

Bainbridge Township, Ohio
Board of Zoning Appeals
September 16, 2004

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:37 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2004-32 by Mark L. DiSanto for property at 9311 Taylor May Road

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. Mark DiSanto was present to represent this application.

Mr. DiSanto testified that he already constructed the shed and it was put there because of the location of his leach field and it is in the woods where it is most inconspicuous.

The board viewed the photos and site plan submitted.

Mr. Lamanna asked why the shed needs to be only 31' off the property line.

Mr. DiSanto said he would have to move it another 20' and off the back another 10'.

Mr. Lamanna said the leach field is a reason for a variance from the rear yard setback but not for the side yard setback.

Mr. DiSanto said he would have to cut the trees down.

Mr. Takacs asked what the base of the shed is.

Mr. DiSanto said it is on skids with preserved wood and a tongue and groove floor.

Mr. Takacs asked what the shed is being used for.

Mr. DiSanto said it is being used to store tools and a rabbit hutch.

Mr. Takacs asked what the sketch is in the center of the site plan.

Mr. DiSanto said it is another building that he wants to build but wants to get this one straightened out first.

Mr. Olivier said this proposed building is in a better location.

Mr. DiSanto said 16' x 16' will probably be the size but he does not want to put money into it unless he discusses it with the township first.

Mr. Lewis said if the current shed is moved over to where the proposed shed is located, trees would have to be cleared also.

Mr. DiSanto said he already cleared some trees.

Mr. Lewis said if the proposed area is already partially cleared and it satisfies the setbacks, he does not see a practical difficulty on the side yard setbacks for the shed that is already built.

Mr. Lamanna said there has to be a physical reason why the requirements cannot be met like a leach field etc.

Mr. DiSanto said he is not sure about the location of the leach field.

Mr. Lamanna told Mr. DiSanto that he should have that information with him before coming to the meeting and referred to a tree stump in the photo.

Mr. Takacs asked how far it is from the front of the shed to the tree stump and where the edge of the leach field is.

Mr. DiSanto explained that the shed is probably next to the building.

Mr. Takacs suggested calling the county health department to get a sketch of the where the leach fields are located.

Mr. DiSanto said where the shed is located is better because it cannot be seen from the road and he knew the leach field was there.

The board explained the zoning that two sheds only are permitted or 10% lot coverage whichever comes first.

Mr. Lamanna asked Mr. DiSanto if he would like to find out where his leach field is and then table this application until next month.

Mr. DiSanto said yes but asked where he has to go.

Mr. Takacs said the board of health in Chardon.

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

Motion BZA 2004-32 – 9311 Taylor May Road

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held October 21, 2004.

Mr. Takacs seconded the motion.

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

Application 2004-33 by Karen Marlowe for property at 16707 Akron Street

The applicant is requesting area variances 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 September 7, 2004 was read and photos of the site were submitted.

Ms. Karen Marlowe was present to represent this application.

Ms. Marlowe testified that she would like to build a house on five lots that total 100' x 100' and said she is requesting a variance from the front yard, side yard and rear yard setbacks.

Mr. Lewis said he is looking into the future and if someone were to want to build a garage, would there be enough room.

Ms. Marlowe said there is a garage with the house.

Mr. Lamanna asked Ms. Marlowe if there is a reason she did not center the house on the property.

Ms. Marlowe said the neighboring garage needs help and Woodland is a main street and she has a three year old son, so the further she can stay away from the main street, the better.

Mr. Lamanna asked if there is unoccupied land going the other way.

Ms. Marlowe said there are five lots next to her.

Mr. Lamanna said he assumes someone will be building a house on those lots someday.

Ms. Marlowe said there is a lot north of her and she would like that lot leaving four lots and no one could build on them.

Mr. Lamanna proposed moving the house over three more feet for a 20' side yard so the side yards will be 20' and 40' instead of 17' and 43'.

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

Motion BZA 2004-33 – 16707 Akron Street

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

1. A variance from the minimum required front yard setback of 100' to 27' for a variance of 73'.
2. A variance from the minimum required side yard setback to the north of 50' to 20' for a variance of 30'.
3. A variance from the minimum required side yard setback to the south of 50' to 40' for a variance of 10'.
4. A variance from the minimum required rear yard setback of 90' to 43' for a variance of 47'.
5. A variance from the maximum lot coverage of 10% to 23.4% for a variance of 13.4%.

Based on the following findings of fact:

1. A practical difficulty exists. These are pre-existing lots of record located in Chagrin Falls Park.
2. The applicant is building on a customary size lot for this area.
3. The setbacks are consistent with those of other property owners.
4. Granting these variances will not adversely affect the adjacent property owners.

Mr. Takacs seconded the motion.

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

Application 2004-34 by Geauga County Habitat for Humanity for property at 16690 Dayton Street

The applicant is requesting area variances 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 September 7, 2004 was read and photos of the site were submitted.

Mr. Bill McCullam of Habitat for Humanity was present to represent this application.

Mr. McCullam testified that he is representing Habitat and submitted to the board a slightly revised site plan.

Mr. Takacs asked what the change is.

Mr. McCullam said they moved the garage from the side of the house.

Mr. Takacs asked if the placement on the lot is the same.

Mr. McCullam said no that the garage should be facing the north side and explained the garage door and said the house has basically the same dimensions and the front faces east.

The board reviewed and discussed the site plan and location of the road and Valley Road that was vacated.

Mr. McCullam described where the driveway comes into the house and said the house faces east.

Mr. Bill O'Donnell of Habitat testified by explaining the location of the lot per the photo submitted.

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

Motion BZA 2004-34 – 16690 Dayton Street

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

1. A variance from the minimum required front yard setback of 100' to 35' for a variance of 65'.
2. A variance from the minimum required side yard setback of 50' to 40' for a variance of 10'.
3. A variance from the minimum required side yard setback of 50' to 28' for a variance of 22'.
4. A variance from the minimum required rear yard setback of 90' to 38' for a variance of 52'.
5. A variance from the maximum lot coverage of 10% to 24.3% for a variance of 14.3%.

Motion BZA 2004-34 – 16690 Dayton Street - Continued

Based on the following findings of fact:

1. A practical difficulty exists. These are pre-existing lots of record.
2. The setbacks are consistent with other development in the Chagrin Falls Park area and will not adversely affect the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2004-35 by Debora J. Bork for property at 253 (16371) S. Franklin Street

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Ms. Debora Bork, applicant and Mr. Gary Lack, builder, were present to represent this application.

Ms. Bork testified that she wants to add a screened porch to her house and needs a 3' variance. She said she gave the plans to her neighbors to look at and they would like the stairs to be re-located so they are not so close to their driveway.

Mr. Lamanna asked what the adjacent property is.

Ms. Bork said it is a driveway and the neighbor's house.

Mr. Lack testified that the driveway splits the properties.

The board reviewed the site plan and photos.

Mr. Lewis asked if the driveway separates the property with 7' of yard.

Mr. Lack said she has 7' to the property line and another 4.5' to the neighbor's driveway.

Ms. Joan Litzow of 249 S. Franklin Street testified that she is the neighbor and she owns the property next to the proposed addition and said she and her husband don't object to it with the revision of the stairs and added that Ms. Bork moved the stairs per their request.

Mr. Merv Litzow testified that he did not have a problem with the addition.

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

Motion BZA 2004-35 – 253 (16371) S. Franklin Street

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

1. A variance from the minimum required side yard setback of 10' to 7' for a variance of 3'.
2. A variance from the maximum lot coverage of 20% to 22.4% for a variance of 2.4%.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a very narrow lot that fronts on two streets.
2. There is very limited room to place this portion of deck and there is no other suitable location on the property to do this.
3. This location requested is where there is a driveway running along the adjacent property so this will not adversely affect the adjacent property owners.
4. This is in an area of the township where there is a substantial amount of development on small lots with non-conforming setbacks so it is therefore consistent with the neighborhood in which it is located.

Note: The applicant submitted a revised drawing which is entered into the record and is the basis for this decision.

Mr. Takacs seconded the motion.

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

Application 2004-36 by LaBella Antiques for property at 8231 E. Washington Street

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. Gary Wilkes of Hi-Lite Maintenance Signs was present to represent this application.

Mr. Lamanna stated that he had a letter from the owner authorizing Hi-Lite Maintenance to represent them regarding this application.

Mr. Wilkes testified by saying yes, Mr. Bob Knowles.

Mr. Lewis said there are two existing slots for the signs.

Mr. Wilkes said yes, and the reason is that there are two units and the antique shop took both units and made one unit.

Mr. Olivier said it does not look like the signs could be placed anywhere else.

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

BZA 2004-36 – 8231 Washington Street

Mr. Lamanna made a motion to grant the following variances for the purposes of maintaining two wall signs.

1. A variance of 8 sq. ft. so the applicant can maintain the two separate signs.
2. A variance to have separate individual signs with respect to this business.

Based on the following findings of fact:

1. The applicant has two formerly separate units in a strip center and they are using the pre-existing signs and each of which are within the requirements.
2. This is a small variance. It does not change the current appearance of the building so it is reasonable and these signs were previously allowed for separate independent businesses.
3. The board will note that because of the unusual nature of this, this variance is limited to this particular situation with this particular tenant and if there are future changes, the same conditions may not apply and this issue would have to be revisited.

Mr. Takacs seconded the motion.

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

Application 2004-37 by Sean F. Neligan for property at 18919 Riverview Drive

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. and Mrs. Sean Neligan were present to represent this application.

Mr. Neligan testified that 40% of their lot is wooded and the wetland slopes into part of the Branch of the Chagrin River.

Mr. Lamanna asked about the neighbors.

Mrs. Neligan testified that the lot next door is vacant and that is where the shed would be. She said she called the property owner and the owner does not have a problem with the shed.

Mr. Olivier asked what is in the corner between the garage and the house.

Mr. Neligan said the patio is located there.

Mr. Olivier asked if the patio runs the length of the house.

Mr. Neligan replied yes and explained the back of the garage and the location of the trees.

Mr. Lamanna asked if the shed could be moved over.

Mr. Neligan said that trees are there.

Mrs. Neligan said the property goes up hill there also.

Mr. Neligan said the proposed shed would be elevated and explained the elevation and the wooded area and the location of the patio. He added that all of it is wooded to Riverside.

Mr. Takacs asked what the distance of the shed is to the patio.

Mr. Neligan said the distance is approximately 50'.

Mr. Lamanna asked if the shed could be placed in a different area.

Mr. Neligan said the shed could not go in the back because he would not be able to gain access to the back lot and it would be seen from the street. He added that the property is all wooded.

Mrs. Neligan said where the patio ends, the steps go up hill.

Mr. Neligan said he wants it closer to the garage but cannot do it.

Mr. Lamanna asked how far away from the steps they want to put the shed and how much room is there between the steps and the shed.

Mrs. Neligan said they need enough room to drive a tractor between them.

The board discussed the proposed location of the shed and the location of the trees.

Mr. Lewis suggested another location where there are no trees and no grade issues.

Mr. Neligan said it would be sitting right in the middle of the back yard and there is a big huge pine tree in the middle of the patio.

Mr. Neligan said that part of the back yard slopes up.

Mr. Lamanna said it looks like a 2' elevation.

Mr. Neligan said he would have to do quite a bit of work to level it off.

Mr. Lamanna explained that sometimes people have to do a little bit of work instead of putting it there for convenience only.

Mrs. Neligan said it would not meet the setbacks back there either.

Mr. Lamanna said if the shed were setback in line with the house, the board would grant a variance.

Mr. Neligan explained the location of the vacant lot.

The board discussed the proposed location of the shed.

Mr. Lamanna said that 15' will not cut it on a side yard setback.

Mrs. Neligan asked the board what they will allow.

Mr. Lewis said they would like to see the setback with the house.

Mrs. Neligan said any other place and it will be seen from the street.

The board discussed the vacant lot next door.

Mr. Lamanna said the board has to look at how this area will be developed.

Mrs. Neligan said the owner may split the lot and sell it to the neighbors and she wanted her son to build a house there but he does not want to.

Mr. Lamanna said it is a platted lot and it could be built on.

Mrs. Neligan said the board could put a condition on it that if the future neighbors don't like it they could move it.

Mr. Lamanna said the board could not do that.

Mrs. Neligan said the board needs to tell them where to move it.

The board was in agreement that the side yard setback should be more than 15' off the property line and they would like to see 30'.

Mrs. Neligan said it would be in the middle of their steps.

Mr. Neligan said the property goes onto the river and they have a limited area.

Mr. Lamanna suggested that they go back and look at the area again and then come back to the board.

Mrs. Neligan said if they wait two months, it will be in the middle of winter.

Mr. Lamanna said the board would like to see 30' off the property line and if it cannot be moved in, the board will work with them.

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

Motion BZA 2004-37 – 18919 Riverview Drive

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held October 21, 2004.

Mr. Takacs seconded the motion.

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

Application 2004-38 by Boyer Signs & Graphics for Cowboy Restaurant for property at 8586 East Washington Street

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. Bob Casto of Boyer Signs and Mr. Cliff Hershman, building owner, were present to represent this application.

Mr. Casto testified that the restaurant is requesting a variance to add additional signage which are “Entrance”, “Live Music”, and “Bar B Q” in addition to the “Cowboy Food and Drink” sign and they are needed to tell what type of business this is instead of just a restaurant. He said the signs are to indicate the entrance to the restaurant, to indicate Live Music and that it also offers a Bar B Q.

Mr. Hershman said their unit ends between the two doors and the archway and they don't have space next to them rented right now. He said the proposed tenant will probably have their own sign hanging in the archway.

Mrs. Stanton asked with the sign hanging in the archway, why the confusion.

Mr. Hershman said people could still get confused as to the entrances.

Mr. Lewis said for consistency, we have another application tonight for a jeweler.

Mr. Takacs asked why the “entrance” sign has to be so big.

Mr. Casto said it is the request of the customer, but they could make it smaller.

Mrs. Stanton asked if the signs were white with black letters.

Mr. Hershman said all the other signs are black except for Sherwin Williams and the Movie Gallery.

Mr. Olivier asked if the signs will be illuminated.

Mr. Casto replied yes.

Mr. Takacs asked about the calculations of all the signs or how many square feet the signs are in general.

Mr. Orlowski testified that there is 366' of frontage times 1.15.

Mr. Takacs asked how many square feet are proposed.

Mr. Casto said the main “Cowboy” sign is separate and meets the criteria.

Mr. Takacs said all signs might exceed the square footage.

Mr. Lewis asked about the size of the “Cowboy” sign.

Mr. Orlowski said it is 33 sq. ft.

The board looked at the square footage calculations and reviewed the signage requirements and directional signage criteria.

Mr. Takacs said the only variance is the number of signs and asked Mr. Hershman if once he gets another tenant, if they would be willing to take the entrance sign down.

Mr. Hershman said yes, he would be willing to do that.

Mr. Takacs said the only thing is the “Live Music” and “Bar B Q” signs.

Mr. Hershman said those are important.

Mrs. Stanton asked if the entrance sign will come down.

Mr. Hershman said it makes sense.

The board discussed the signage requested.

Mr. Lamanna said this is contrary to what the code is and explained directional signs and signage for two sided buildings.

Mr. Takacs said that the “Cowboy” sign does have food and drink on it.

Mr. Hershman asked if they could keep the “Live Music” sign because they have 366’ of frontage.

Mr. Lamanna said the township has a limit on multiple signs.

Mr. Hershman said if it was a normal tenant, he would have three businesses there.

Mr. Lamanna said the idea is one sign, not a whole lot of other signs and that is why there is a limit of one.

Mr. Hershman said that is understandable.

Mr. Lamanna said the board has allowed “Carry-Out” signs as directional signs.

Mr. Hershman said there will be people not going to eat, only for the music.

Mr. Lewis said he would rather have “Live Music” attached to the “Cowboy” sign.

The board talked about adding “Live Music” to the “Cowboy” sign.

Mr. Lamanna told Mr. Hershman that if it meets the code, he does not have to come back and if he wants a 3 sq. ft. entrance sign, he will not have to come back. He added that the board will continue this variance to next month in case it is needed, otherwise it will be dismissed as moot.

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

Motion BZA 2004-38 – 8586 East Washington Street (Cowboy Restaurant)

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held October 21, 2004.

Mr. Takacs seconded the motion.

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

Application 2004-39 by Joyce Building Company – William Joyce for property at 16699 Brigadoon Drive

The applicant is requesting area variances 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 September 7, 2004 was read and photos of the site were submitted.

Mr. Bill Joyce, builder and Mr. and Mrs. Yuratovac were present to represent this application.

Mr. Joyce testified that he is making this request on behalf of Mr. and Mrs. Yuratovac and it is under contract. He said they want to build a custom home and the lot falls short of fitting in the envelope because of the side yard setback of 50'. He said they plan to keep as close to the setback line of 200' as possible for the septic and added there is a ravine in the back and due to the ravine, it affects the septic.

Mr. Lamanna asked if there is a 200' setback.

Mr. Joyce said yes, it is in the deed restrictions.

Mr. Takacs said the only variance is for a side yard setback.

Mrs. Alma Faroo of 7481 Chagrin Road testified that she owns the adjacent lot and it is ok with her that they build on this lot.

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

Motion BZA 2004-39 – 16699 Brigadoon Drive

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

1. A variance from the minimum required side yard setback of 50' to 37.5' for a variance of 12.5' on each side.

Based on the following findings of fact:

1. This is a pre-existing lot of record.
2. The building line has a width of only 150' although the lot is over 800' deep.
3. The house being proposed for the lot is reasonable in size, shape and dimension considering the other houses in the adjoining community. It would be impractical to be able to build a house narrow enough to fit the side yard requirements and it would be inconsistent with the neighbors.
4. Given the depth of the lot and the existing houses and their location, there should be no adverse effect on the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2004-40 by Ralph and Ann Dickinson for property at 17920 Snyder Road

The applicant is requesting an area variance for the purpose of maintaining a shed. The property is located in a R-5A District.

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. and Mrs. Ralph Dickinson were present to represent this application.

Mr. Dickinson testified that they decided to build the shed over the July 4th weekend and his wife called the town hall and heard 15' for the setback so they built it and needless to say they put the shed where they did because of the large rock. He continued by saying that they talked to the neighbors and they did not care and the shed has poles and is on a gravel bed. He explained the location of the swale.

Mr. Takacs asked if they did not want it next to the driveway.

Mr. Dickinson replied no.

Mr. Takacs asked about the location of the well.

Mr. Dickinson explained the location of the well.

Mrs. Dickinson testified that there is a red maple tree there too.

Mr. Dickinson showed the photo of the big rock and said it is a prairie lot, old farm field, and they have planted lilac bushes behind it and will plant other trees but whatever they put in will be slow growing.

Mrs. Dickinson said they can do screening from the road, the neighbors or both.

Mr. Dickinson said there is a curtain drain there also and explained that a green pipe comes out to the ditch.

The board reviewed the photos.

Mr. Dickinson said there is 300' of field and the rest is woods in the back.

Mr. Lamanna asked if anything will be stored behind the shed.

Mr. Dickinson said no, it will be stored in the shed.

Mr. Lamanna suggested planting trees.

Mr. Dickinson asked how far off the property line they should be.

Mr. Lamanna said they should be 4' – 5' from the building.

Mrs. Dickinson explained the tree by the rock and said when she called the township she thought she heard 15' and said no one told her she needed a permit.

The board talked about plantings to hide the shed.

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

Motion BZA 2004-40 – 17920 Snyder Road

Mr. Lamanna made a motion to grant the following variance for the purpose of maintaining an existing 10' x 12' shed:

1. A variance from the required minimum side yard setback of 50' to 37.5' for a variance of 12.5'.

Motion BZA 2004-40 – 17920 Snyder Road (Continued)

Based on the following findings of fact:

1. This is an existing shed and it is a difficult placement on the lot due to septic fields and existing drainage around the driveway.

With the following condition:

1. As a condition to granting this variance, which is limited to this particular shed size, is that the applicant plant four evergreens along the side and two in the front in reasonable proximity to the shed to shield it from the street and the neighbors. Those evergreens are to be 5' to 6' tall and the board finds it necessary to provide this landscape shielding and limit this variance to this particular shed size in order to prevent adverse impact on the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2004-41 by Carmen J. Gaitan for property at 9225 Willson Drive

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. and Mrs. Gaitan were present to represent this application.

Mr. Gaitan testified that he wants to build a detached garage and keep it in line with his driveway.

Mr. Lamanna asked if there is an existing garage.

Mr. Gaitan replied yes and said it is attached.

Mr. Takacs said the garage is not shown on the drawing.

Mrs. Gaitan testified that it is part of the house.

The board reviewed the site plan submitted.

Mr. Daniel Fine of 9185 Willson Drive and next door neighbor testified that it will have no impact on his property at all.

Mr. Lamanna asked if there is a reason why the garage has to be oriented this way.

Mr. Olivier asked Mr. Gaitan if he wants to access the garage off the back of the driveway ideally.

Mr. Gaitan replied yes.

Mrs. Stanton asked what the proposed garage will be used for.

Mr. Gaitan said he wants to store his tractor, truck, car and antique collectible car and he has a lot of things sitting outside.

Mr. Olivier asked if the area behind the pool is grass.

Mr. Gaitan said yes.

Mr. Takacs said he has three acres.

Mr. Gaitan said the house sits to one side.

Mr. Fine said it will be consistent with the other properties on the street.

Mr. Gaitan said the other side of the street pretty much has the same as what he is asking for.

Mr. Takacs said this is an area where there are big lots.

Mr. Lamanna said this is a 24' x 32' building.

Mr. Gaitan said it will be the same décor as the house.

Mr. Fine said there is also a swale there.

Mr. Takacs said it is an issue of being 25' off the edge of the property.

Mr. Lamanna said yes.

Mr. Takacs suggested turning the garage so there will be a setback of 40' and said the board is concerned about a 25' setback.

The board discussed moving the garage over to 40' off the property line.

Mr. Lamanna said it would still be 50' from the pool.

Mr. Gaitan said he cannot shift it too much but he could turn it.

The board said it should be turned so it is 40' from the property line.

Mr. Lewis told Mr. Gaitan he would not have to compromise the size of the structure.

Mr. Takacs said the board wants to see 40' off the property line.

Mr. Gaitan said he checked with the county regarding the leach field and that is the reason the garage was over a bit.

Mr. Takacs said it will be only 2' behind the house on one edge.

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

Motion BZA 2004-41 – 9225 Willson Drive

Mr. Lamanna made a motion to grant the applicant the following variance:

1. A variance from the minimum required side yard setback of 50' to 40' for a variance of 10' for the purposes of constructing a 24' x 32' pole building garage which will be oriented so that the 24' side will be facing the street which is a modification of the drawing that the applicant submitted.

Based on the following findings of fact:

1. A practical difficulty exists due to the width of the existing property and the location of the applicant's septic field.

Mr. Takacs seconded the motion.

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

Application 2004-42 by Brilliant Electric Sign Co. Ltd. for Bella Design Jewelers for property at 8560 E. Washington Street

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

The zoning inspector's letter dated September 7, 2004 was read and photos of the site were submitted.

Mr. Greg Harris of Brilliant Electric Sign Co. Ltd., Mr. Cliff Hershman and Mr. Rock White and Mr. John Giannakopoulos, owners of Bella Design Jewelers were present to represent this application.

Mr. Harris testified that the board is probably familiar with this site and they have quite a bit of difficulty with visibility because of CVS and it is difficult to see the building because it is obstructed by landscaping. He said they are asking for relief to allow a size that is reasonable. He explained the variances requested and said because of the lack of visibility, they are asking for a second sign on the side of the building and the justification is poor visibility.

Mrs. Stanton asked if the jewelry store is a chain.

Mr. White testified by saying no.

Mrs. Stanton said she is concerned with the blue lettering.

Mr. Giannakopoulos testified that it is not a bright blue.

Mr. Harris said the signage is tasteful and not overbearing.

Mr. Giannakopoulos said the Fire Fly restaurant has red lettering and we are using blue and this is what we are using for our logo, it is a softer blue.

Mrs. Stanton said she is concerned about the different colors.

Mr. Giannakopoulos said they cannot put a red sign up because this is an independent fine jewelry store.

Mr. Hershman testified that they are trying to work on this harmoniously and he does like the sign.

Mr. Olivier asked if they used the same color scheme on the first building.

Mr. Hershman said the Breadsmith is red and orange, Fire Fly is red, Drug Mart is orange etc.

The board discussed the wall sign versus the marquee sign.

Mr. Harris said the façade is 70'.

Mr. Takacs said the maximum square footage is 50 sq. ft.

Mr. Harris said it is 37 sq. ft. and he shows the marquee at 48 sq. ft. and all the dead space around the letters count as square footage.

Mr. Takacs said yes.

Mr. Harris said they have a practical difficulty.

Mr. Lamanna said the sign is bigger than the combined signage of other tenants.

Mr. White testified that the Fire Fly takes up the whole space of the arch.

Mr. Lamanna explained that a business with a smaller name gets to have larger letters.

Mrs. Stanton referred to the Breadsmith sign.

Mr. White said their sign is very difficult to read and he wants his sign to be appealing to the aesthetics of the building.

The board reviewed the signage of the other tenants.

Mr. Lamanna suggested reducing the signage by 15%.

Mr. Takacs asked how far the building is sitting from the intersection.

Mr. White said 500'.

Mr. Takacs said per the visibility chart 480' equals 48 sq. ft.

The board discussed reducing the signage by 15%.

Mr. Lamanna said the signage will be consistent with what the other businesses have.

Mr. Takacs said this business is unique because it is on the end and can have a second sign.

Mr. Lewis asked if there is lighting inside the arch and if the wall sign will be illuminated.

Mr. White said no, maybe some floods only.

Mr. Giannakopoulos asked the board if they would allow a 10% reduction and said it would help them out a little bit.

Mr. Hershman said that he trusts their design.

Mr. White said aesthetically it looks better in blue.

Mr. Lewis said the board is also sensitive about not having another green awning.

Mr. Giannakopoulos said it will be sapphire blue.

Mrs. Stanton said she is concerned about the shade of blue.

Mr. Takacs said colonial looks are usually black.

Mr. Lewis said the board wants this group to have a successful business.

Mr. Takacs said if the board goes with 10%, the wall sign will have to be reduced too.

Mr. White said the marquee sign is the main issue and if both are reduced by 10% it is reasonable to him.

Mr. Harris said he will redraw it and submit the new drawings.

Mr. Lamanna said the board will approve it now but the applicant will need to provide a revised print prior to the zoning certificate being issued.

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

Motion BZA 2004-42 – 8560 E. Washington Street (Bella Design Jewelers)

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

1. A variance to have two wall or marquee signs on the basis that the applicant has a building that has two frontages and due to its location requires additional visibility.
2. With respect to the marquee sign, the board will grant a variance on the maximum height to 7' 11" for a variance of 3' 11" on the basis that due to the unique design of the place where this sign is located and the definition of marquee signs, it is not apparent that this variance is anyway in derogation of the intent of the ordinance with respect to the height of the marquee sign. The variance will be 48.2 sq. ft.
3. With respect to the size of the wall sign permitted, it will be 37.5 sq. ft. less 10% and the size of the marquee sign will be the sign as proposed in the application reduced in each dimension by 10%.

Based on the following findings of fact:

1. The applicant needs increased visibility.

Motion BZA 2004-42 – 8560 E. Washington Street (Bella Design Jewelers) (Continued)

2. The fact that when the sign area is calculated giving consideration to the curved space within which it is located, the variance requested is minimal and the sign would not be inconsistent with some of the other signs already existing at this location.
3. Prior to the issuance of the zoning certificate, the applicant will submit revised drawings for this application reflecting the signs and the size as described in this motion.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 10:29 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: October 21, 2004

Bainbridge Township, Ohio
Board of Zoning Appeals
September 16, 2004

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:29 P.M. by Mr. Michael Lamanna, Chairman. Members present were: Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the August 19, 2004 meeting as written.

Mr. Takacs seconded the motion.

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

Applications for next meeting

Application 2004-32 by Mark L. DiSanto for property at 9311 Taylor May Road - Continuance

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

Application 2004-37 by Sean F. Neligan for property at 18919 Riverview Drive - Continuance

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

Application 2004-38 by Boyer Signs & Graphics for Cowboy Restaurant for property at 8586 East Washington Street - Continuance

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

Application 2004-43 by Daniel J. & Frances Liptak for property at 18340 Snyder Road

The applicants are requesting area variances for the purpose of constructing a shed. The property is located in a R-5A District.

Application 2004-44 by Steven B. Huckabee for property at 16715 Findlay Street

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

Application 2004-45 by Eileen & Mitch Herman for property at 8264 Summit Drive

The applicants are requesting area variances for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

Application 2004-46 by Daniel M. Fine for property at 9519 Taylor May Road

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

Application 2004-47 by Bainbridge Associates, Ltd. for property at 8564 E. Washington Street

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

Application 2004-48 by Carmen J. Gaitan for property at 9225 Willson Drive

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

Since there was no further business, the meeting was adjourned at 10:52 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: October 21, 2004