

Bainbridge Township, Ohio
Board of Zoning Appeals
September 19, 2002

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:30 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 2002-45 by The Winbury Group for property at Route 422 and Bainbridge Road

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

The zoning inspector's letter dated September 13, 2002 was read and photos of the site were submitted.

Mr. Mark Snider, President of The Winbury Group was present to represent this application.

Mr. Snider testified that they own the piece of property through a trust and it consists of 4-1/2 acres, it is south of the highway and on the north side of Bainbridge Road. He said the property is zoned residential, and they are aware of it, but would like to market the property. He continued by saying that they would like to install a real estate sign on the property but there is no frontage on Bainbridge Road, only an old service road (South Millbrook) and the only way to market it is from the highway where it will be seen. He said he wants to enlarge the sign to 66 sq. ft. with the text – Buy, Build, Lease and said they are open to any one of those scenarios. He said he understands that the property is zoned residential but he cannot tell the board that if someone wants something other than residential, we (The Winbury Group) won't come back and want it rezoned but if someone wants to buy it as residential we will sell it but we are not interested in building a home there.

Mr. Steve Keary of 8328 Bainbridge Road asked Mr. Snider when he purchased the property.

Mr. Snider said they purchased it more than five years ago.

Mr. Keary testified that there was no sign there originally when it was purchased by The Winbury Group and asked why they need a sign there now.

Mr. Snider explained that there are three lots of the Millbrook consolidation and another piece and said Mutual Security owned the property.

Mr. Keary said that he lives in the home up front and his concern is the sign indicates commercial. He said he had an interest in the property years ago but was dollars apart and added that he has not seen The Winbury Group market it as residential.

Mr. Snider said that Mr. Keary is correct, they have not tried to market this property as residential.

Mr. Lamanna said that the only question before the board is that they want to put up a sign and the board needs to decide what is reasonable and appropriate and the only people who will see it is the people on the freeway.

Mrs. Karen Keary testified by saying that she disagrees because it is opening up the property for commercial. She said they have lived there for 32 years and she does not want to see anymore commercial property.

Mr. Lamanna said he understands the Keary's concerns but whoever buys the property will have to come before the board and it will be a tough sell to convert this property to something else. He said the board has to decide this case on its merits and cannot regulate how they advertise this property.

Mr. Keary asked if there are any other signs in the township this size.

Mr. McIntyre replied yes.

Mr. Lamanna asked Mr. Snider if this proposed sign is 66 sq. ft. that is 10' above the grade.

Mr. Snider said that is correct.

Mr. Lamanna asked how far the proposed sign will be from the right-of-way.

Mr. Snider said he is not sure but it will be at least 200' from the right-of-way of Service Road C.

Mr. Takacs asked what Service Road C is.

Mr. Snider said it is now called South Millbrook Drive and it used to be called Service Road C.

Mr. Lamanna asked if it is an open area.

Mr. Snider said no, some trees will have to be cleared because it is heavily treed. He added that the rules are, the sign has to be 50' from the highway but we are asking for a minimal variance for this proposed sign.

Mr. Lewis said the speed is reduced on the ramp of the freeway.

Mr. Lamanna said the size of the proposed sign is too big but the allowed 4 sq. ft. is unreasonably small and added that the size of the letters could be reduced.

Mr. Snider said he would not want to build or lease a house on this property but if someone wants to use it for residential, he would sell it to them.

Mr. Lewis said he thinks this proposed sign is misleading because most signs clearly state commercial or residential and this is not clearly defined as residential.

Mr. Snider said he could define it as residential and said he is aware that it is zoned residential and is also aware if someone wants to change it from residential, there is an entire series of meetings etc. so he has no problem saying the property is clearly zoned residential.

Mr. Lamanna said he is more inclined for the sign to be 3' x 5' and asked how long the sign will be there.

Mr. Snider said he understands variances are only good for six months and will come back to renew it if we have to, but we perceive we have a hardship because we don't have any frontage except on the highway.

Mr. Lamanna said the board does not have a problem with the location on the highway because it won't be intruding on another residential property, but yours will be the only one there and will not be competing with other signs.

Mr. Takacs said a 3' x 5' sign is not bad but said he thinks smaller letters can be used.

Mr. Lamanna said on a sign that size, if they want to limit what it says, 12" letters are more than adequate.

Mr. Lewis said in looking at the ambiguity of Chapter 173.06 of the zoning resolution, it says you have to have a declared use on the property before a sign permit can be issued.

The board reviewed Chapter 173 – (Signs) of the zoning resolution.

Mr. Lamanna said it says you can't have a sign installed before an established use.

Mr. Snider said in order to make sure we are clear, he will volunteer to put R-3A zoning on the proposed sign.

Mr. Lamanna said you couldn't put anything on it that states commercial or office use.

Mr. Snider said they will attempt to redesign a 3' x 5' sign that states R-3A zoning, their name, phone number and we will simply put available on it and bring it back to the board next month for review.

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

Motion BZA 2002-45 – Route 422 and Bainbridge Road (The Winbury Group)

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held October 17, 2002.

Mr. Takacs seconded the motion.

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

Application 2002-46 by The Winbury Group for property at 8401 Chagrin Road

The applicant is requesting an area variance for the purpose of installing a banner. The property is located in a PO District.

The zoning inspector's letter dated September 13, 2002 was read and photos of the site were submitted.

Mr. Mark Snider, President of The Winbury Group was present to represent this application.

Mr. Snider testified that he is asking for a variance or a clarification of Section 173.09 (5) and said they created a sign that they intended to hang on their building because they were trying to market the Bainbridge property for offices. He said they put a sign out and Mr. McIntyre called us right after that and told us we could not have the sign (banner) so we took it down and made an application for a variance. He said his question is what is a banner and referred to Chapter 173.09 (c) of the zoning resolution. He continued by saying that banners are prohibited but he is not sure that the term banner used here applies to his banner.

Mr. Snider said their banner is a canvass sign and he knows there has been some history of some people wanting banners, but we have a brand new building and we are grateful we were able to build in Bainbridge Township. He continued by saying they have received many compliments but now they would like to fill the building. He said the sign facing the highway is difficult to read and a lot of people don't know the building is for lease and that is why we created and hung this sign. He said they hung the sign from 3:00 P.M. – 7:00 P.M. and left the sign up over the weekend once and Monday morning Mr. McIntyre called, but during that period, we received seven phone calls which is considered very good so the sign worked.

Mr. Snider said in Phase I there is 31,000 leasable square footage and 18,000 sq. ft. is leased to nine clients and seven are from the Bainbridge Township area. He said they are trying to market the site, but the site is low and difficult to market so we created a banner which we were going to leave up the 37 days and are not trying to create any issues but don't see the harm of putting the sign up temporarily.

The board reviewed the signage regulations.

Mr. Lamanna asked Mr. McIntyre what his understanding was of a banner.

Mr. McIntyre said a banner is made out of flexible material to move in the wind and not fixed to a frame and has the ability to move.

Ms. Linda White testified that a banner is a temporary sign made of plastic, vinyl, nylon or satin, not permanent and fastened with grommets and ropes and is sold to be used on a temporary basis and they only last outside three to six months.

Mr. McIntyre explained that no one wall sign can exceed 50 sq. ft.

Mr. Snider referred to temporary signs per the zoning resolution and said temporary signs are for anniversaries, grand openings etc. and asked what the township means by a temporary sign.

Mrs. Stanton asked if they didn't have a temporary sign while building.

Mr. Snider said they had a wooden development sign.

Mr. Lamanna explained that some signs are permitted without a zoning certificate but some signs are prohibited.

Mrs. Stanton said that this is a safety issue too in case it would break loose from the building.

Mr. Lamanna said he pictures a banner stretched over the road and this one will be attached to a building but this banner would be out in the air that could flutter or fall down in the wind and also could be noisy. He asked Mr. Snider how long he would like the banner to be up.

Mr. Snider said he would like to put it up for a couple of months and his plan is to put it up at 3:00 P.M. and take it down at 7:00 P.M. He said if the board says we have to take it down every night, we will and if the building fills up in 60 days, we won't need the sign.

Mr. McIntyre referred to Chapter 173.08 (b) that also talks about no portable or temporary sign shall be placed on the front of a building.

Mr. Olivier asked how long the building has been open.

Mr. Snider said the first tenant moved in November 1, 2001 but the market in general in northern Ohio is slow as is across the country. He said he is not unhappy with 60% occupancy though.

Mr. Olivier asked if someone is getting on the ramp in the morning if it won't register with them that the building is for lease.

Mr. Snider said they have the other sign out but there are a lot of trees and vegetation around the building.

Mr. Lamanna said there is a prohibition with respect to this sign because the building has been up a reasonable amount of time, therefore this is not a grand opening.

Mr. Snider said they were prevented from announcing a grand opening.

Mr. McIntyre said he first saw this sign two months ago and there was no sign request for a grand opening in this office, it was long after it opened.

Mr. Snider said that was four months ago when you called me and asked me to take down the sign.

Ms. Linda White said a banner can be fastened to not come off the building and asked what size the proposed banner is.

Mr. Takacs said the size is 12' x 9'.

Ms. White said that is pretty big and it should have wind vents and if there are no wind vents with the webbing, it will take off. She said a banner with webbing should have wind vents to not resist the wind and they are moon shaped.

Mr. Lewis said there are a few issues, one is staying consistent with all other businesses in town because we asked a bank at McFarland's Corners to take down their banner. He shared some photos with the board of the banner on the back of the building and noted that the original sign is there, it is visible, colorful, bright and his thoughts would be to change the existing permanent sign instead.

Mr. Snider asked where the photos were taken from.

Mr. Lewis said they were taken from back by the freeway fence.

Mr. Takacs said the board already permitted one sign that could do the job.

Mr. Lamanna said the township has clear prohibitions regarding temporary signs, they are for grand openings but not for leasing signs. He said the applicant already has an existing sign stating that it is available.

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

Motion BZA 2002-46 – 8401 Chagrin Road

Mr. Lamanna made a motion to deny the variance for the particular sign requested.

Based on the following findings of fact:

1. This sign represents a temporary sign.
2. It is not within any of the permitted nature of the prohibitions on signs in Chapter 173.08 of the Bainbridge Township Zoning Resolution.
3. In that, even if the provisions with respect to temporary signs announcing grand openings did apply, Chapter 173.09 (5), which the board believes it does not, it is well past the period of time in which it could have been considered any grand opening for the purposes of leasing the building and it is not clear in any event that this section was intended to apply to renting and leasing as opposed to the ultimate end use.
4. Basing our decision on those grounds, the board does not have to reach the question of whether or not this sign is also a banner sign which is prohibited by Chapter 173.08 (c) of the Bainbridge Township Zoning Resolution.

Mr. Takacs seconded the motion.

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

Application 2002-47 by Bruce Johanns for property at 7700 Bainbridge Road

The applicant is requesting an area variance for the purpose of sharing a common drive. The property is located in a R-3A District.

The zoning inspector's letter dated September 13, 2002 was read and photos of the site were submitted.

Mr. Bruce Johanns, owner of the property, was present to represent this application.

Mr. Johanns testified that in 1996 he was granted a variance by this board to put one driveway in to serve three lots, but he recently obtained an extra building lot that fronts on Bainbridge Road. He said the septic has been approved on all four lots and he would like to have one driveway to include the fourth lot. He said he re-bought his property and obtained the fourth lot and added that all of the lots are over four acres.

Mr. Lamanna asked if the layout was the same as before.

Mr. Johanns said yes and he was just going to put the fourth driveway in but at the urging from Mr. McIntyre and his neighbors to put one drive in, he found out from the county that he could put a licensing agreement together and use one drive for ingress and egress and maintenance. He said the agreement will be filed with the county and each person who buys a lot is responsible or has a 25% stake in maintaining the driveway. He said he will put in a gravel drive back to the culdesac and the rest can be paved.

Mr. Olivier asked how the licensing agreement works with neighbor disputes.

Mr. Johanns said three out of four homeowners must approve and if one does not pay, they are taken to court to pay 15% interest on the cost. He said the homeowner has to agree to pay for 25% of all expenses to pay attorney's fees, court costs, etc. He said he will try to have a little homeowners association so the money can be collected and added that he started to put a driveway in which is about 300' and explained that the century home up front with the barn belongs to the Cloningers.

Mr. Takacs asked Mr. Johanns if he lives here.

Mr. Johanns replied yes.

Mr. Lamanna asked about the frontage.

Mr. Johanns said originally he had three 60' frontages but he took some property from his property to give one of the properties an additional 60'. He said the county was his hitch but with the fourth lot, this is just crossing lot lines with the drives. He said only a few items were approved last time and the first condition is a 20' road for fire trucks but said he talked to the fire chief and he said 12' wide is just fine.

Mr. Lewis asked how you get two cars to pass on a 12' wide drive.

Mr. Johanns said he could have pull-off areas and asked if he should get the opinion of the county prosecutor regarding the licensing agreement.

The board reviewed the proposed licensing agreement.

Mr. Lamanna said he is not sure the prosecutor's office would want to deal with the licensing agreement.

Mr. Johanns said the driveway is already in at 20' and he has a fill of asphalt already there and will be constructed to include the fourth lot.

Mr. Lamanna said he was trying to recall why the board had a 20' wide condition.

Mr. Takacs said it was for fire apparatus.

Mr. Lamanna said this would not require you to pave it 20' wide, just a 20' surface area to pull off.

Mr. Johanns said there are a few areas that would require 20' to 25'.

Mr. Lamanna said the board is not talking about paving 20', it all does not have to be hard surfaced.

Mr. Johanns said it won't be for four or five years down the road but would like to keep the bends in there.

Mr. Lamanna said there needs to be sufficient room on the road for vehicles to pass each other and he would like to see this agreement in final form and sent to Mr. McIntyre so he can send it to the prosecutor's office to make sure the township won't have a problem in the future to protect the township because of a public safety problem.

Mr. Johanns said he will check with Mr. Dave Dietrich of the Geauga County Planning Commission anyway.

Mr. Lamanna said it is really an issue for the prosecutor's office and relatively easy to take care of.

Ms. Joanne Sydlowski of 7655 Bainbridge Road asked Mr. Johanns if he lives there.

Mr. Johanns replied yes.

Ms. Sydlowski testified that the property has been for sale all summer long.

Mr. Johanns said he has owned it twice.

Ms. Sydlowski said she lives across the street, two houses down, and asked about the acreage and added that the homes will get noise from the freeway.

Mr. Johanns explained the acreage of the four lots.

Mr. Charles Hesse of 7777 Bainbridge Road testified that he lives across the street from this property and indicated his house on the map. He said he met with Mr. Johanns about a year and one-half ago about his plans and wants to commend him on his persistence and through his efforts with Mr. Dietrich, he reduced the drives to one. He added that there is a knoll in the road and if multiple drives were to be installed, the cars approaching the drives from the east would not see them and Mr. Dietrich is aware that he is asking for the fourth lot to be added. He thanked Mr. Johanns.

Mr. Lamanna explained that it is important to have a wider opening at the entrance to the drive.

Mr. Johanns said he will expand it from 25' to 35'.

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

Motion BZA 2002-47 – 7700 Bainbridge Road

Mr. Lamanna made a motion to grant the variance for a single driveway to serve four lots which will cross multiple property lines.

Based on the following findings of fact:

1. A practical difficulty exists because it is a long distance back from the road to the buildable portion of these lots. That would make four driveways impractical as well as creating four separate egresses onto Bainbridge Road at a location which poses safety hazards and a single driveway will be opposite an existing street on the other side of the road thereby reducing that issue.

Motion BZA 2002-47 – 7700 Bainbridge Road - Continued

2. Since there are only four lots, it should not adversely affect the delivery of services by the township and each of the current lots has the required frontage on the street and could have four separate driveways which would be a worse condition.

In order to avoid any adverse impact on the delivery of services by the township, which could otherwise be substantial on these properties, the following conditions shall apply:

1. The driveway for nearly all of this distance will be a minimum width of 20' and in that 20' it will be of sufficient construction to be able to support emergency vehicles of the township such as those that would be necessary to reach the property. The road construction plans will be presented to the zoning inspector for approval at such time as the road is going to be constructed. This is not meant to require, if in the future period of time that the road is paved, that it would need to be paved to the full 20'. Any portion of the road can be paved so long as that there is sufficient shoulders remaining that would support the vehicles contemplated here. Also the applicant will flair the driveway at a point that it meets Bainbridge Road so as to improve the ingress and egress as cars enter and exit from the driveway to the road.
2. The second condition is that the applicant enter into a licensing agreement or other covenants running with the land in favor of each of the four lots delineating the rights and obligations with respect to the common drive and will submit such form to the zoning inspector for transmission to the county prosecutor's office for their review to determine that it is satisfactory and respects the rights and obligations of the township.

Mr. Takacs seconded the motion.

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

Application 2002-49 by Tanglewood Partners for property at 8505 Tanglewood Square

The applicant is requesting a conditional use permit for the purpose of establishing a day care center at the Tanglewood Professional Building. The property is located in a CB District.

The zoning inspector's letter dated September 13, 2002 was read and photos of the site were submitted.

Mr. Sheldon Berns, Attorney for the applicant and Mr. Richard Katz of Tanglewood Partners were present to represent this application.

Mr. Berns testified that child day care centers are a permitted conditional use in a CB District as long as the criteria is met. He said they are proposing to lease 3,661 sq. ft. of the building for a day care center and presented a sketch to show the approximate use of the building. He said the crosswalk is plainly marked for the children to walk on and there are also two speed bumps to make sure the traffic slows in the area and added that there is very little traffic there now. He referred to Chapter 117.13 (a) and listed the criteria of this chapter and said that this conditional use will be harmonious to the district and they will adhere to these conditions.

Mr. Lamanna asked about the entrance to the day care center.

Mr. Katz testified that there are several doors for access to the outside per the requirements of the fire code. He said the entrance will be at the northwest corner of the building on the short side of the building and this is where the children will be dropped off. He added that there will be a lobby area and there should not be a lot of traffic as Mr. Berns stated.

Mrs. Stanton asked about the hours for the day care center and if they will be late.

Mr. Katz said the hours will be standard with a 7:00 A.M. drop-off with no late nights or overnight stays. He added that this will be a state approved day care center.

Mr. Lamanna said it will all be at the end of the building away from the condos.

Mr. Takacs asked about the age group.

Mr. Katz said they may take some infants and toddlers but not sure about latch-key kids.

Mr. Takacs asked about the size of the playground area.

Mr. Katz said he believes it will be 3,000 sq. ft. and fenced in.

Mr. Takacs asked if there is adjoining property.

Mr. Katz said it will go on a green area that will stay green with no paving.

Mr. Olivier asked about the fence for the playground area.

Mr. Katz said it will be approved by the county and will be most attractive with bull-nose vinyl fence and will be supervised at all times and there will not be a large amount of children out at one time, only 20 optimum.

Mr. Takacs asked about the other proposed uses or tenants for the building.

Mr. Katz said this is the only new tenant so far, we have been trying to entice some others.

Mr. Takacs asked what other businesses are in the building.

Mr. Katz said Dr. Greenberg, Dr. Bautista, a small dental practice and a chiropractor are in the building. He said the day care center will be 2/3 of the building.

Mr. Lamanna said it seems to be laid out very well.

The board discussed the location of the playground.

Mr. Katz said they put the playground area as far away from the condos as possible.

Mrs. Stanton said there could be a problem with 20 cars dropping off children all at once.

Mr. Katz said there is not a lot of traffic in that area.

Mr. Lewis asked if consideration was taken for handicapped parking or if a mother parks in front to pick up an infant.

Mr. Katz said yes we thought of that.

Mr. Takacs asked how many toddlers there will be.

Mr. Katz said there will be under 100 children.

Mr. Katz said the center will be run all to state standards and we can have them submit it to you.

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

Motion BZA – 2002-49 – 8505 Tanglewood Square

Mr. Lamanna made a motion to grant a conditional use permit for purposes of locating a day care center as shown on the applicant's drawing in the existing building with the outside play area location also indicated on the applicant's drawing.

With the following conditions:

1. This conditional use will of course meet all of the general requirements for conditional uses as set forth in the zoning ordinance.
2. In addition, the fencing around the play area will not be chain link fence but will be some kind of fence that is pleasing to the eye and consistent with surrounding buildings and architectural structures on this property and the adjacent properties.

Mr. Takacs seconded the motion.

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

Application 2002-48 by Frank and Doris Lanza for property at 16716 Chillicothe Road

The applicants are requesting a use variance for the purpose of establishing a day care center. The property is located in a PO District.

The zoning inspector's letter dated September 13, 2002 was read and photos of the site were submitted.

Secretary's note: The original application for the proposed day care center was for Building B (16716 Chillicothe Road) but was changed by the applicant to be located in Building A (16706 Chillicothe Road) after the public hearing was advertised and the contiguous property owners were notified.

Mr. Frank Lanza and Mr. Dale Markowitz were present to represent this application.

Mr. Lamanna stated that he understands there is a question as to the address of the proposed day care center and that it was changed and there is no published notice on the new address for the hearing tonight. He continued by saying that it is highly unlikely that the lot number would make a difference so the board will proceed, but asked the applicant if he would like to waive any objection to the notice, and if someone comes to the board regarding the notice, the hearing would be re-opened.

Mr. Markowitz stated that he agrees to waive any objection.

Mr. Lanza testified that he had a day care center that wanted to lease part of the existing building and another day care that wanted to lease the entire building that wasn't even built yet, so when the original application was filed, it was for the proposed building at 16716 Chillicothe Road that is not built yet but we went back to the original tenant who wants to lease part of the existing building but it is the same parcel. He continued by saying that 7,500 sq. ft. of the back part of the existing building will be used. He indicated on the site plan where the playground area is proposed and said the children will not have to walk through a parking lot, they can go right into the play area for safety reasons. He added that he did not know anything about day care.

Mr. Lamanna stated that this is not a permitted use in this district and anything not permitted is prohibited. He continued by saying that he did not know why the zoning commission did not put this type of use in the Professional Office District but his observation is that it is not similar to any other uses listed in PO District zoning. He continued by saying he did not think it fits into the whole transitional concept of POD because of the traffic, outdoor play area and the noise adjacent to the residential district. He said the appropriate way to approve this is to go back to the zoning commission for an amendment because you are wanting to move a CB use into a PO District and we could totally destroy the PO District by bringing in a CB use. He said there are a lot of uses permitted here and you would destroy the whole intent of why the district was created. He stated that you have to have an incredible hardship for a use variance and the better option is to go back to the zoning commission.

Mr. Dale Markowitz testified that the chairman indicated that it is not a similar use and we only agree that it is not a permitted use in a PO District. He referred to the professional office building, now requesting a day care center for the building at Tanglewood, and said it has always been used as professional office but people want to put their kids where they are working and said this is a good transition, like putting schools in residential districts, and the hours will be the same as those of professional office. He said the township code recognizes that day care is compatible in residential because Type A day care centers are a permitted use in residential. He said he did not want the township to think that day care is not an appropriate use in a PO District and most people would say it is more appropriate.

Mr. Lamanna said that is a point well taken but all the arguments are for the legislative side and should go to the zoning commission. He said the legislative board needs to decide how it will be allowed and what restrictions should be allowed.

Mr. Markowitz said they looked at the setbacks and the noise and added that he did not want the minutes from this board to say that this board does not want this use in a PO District.

Mr. Lamanna said that in looking at the proposed use, clearly this is taking a huge leap from what is listed in a PO District.

Mr. Markowitz said that he thinks a doctor's office looking at patients is not too much different than a day care center.

Mr. Lamanna said he did not know if it was by accident or design that "child day care center" was left out of the PO District but it was clearly put in as a conditional use in a CB District.

Mr. Lanza asked if he goes to the zoning commission to allow it to be a conditional use in a PO District, if he has to come back to the board of appeals.

Mr. Lamanna replied yes and suggested that this application be tabled for awhile for the applicant to see if the zoning commission either acts or decides not to act on this and at that time this request could be modified.

Mr. Markowitz said they don't have a problem with that.

Mr. Karl Bruhn of 8431 W. Craig Drive asked if the zoning commission is also structured so residents can voice their concerns on the issues.

Mr. Markowitz replied yes.

Mr. Bruhn asked if there was city water for the buildings.

Mr. Lanza replied yes, they are all on city water.

Mr. Bruhn said secondly, Mr. Lanza built a terrific berm and it and the woods has helped with the noise from Scorchers, but that is a separate issue, but the noise will be from 8:00 A.M. – 5:00 P.M., no national holidays, and no weekends unless you have extended hours.

Mr. Lanza said your concerns are our concerns and what I have done speaks for itself, but he understands the board's concern.

Mr. Bruhn asked if the zoning commission approves this, if it will more than likely, unless there is some huge disagreement, go through.

Mr. Lamanna said there are physical things that need to be met for a conditional use such as impact etc., and they still have to meet certain criteria. He said the board would look at the location of the play area, traffic flow issues, hours of operation and with a conditional use process, the board has a chance to look at the actual property and to make sure objectives of the conditional use are met.

Mr. Lanza asked Mr. Bruhn how long he has lived on W. Craig Drive.

Mr. Bruhn said he has lived there for five years.

Mr. Lanza said that 250' is deed restricted with a mound as an additional buffer and the only way the deed restriction can be changed is if every resident on the street agrees to change it.

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

Motion BZA 2002-48 – 16716 Chillicothe Road (16706 Chillicothe Road)

Mr. Lamanna made a motion to indefinitely postpone consideration of this application for a period of up to six months to allow the applicant time to pursue an amendment to permitted uses in professional office district in front of the Bainbridge Township Zoning Commission. The applicant, at such time thereafter this action is taken, can renew his application by so notifying the secretary of the board.

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 9:40 P.M.

Respectfully submitted,

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

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

Date: October 17, 2002

Bainbridge Township, Ohio
Board of Zoning Appeals
September 19, 2002

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:40 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 15, 2002 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 2002-33 by JGD Associates Inc. for property at 8501 East Washington Street (Shell Fueling Station) - Continuance

The applicant is requesting a conditional use permit for the purpose of remodeling. The property is located in a CB (Convenience Business District).

Application 2002-44 by JGD Associates Inc. for property at 8501 East Washington Street (Shell Fueling Station) - Signage

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

Application 2002-34 by Daria Mooney Saks for property at 8740 Tanglewood Trail - Continuance

The applicant is requesting an area variance for the purpose of a lot split. The property is located in a R-3A District.

Application 2002-35 by Tim and Melisa DeMell for property at 7777 Lori Lane

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

Application 2002-45 by The Winbury Group for property at Route 422 and Bainbridge Road - Continuance

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

Application 2002-50 by Summit Petroleum Inc. for property at 8782 Bainbridge Road

The applicant is requesting an area variance for the purpose of drilling an oil and gas well. The property is located in a R-3A District.

Application 2002-51 by Thomas J. Compisi for property at 8500 South Spring Valley Park Drive

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

Application 2002-52 by William Astalos for property at 9420 Crackel Road

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

Application 2002-53 by Bainbridge Land Development (McDonald's) for property at 7195 Kent Road (Aurora Road)

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

Application 2002-54 by Bainbridge Land Development (Bob Evans' Restaurants) for property at 7105 Kent Road (Aurora Road)

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for October 17, 2002 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:55 P.M.

Respectfully submitted,

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

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

Date: October 17, 2002

