

Bainbridge Township, Ohio
Board of Zoning Appeals
January 13, 2005

Pursuant to notice by publication and certified mail, a special public hearing was called to order at 7:40 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 2004-51 by Farmington Woods Estates, LLC (Rep. John Scimone) for Richard P. and Dorothy Rogel for property at 16533 Chillicothe Road – Continuance

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

Secretary's note: The applicant was not present.

Motion BZA 2004-51 – 16533 Chillicothe Road

Mr. Lamanna made a motion to deny this application.

Based on the following findings of fact:

1. The failure of the applicant to demonstrate that there was any practical difficulty which would warrant granting the request to construct a second single family dwelling on the property.

Mr. Takacs seconded the motion.

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

Application 2005-1 by Brian Hooper for property at 8653 Taylor May Road

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 January 5, 2005 was read and photos of the site were submitted.

Mr. Brian Hooper, applicant, testified that he is requesting a side yard variance because the proposed house is impeding the 50' side yard setback by 3' 2" due to the fact that the lot is 150' wide.

Mr. Lamanna asked if the house is 53' 2" wide.

Mr. Hooper replied yes.

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

Motion BZA 2005-1 – 8653 Taylor May Road

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 46'-6" for a variance of 3'-6".

Based on the following findings of fact:

1. A practical difficulty exists because the lot is only 150' in width and the house planned for the lot is a little over 53' wide which is a reasonable size for this property.
2. The small variance requested would not have an adverse effect on any of 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 2004-46 by Daniel M. Fine for property at 9519 Taylor May Road – Continuance

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.

The zoning inspector's letter dated October 14, 2004 was read.

Mr. Dale Markowitz, attorney for the applicant, testified that that he is representing the Fine Alpaca Conservation Group and noted that he brought a power point presentation to show and that some of the residents on Nighthawk Drive have just seen some of the documents. He said that there is no request for a variance because they will be only creating 20 lots in the cluster development but they still need to come before the board of appeals because of the conditional use. He said by removing the variance they believe they meet all of the requirements for a conditional use permit and they meet the lot size and density requirements. He continued by saying that they gave a sketch plan to the Geauga County Planning Commission, then came to the board of appeals and then went back to the planning commission. He described the location of the Auburn Glen property, Quinn Road, the Fine Alpaca property and the Nighthawk Drive property. He described the view of the area by referring to a site plan and showing the Taborville properties, Nighthawk Drive and part of Beartown. He added that the last time they were here, a preliminary plat was presented and said the road system will be the same. He continued by referring to the site plan and explained the culdesac extension that ends at the Auburn line and said they eliminated development in the riparian and wetland areas, they are keeping the wooded areas as open space and there will be a retention pond and a fire pond. He continued by saying that the reason why this site works so well for cluster is it allows them to move lots away from the environmentally sensitive areas and said there will be 2,000 lineal feet of road and if developed other than cluster, there would be more roads which would have an effect on the township.

Mr. Markowitz continued by saying that each lot will be about 2.9 acres with 160' of lot width, the open space will be 26 acres and the farm will be about 21 acres. He said this cluster works because it allows the farm area to remain and still gives the perception of open space to the people on Taylor May Road and this allows riparian areas to remain as a natural state and it keeps all the homes out of the riparian and wetland areas. He said the open space will be owned by the lot owners and they will have deed restrictions and every owner must be a member and pay dues and with the wetter soil, they will try keep the septic systems out of it.

Mr. Markowitz referred to the site plan of Edgewater Reserve and said that all of the lots in this subdivision are five acre lots and it takes up a lot of road. He added that there is no open space in this development and when it was designed, a temporary culdesac was installed. He showed a site plan of the temporary culdesac and said the plat actually states that it is a temporary culdesac and the intention of when it was platted was to have the road extended. He said the county subdivision regulations dictate that the county does not want the road to end in a culdesac due to the length of the road and added that the last two lots were consolidated. He said this is a very nice property but this was not done as a cluster. He continued by saying that the Edgewater Reserve development has deed restrictions but did not do anything about every lot owner having to be a member and there is no text in the deed restrictions. He said the association was formed in 1995 and in 2000 the association went defunct and they never renewed it and referred to a document from the secretary of state. He said someone created the association in 1995, but nobody ever renewed it and they were cancelled in April of 2000. He said he thinks it is a beautiful development but the township has no control over the deed restrictions but they do have a requirement about the size of the homes and they have to put the landscaping in within one year of building. He said our (Fine Alpaca cluster subdivision) deed restrictions state that the homes have to be at least 3,200 sq. ft. and there are landscaping standards. He said the Edgewater Reserve deed restrictions will expire in 2005 and 2/3 of the people have to agree to extend them but with ours, the deed restrictions cannot be amended without the township's consent. He continued by answering some of the questions that were asked at the last hearing such as why the houses have to be placed at the southern end of the property. He said first of all because of the farm's location and they cannot move the buildings, the wetlands are in the center of the property and the southern end is more open so there would be less hard surfaces and less run-off. He said another question is why they have a culdesac at the Auburn Township line. He said that is because the county subdivision regulations demand it because they want to provide for more than one access and the county planning commission said they have to have a temporary culdesac. Regarding the gas and oil well that was mentioned, the lease was surrendered a number of years ago, it was capped and abandoned and gone and the lease rights are gone. He said that 21 acres will be used for the Alpaca farm and 26 acres will be open space. He said another question was whether septic systems can be installed on each lot. He referred to the N. Williams Soil Investigation that was done on November 24, 2004 which stated "Overall, the site has generally good surface and subsurface drainage due to the sloping topography, lacks any bedrock at depths less than six feet, has limited amounts of wetlands, little or no compaction and no extensive rutting from agricultural practices. The site appears to be generally suitable for home-sites and leach fields." He added that they will be able to put in septic systems on all the lots indicated and said the soils are Mahoning and Ellsworth and all the lots are approximately 2.9 acres so it won't be a problem. He said another question was about groundwater issues. He stated that average families of four use approximately 5 – 6 gallons of water per minute, therefore any well producing at least seven gallons is considered excellent. He showed in his presentation a Ground Water Availability Map that was taken from the Bainbridge Township Land Use Plan.

Mr. Markowitz continued by showing a summary of well logs for Nighthawk Drive, Rail King Court and Mallard Point and said we are expecting to get the same or better from our wells with so much open space and a sizeable area to recharge the wells. He next displayed a letter from Traff-Pro which performed a Trip Generation Analysis and they looked at Snyder Road and Nighthawk Drive and said there will be an insignificant number of new homes so it does not meet ODOT standards to create a new traffic study. He said Traff-Pro had no concern regarding adding 19 homes with a future connection to Auburn because it is another way out for people on Nighthawk and the Fine Alpaca subdivision. He added that they took a set of deed restrictions from a project done in a Russell subdivision and used it and changed it accordingly. He said that everybody will get to use the open space and everyone will pay the same to maintain the open space and to keep water from flowing into the Edgewater Subdivision. He continued by saying that every house will be subject to mandates such as garage types, storage must remain inside, landscaping must be completed within nine months and added that the number of pages are about 37 – 38 whereas the Edgewater deed restrictions are about 7 – 8 pages and added that they will protect the property values and the people who live on Nighthawk and also the fire pond will be available to whoever needs it in the area. He continued by saying there will be architectural standards for these proposed houses such as roof pitch, etc. and the township will have control over the deed restrictions, the homeowners cannot make changes to the deed restrictions and the township will have the right to enforce them. He referred to the deed restrictions for Emerald Lakes in S. Russell and said they had to come back to the S. Russell council who made the decision. He said the people living on Nighthawk will argue to not extend the road into Auburn and want the road to extend to Taylor May but it would impact the farm and the riparian areas and would also create 1,500 more feet of road which would be more to maintain and would cost \$300,000 - \$375,000 and would be an extra burden on the 19 homes being built, it will break up the farm and there would be more road infrastructure. He continued by saying the road will be extended into Auburn Glen if the board mandates that the street must be extended and coming into Auburn Glen will create an ingress and egress to Taylor May and added that Mr. Chip Hess came to the same conclusion. He said the safety forces will serve Auburn Glen from Quinn or Taylor May and the Auburn Fire Department will come down Taylor May and until the final extension of Auburn Glen is completed, they could come through our (Fine Alpaca) subdivision until the road to Taylor May is completed and we believe they will come in on Taylor May Road.

Mr. Chip Hess, engineer for the project, testified that he is a civil engineer from Newbury Township and he wants to hit the high points. He said the first thing is they don't want to impact the wetlands and streams, the soils are Mahoning and Ellsworth which are good for septic systems and they want to keep as much farm as possible so Mr. Fine can run his Alpaca farm and to minimize the impact on the streams and wetlands and with shorter roads, there will be less impact and less roads for the township to maintain. He said there will be a 100' building setback from the property line and there were issues to overcome to design the project and because of the planning commission requiring us to tie into Nighthawk Drive, we started with the roads and the open space and then the farm and added that it is a requirement to tie into Nighthawk because of the 5,000' of roadway and the other issue is the connection to the Auburn property and said there will be 2,200' of road. He said they want to save the farm and if there is a road out to Taylor May, it would use a substantial amount of the farm. He said this layout made the most sense to the Geauga County Planning Commission with the road into Auburn and those 30 – 35 houses would not have an impact on Nighthawk and Snyder Road. He said the board's concern was storm-water management but there will be a number of swales and there was a concern about water run-off to the Nighthawk residents but there will be swales and ponds to redirect the water away from Nighthawk.

Mr. Lamanna asked about the proposed catch basins.

Mr. Hess said there will be ditches that would be directed to swales and then to the ponds. He said another concern was the size of the lots but the lots will be close to three acres as possible and close to 2.9 acres. He continued by saying they want to protect the existing buffers and the existing woods toward Auburn, along Nighthawk and the strip on the Taborville side. He said they are proposing to provide an additional buffer along the Nighthawk area and will create a swale and berm with deciduous trees on top of the berm and it will wrap around to Taborville because there is one home there in Taborville. He said some clearing has been done on the Auburn Glen property and we see no issue why these roads cannot be connected. He showed the contour lines and topography slopes on the map and said the average lot will be 2.9 acres and the septic systems will be laid out to avoid wetlands and open space. He added that there will be 26 acres in open space, 21 acres for the farm and 19 very nice sublots.

Mr. Lamanna asked if there will be anything along the farm itself for drainage.

Mr. Hess said there is an area where they will put some swales over to a pond with two small drainage areas and their goal is to put in ponds that the swales will drain to.

Mr. Lamanna asked if the water running off the farm to the west can be put in a swale.

Mr. Hess replied yes.

Mr. Takacs asked if there are any plans to do anything more with the farm.

Mr. Markowitz said there are no plans to do anything more.

Mr. Takacs asked if Mr. Fine will live in the existing house and use the farm.

Mr. Markowitz said that is what he is doing now and noted that he and Mr. Fine drove around the farm after a serious rain and there was not a water problem. He asked Mr. Hess how this project overall will affect drainage.

Mr. Hess said the swales will collect the water and move it to the ponds.

Mr. Olivier asked if the swales are designed to take the water away.

Mr. Hess said yes, they will be designed to flow to one of the detention ponds and added that the berm will be more of a buffer.

Mr. Markowitz asked how high the berm will be.

Mr. Hess said they are proposing four feet.

Mr. Olivier asked if Geauga Soil & Water have looked at this.

Mr. Hess said so far everything is acceptable.

Mr. Markowitz said with every property that requires detention ponds, we have to give an easement to the Geauga Soil & Water Conservation District so they can come on the property and check the ponds.

Mr. Olivier asked about the access to the open space.

Mr. Markowitz said they did not want people to figure out how to get back to the open space because it will be only for the homeowners and they can come through their own yards and they also will prohibit motorized vehicles in the open space area and added that each homeowner will have 1/20th of ownership.

Mr. Olivier asked if the ownership is not by acreage, then is it per building unit.

Mr. Markowitz said yes, it is not like Tanglewood with a water system, it will be pretty passive and the most they can do on the open space is have picnic benches, bird watch, etc.

Mr. Takacs asked if there will be walking trails.

Mr. Markowitz said the homeowners could put them in but some areas are open and they don't really need the trails. He continued by showing photos of the buildings on the existing farm which are the two smaller buildings, barns and house.

Mr. Lewis asked if there will be a change in the primary structure.

Mr. Markowitz said Mr. Fine wants to live there and assumes he will want to do something with the house someday.

Mr. Olivier said the present house is not in compliance with the deed restrictions because of the size of the house.

Mr. Markowitz said it is exempt and not subject to the deed restrictions however, Mr. Fine cannot divide his lot without Bainbridge Township's consent.

Mr. Lewis asked if the property is zoned agricultural.

Mr. Markowitz said it is zoned residential.

Mr. Lamanna said they (Mr. and Mrs. Fine) may have to give up their agricultural exemption to be able to build buildings without zoning permits because the board wants control over what it will be used for agriculturally and they won't be able to build another garden center or quasi-retail establishment.

Mr. Markowitz said he is not sure the board has the authority to do that and say that he cannot keep Alpacas for an agricultural use.

Mr. Lamanna said the board wants to regulate how it is agriculturally used because it will become a part of a residential subdivision. He said the board wants to know what he plans to do with the property so it can control what he intends to use it for in the future.

The board discussed this conditional use request.

Mr. Lamanna opened the floor for questions and/or comments.

Mr. Paul Greenberger of Berns, Ockner & Greenberger, LLC. attorney for Edgewater Reserve residents, testified that he wanted to let the board know that the experts that were going to testify are in Orlando at a convention so they would like to present their testimony at next week's meeting. He continued by asking what the buffer is.

Mr. Hess said the buffer is 100' from the house to the property line.

Mr. Greenberger said each dwelling is to be 90' from the front and read from the cluster regulations.

Mr. Hess said the frontage is 50' and the side yard is 30'.

Mr. Markowitz said the setback is 100' from the overall property line boundaries.

Mr. Greenberger asked what the length of the overall road is, the leg of the road to Auburn and the slopes on the neighboring property.

Mr. Hess explained the slopes.

Mr. Greenberger asked if there are streams or wetlands on the Auburn property.

Mr. Hess said they have stream information but no wetland information.

Mr. Greenberger said without knowledge of wetlands or streams, it is not certain a road can be built on the Auburn property.

Mr. Hess said permits can be obtained to cross streams.

Mr. Greenberger said it is not certain that a road can be continued into Auburn.

Mr. Hess said based on county subdivision regulations, it mandates that we put a temporary culdesac there.

Mr. Greenberger said the road proposed to Auburn is 1,650' long and added to the 5,000' of my clients' road, you cannot have a road that is 6,600' long ending in a culdesac. He said there is still more information needed about the neighboring property to assure the board that the road can be continued.

Mr. Hess said it can be done, even though they don't have the information at this time.

Mr. Matt Ratajczak testified that he is an adjacent property owner and referred to the proposed site plan and asked why there is no retention pond planned for the southeast corner of the subdivision.

Mr. Hess said the swale wraps all the way around.

Mr. Ratajczak said it looks like it goes up hill.

Mr. Hess and Mr. Ratajczak discussed the proposed ridges and swale locations.

Mr. Ratajczak asked how the water can be directed up.

Mr. Hess said the swale will direct it around.

Mr. Ratajczak asked what category the wetlands are.

Mr. Hess said they are classified as linear wetlands.

Mr. Ratajczak asked if a road can be built over a stream.

Mr. Hess said yes, with proper permits.

Mr. Ross Embrescia of Nighthawk Drive asked if the residents will be able to have ball diamonds and lights in their open space.

Mr. Markowitz replied no, there will be no active recreation activities permitted.

Mr. Embrescia asked if there will be any big spot lights.

Mr. Markowitz said there is no reason for anyone to put a spot light in the open area, but there could be a light over the picnic area but it has to be down lighting as regulated by the township.

Mr. Embrescia asked who will maintain the roads for plowing.

Mr. Markowitz said Bainbridge Township will do the plowing up to the Auburn line and then Auburn Township will plow the Auburn side.

Mr. Embrescia testified that Auburn does not maintain the roads as good as Bainbridge does and asked if Mr. Fine's home will be part of the deed restrictions because it is not 3,200 sq. ft.

Mr. Markowitz said no because it is grandfathered since it existed before.

Ms. Jennifer Ratajczak asked if Mr. Fine is not obligated to maintain the landscaping on his property.

Mr. Markowitz said the farm is not subject to the deed restrictions like on the individual lots, for example if he wants to grow hay on his property, he can.

Ms. Ratajczak said the edge of the culdesac will be cut off so who will pay for the extension of her driveway.

Mr. Markowitz said it is part of the developer's obligation to do a driveway extension and will be under the specifications of the county engineer's office.

Mr. Ratajczak said the road will come down to Nighthawk and asked where the ditches are.

Mr. Hess said the water will not go to Nighthawk Drive.

Mr. Ratajczak referred to the proposed landscaping buffer and asked if there will be a swale on both sides to catch the water.

Mr. Hess said the swale will only be on the back side of the mound.

Mr. Ratajczak said he has an additional concern about the swale not being able to be maintained.

Mr. Hess said the Geauga Soil & Water District will approve the drainage.

Mr. Ratajczak asked if soil samples have been done.

Mr. Markowitz said no percolator tests have been done yet but they determined we can build standard septic systems on these lots because they know what the soils are in the area.

Mr. Ratajczak asked if every lot has the location of the septic drawn on it.

Mr. Markowitz said yes, that is what they are supposed to do to show where the septic will be and we wanted to make sure ourselves that the lot can be buildable.

Mr. Greenberger said that he wants to confirm that tests have not been done and that this will recharge the aquifer for Nighthawk.

Mr. Markowitz said he is talking about storm drainage and Mr. Greenberger is talking about refilling the aquifer.

Mr. Greenberger said he wants to confirm that no tests have been done and to confirm the aquifer will be recharged.

Mr. Markowitz said there is 26 acres of open space and only hard surfaces will cause the water not to recharge.

Mr. Greenberger said no tests have been done regarding water recharging the homes on Nighthawk Drive and asked what has been done to verify that.

Mr. Markowitz said the aquifer does not follow subdivision lot lines, the water will still be in the same watershed and the amount of hard surface and the amount of open space will recharge the aquifer as opposed to the Nighthawk subdivision with more roads etc. He added that this subdivision has 104 acres with 20 lots.

Mr. Ratajczak referred to the landscaped buffer and asked if the maintenance of the buffer is part of the deed restrictions and if the homeowners will be required to replace the trees.

Mr. Markowitz said yes it will be their responsibility to maintain the landscaping, drainage, signage etc. and it is a point well taken and it will be in their deed restrictions as some sort of communal obligation.

Mr. Ratajczak said there are some documents for the Nighthawk Drive residents.

Mr. Markowitz said they were sent to the attorneys today and they are the proposed deed restrictions and added that Mr. Greenberger has them.

Ms. Ratajczak asked about where the mound will start.

Mr. Hess said the mound will be a 3-1 slope and will start at the property line but not on the established trees.

Mr. Ratajczak said so there is no swale on the south side of the mound.

Mr. Hess replied no.

Mr. Markowitz said the only water will be water coming off the mound.

Mr. Ratajczak said his house is in the process of being constructed.

Ms. Karen Embrescia of Nighthawk Drive said that she wants to express her concern about the regulated agricultural use and she is concerned about what kind of development goes on at the farm.

Mr. Lamanna said that since this property is part of a subdivision, it will be a regulated agricultural use and will need approval of additional buildings etc. and the board will base the general approval of what is going on there now and any changes will have to come back to the board.

Mr. Keith Hall of Nighthawk Drive asked if there will be a gateway into the new development.

Mr. Markowitz said it will be a public road so they cannot put a gate there.

Mr. Ratajczak referred to the landscape buffer and asked if there will be any deed restrictions to prevent homeowners from dumping yard refuse over the mound.

Mr. Markowitz said there will be general maintenance provisions so they cannot dump garbage on lots but the township does not have power over the restrictions.

Mr. Ratajczak said that landscaping crews could dump on the other side of the mound.

Mr. Markowitz said if a nuisance is created, they have to abate it and the lots have to be free from debris, rubbish etc. and the mound will be part of his lot and the association has an obligation to maintain it.

Mr. Andy Beclay of Rail King Court asked if there was an entrance onto Taylor May Road if the county planning commission would still require temporary culdesacs.

Mr. Lamanna said he did not know, but they may still say they want to connect the road through.

Mr. Beclay said it does not seem like it would require a temporary culdesac. He said typically they would not require a third entrance and asked if there is a benefit to try to not have a cross border and for a township as a whole not to have streets connect.

Mr. Lamanna said there will always be streets that connect into other townships and this is a relatively uncomplicated situation.

Mr. Beclay asked if the board contemplates safety issues and lines of site on Snyder Road. He testified that it is common sense that pulling out of Nighthawk subdivision onto Snyder Road that the site lines are not as good as the site lines on Taylor May and the site lines on Taylor May are far superior than at Nighthawk and Snyder and said it is a safety and welfare issue.

Mr. Lamanna said it is a significant issue but there will only be 20 additional houses.

Mr. Beclay said that Edgewater has 30 lots.

Mr. Lamanna said it is a small number of people unless you have the worse rated intersection in Geauga County. He added that Snyder Road is not the best road in the world but if you have another road out, one-half of them will go out one way and the other one-half will go out the other way.

Mr. Beclay said there is no practical difficulty about not putting an entrance on Taylor May.

Mr. Lamanna said the question is that if there is no compelling reason to do that, one of the main drawbacks is you add a lot of additional streets and 1,500' of more street to maintain and more streets dumping more water on the property.

Mr. Ratajczak said he thought the applicant had to provide a practical difficulty with conditional use permits.

Mr. Lamanna said no and explained conditional use permits and weighing the advantages of doing a cluster development.

Mr. Ratajczak said if you look at the west end of the Fine property, it is clear that it drops off into a valley and feels it would be safer for safety forces to access the property off of Taylor May because if there is a fire in the woods behind the homes, how will they get to the woods.

Mr. Lamanna said if it is an undeveloped area with no structures, they are not going to worry about undeveloped areas.

Mr. Ratajczak said he is curious if the fire chief said this is okay.

Mr. Olivier said that might have been looked at when the Nighthawk subdivision went in, someone probably had to review that safety issue.

Mr. Ratajczak asked if it will be reviewed again.

Mr. Lewis said it is a pre-existing approved condition and any outlet in that area is an asset. He said the entrance is already there and it is already satisfying the township and county requirements.

Mr. Lamanna added that the plans do go to the fire department and they make sure they have adequate access.

Mr. Embrescia asked if someone came to Mr. Fine and offered him \$20,000 to put a cell phone tower on his property, could they.

Mr. Markowitz said if nobody objects there would be no hearing and he gets his tower, but if someone objects, he will have to come to the township trustees because it is residential, but if the property were commercial, he would not have to go to the township.

The board discussed tabling this application to the February 17, 2005 meeting and was in agreement to notify all contiguous property owners of the meeting.

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

Motion BZA 2004-46 – 9519 Taylor May Road

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held February 17, 2005.

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 10:00 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: February 17, 2005

Bainbridge Township, Ohio
Board of Zoning Appeals
January 13, 2005

The special meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were: Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Mr. McIntyre reviewed, with the board, the following applications that are scheduled for the January 20, 2005 meeting.

Application 2003-56 by Heritage Development Company for property at PP# 02-420598 Aurora Road - Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of building a commercial retail center. The property is located in a CR District.

Application 2005-2 by Prestige Homes for property at 16485 Majestic Oaks Drive

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

Application 2005-3 by Anthony S. Meldon for property at 8133 Chagrin 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-3A District.

Since there was no further business, the meeting was adjourned at 10:40 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: February 17, 2005