asked about salt spilling out of the dome.

Mr. Rudyk said the entrance will be 29' by 20' wide which is the biggest they could get so with 9" of asphalt it is already going to be higher so once it is in the dome there is not going to be any spillage coming out because it is already up higher.

Mr. Ciciretto said the asphalt is poured in place so it sits tight. He said they were a little concerned when they started talking about the height but the geometry of these things are such that it does not allow you to widen them.

Mr. Rudyk said they also looked at the canvas dome but when they started looking it was right after the Dallas Cowboys' facility collapsed and we have a lot of snow here so the last thing we want to do is put up a structure and have it collapse.

Mr. Ciciretto said some have these white roofs that allow sunlight to light them naturally and it actually makes it so you can see them more easily so aesthetically it is not as good.

Mr. Lewis said he likes the idea of shingles and earth tones hiding its mass.

Mr. Rudyk said the canvas ones are cheaper but we decided to go with the traditional dome with a brown shingle and we updated the shingles to a 25 year shingle.

Mr. Ciciretto said it is an issue of health and service to the community.

Mr. Lamanna noted that the neighbors are not here and it is a long way back there and heavily wooded. He asked what the structure itself is made of.

Mr. Ciciretto described that it is wood-framed with plywood paneling.

Mr. Rudyk showed the board a photo of the proposed dome.

Mr. Ciciretto said there are a couple of sizes that are a little larger so this one is not as big as they make.

Mr. Rudyk said they go up to 150' in diameter.

Mr. Lewis asked what the final height will be.

Mr. Ciciretto said 50' and explained it is 37.9' plus 12' so just about 50'.

Mr. Lamanna said the board will use 51' and obviously nobody is going to be up there.

Mr. Lewis asked if the side yard is 42'.

Mr. Ciciretto explained that it is 40' from that corner (he referred to the site plan) and the corner of the asphalt.

Mr. Lewis asked if the architectural aesthetics and the colors have already been handled through the trustees.

Mr. Ciciretto said yes we told them what was selected and it will be pretty much a woody look and earth tone shades.

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

Motion 2009-20 - 17800 Haskins Road (Bainbridge Township Road Department)

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a salt storage dome in accordance with the plans submitted.

Variance

1. A variance from the maximum height permitted of 35' to 51' for a variance of 16'.

Based on the following findings of fact:

1. This is a storage structure only, nobody is going to be using it or living in it therefore the primary safety reason of the 35' limitation is not applicable here.
2. The location is in the woods and the fact that it will be done with a roof color shingle that will make it less obtrusive to the surrounding neighbors.

Variance

1. A variance from the minimum side yard setback of 50' to 40' for a variance of 10'.

Based on the following findings of fact:

1. The variance was granted for the necessity of locating this building within existing buildings that the township already maintains at its highway garage area.
2. The fact that it is at the far back end of their rather deep property and more than 350' from the only adjacent property's dwelling so it should not adversely affect that adjacent property.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Application 2009-21 by Bainbridge Township Board of Trustees for property at P.P. #02-715000 (Restland Cemetery)

The applicants are requesting a use variance for the purpose of maintaining a cemetery. The property is located in a Passive Public Park District.

Mr. Steve Ciciretto, Township Projects Manager and Mr. Walter Rudyk, Road Superintendent were present to represent this application.

Ms. Sass said they are looking for a use variance to be able to use the cemetery expansion.

Mr. Michael Joyce, Zoning Inspector testified that in 1999 the township zoned it Passive Public Park and in 2005 the township started working on the cemetery expansion which runs through a portion of the Passive Public Park and why it was never addressed before now, he does not know.

Mr. Ciciretto testified that it is the addition.

Mr. Lamanna said the existing cemetery is not in the passive park district.

Mr. Joyce said right, it is not, the expansion is.

Mr. Lamanna asked what district the existing cemetery is in.

Mr. Joyce said it is in a residential district. He explained the location of the cemetery as it exists and the expansion per the GIS aerial map and said it is now laid out and the roads are in.

Mr. Lamanna asked why that area was zoned as passive park.

Ms. Sass said because when the districts were created the township had to zone actual properties as active and passive.

Mr. Lamanna said and a cemetery is not permitted in a passive park.

Mr. Joyce said correct and explained the parcels that were grouped together to form a passive public park and the section that is now laid out as the cemetery.

Mr. Lamanna said it should be rezoned.

Ms. Sass said it is a whole lot easier to rezone it. She said it is going to be very difficult to get a use variance and it is just like any other applicant who comes in and for the standard for unnecessary hardship, you have to meet every criteria. She said with an area variance you have some discretion, you have a weight test but for unnecessary hardships it is a much stricter standard.

Mr. Lamanna said it should be rezoned back to residential and it would not be spot zoning because that parcel would be returned to residential, a new district is not being created.

Mr. Lewis said it would be actually making it more conforming to what is adjacent.

Mr. Lamanna said when this is rezoned, it should be made sure that the township is not thinking of expanding the cemetery any farther or draw a line to where they think the expansion may be.

Mr. Joyce said it was five years into the project before it came up.

The board discussed the rezoning of this parcel(s).

Mr. Greg Marous asked how long the process will take if it is rezoned.

Mr. Joyce said it will take four months and explained the process.

Ms. Sass said it could be sent up for informal review by the Planning Commission and she can't imagine any kind of controversy over it.

The board discussed use variances and that they are very difficult to get.

Mr. Lamanna said it is more appropriate to rezone the property and the board does not want to even entertain this until an attempt has been made to do so.

Mr. Lewis said he does not see any hurdles from the township or county, it should go through the process and fast-track it.

Mr. Lamanna said it is a no-brainer.

Ms. Sass asked if there have been any discussions with Mr. Dietrich.

Mr. Joyce said he gave him a time-frame of four months.

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

Motion BZA 2009-21 - P.P. #02-715000 (Restland Cemetery)

Mr. Lamanna made a motion to table this application indefinitely until rezoning the parcel is totally explored.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Since there was no further testimony, the public hearing was closed at 8:35 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Lorrie Sass

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

Date: September 17, 2009

AUDIO RECORDING ON FILE

BZA PH 8/20/2009

-19-

Bainbridge Township, Ohio
Board of Zoning Appeals
August 20, 2009

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Ms. Lorrie Sass. Mr. Mark Murphy and Mr. Mark Olivier were absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the July 16, 2009 meeting as written.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Meeting Schedule – Time Change

Mr. Lamanna made a motion to change the time of the September 17, 2009 meeting to begin at 6:30 P.M.

Ms. Sass seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Ms. Sass, aye.

Applications for Next Month

Application 2009-22 by ECHO Real Estate Services, Inc. for GetGo Partners South for property at 17675 Chillicothe Road - Continuance

The applicant is requesting area variance(s) for the purpose of constructing an access drive. The property is located in a CB (Convenience Business) District.

Application 2009-23 by David Morgan for property at 9639 Stafford Road

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-5A District.

Application 2009-24 by James F. Kadunc for property at 7396 Ober Lane

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

Application 2009-25 by Highland Construction for Drs. Carlos and Angela Marino for property at 7625 Cottonwood Trail

The applicant is requesting area variance(s) for the purpose of constructing an in-ground swimming pool. The property is located in a R-5A District.

Application 2009-26 by Lou Belknap/Agile Sign & Lighting for Charter One Bank for property at 8575 Tanglewood Square

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

Application 2009-18 by MRM Land Company LLC dba Tanglewood National Golf Club for property at 8745 Tanglewood Trail

The applicant is requesting a conditional use permit due to the transfer of ownership and a request for a public golf course. 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 17, 2009 at 6:30 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 8:48 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Lorrie Sass, Member

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

Date: September 17, 2009