

Bainbridge Township, Ohio
Board of Zoning Appeals
January 20, 2011

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

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify.

Application 2010-25 by Bainbridge Shopping Center II, LLC for property at 7145 Market Place Drive - Continuance

The applicant is requesting area variance(s) for the purpose of allowing the shopping center to re-subdivide the parcel for tax purposes only. The property is located in a CR District.

Mr. Matt McGill of Bainbridge Shopping Center II, LLC was present to represent this application.

Mr. McGill testified that Mr. Ken Hejduk was already in front of the board and presented it and asked the board if they want him to reiterate what they are looking to do.

Mr. Lamanna said no he thinks the board understands what the purpose is and the reason this was brought back was the board wanted to replicate what was done before and they need to have all of the information on all of the parcels so when it is done, the record will show that every parcel was properly accounted for and a proper variance was associated with that parcel and it is all tied together so that was the primary purpose to make sure the board had all of the numbers cross correlated and all of the information assembled for each of the individual parcels.

Mr. McGill said that is exactly why he prepared the lot coverage calculations that the board was requesting. He said Mr. Wrench has a copy of those and Mr. Hejduk reviewed those as the surveyor and indicated that he agrees with his (Mr. McGill's) calculations based on his review of the whole package. He said as we sit today, our current lot coverage is 43.12% which is under the variance of 48.38% that they received back when this project was originally approved so with the available lot coverage under the variance of 5.26% when somebody comes to build on the vacant pad that is available now next to Thomasville Furniture there is more than enough lot coverage available.

Mr. Horn asked what the lot coverage percentage will be after the building is constructed.

Mr. McGill said that pad is actually 83,000 sq. ft. and it goes back into the driveway a little bit and then the lot coverage would be approximately 47% after it is done.

Mr. Horn asked if it will be below the 48% figure.

Mr. McGill said yes it will still be below the 48%.

The board reviewed the application.

Mr. Murphy said he wasn't here on the original workings on the Market Place at Four Corners but he has seen sign applications that have come in and he has shopped there but when it came in a month ago it seemed like the reason for the request had something more or less to do with tax purposes and ownership of certain pieces of property. He asked Mr. McGill what is the reason this is being done and why is he here.

Mr. McGill said he is here because the parcel they are subdividing off is specifically the Dick's Sporting Goods building and due to clauses that are in their lease they have been able to modify the amount of taxes they reimburse them for on a yearly basis and thus shorting them a lot of money so it is purely a tax based problem that they are having with the tenant that they can't resolve in any other fashion because they go by what is in their lease and fortunately for them (Bainbridge Shopping Center II) the lease says if they have a separate subdivided parcel, they will pay for that parcel so it is really just a numbers game for them and we are able to recoup what we are entitled to.

Mr. Horn said there will be no increase in lot coverage.

Mr. McGill said with this one there are no buildings, there are no changes to the site plan at all, they are simply looking for approval to subdivide the parcel into another parcel.

Mr. Murphy told Mr. McGill that an hour from now he is going to be in front of the board again for a new application in the same parking lot.

Mr. McGill said yes it will be in the same development, correct.

Mr. Murphy said the same development and in fact the whole green space in the middle comes into question and with the new application 2011-3 you (Mr. McGill) are asking to build several new out-parcels into that green space and he certainly hopes that nothing that is done here, this subdivision, so all of a sudden that green space becomes part of a property that is 8B, 8D, not 8C and he is wondering if the people of Bainbridge are going to be hurt by that. He said this whole middle of what we were saying is the parking lot two months ago, the center of that is the green easement and once we do something in 2010-25 he is not sure it changes anything that is going to come about in the 2011-3 application but should the board at least think about that now or is it okay. He said everything that is being asked for in 2010-25 doesn't change the overall scope of the project or the wording of the project. He asked what the area variance is.

Mr. Olivier said he thinks the individual parcels are going to exceed the 48%.

Mr. Lamanna said we are going to end up with several new parcels that are different.

Mr. Olivier said but it is unchanged until they build more buildings but if they develop that and then come back and develop that parcel that is green space, what does that do to lot coverage overall.

Mr. McGill said he will go over those calculations when the board reaches that portion.

Mr. Lamanna asked Mr. McGill which one of these parcels have changed from what the board approved back in 2003.

Mr. McGill said currently right now there is parcel 8 and that is everything except for Walmart, Kohl's and the Circuit City and the out-lot.

Mr. Lamanna said that is becoming 8A, 8B, 8C and 8D.

Mr. McGill said the main change that happened that is creating such a loss in building area was the deletion of the Home Depot on that whole portion of the shopping center which was a much larger building than what they eventually built there. He said the development they built on the other side of the street is 134,000 sq. ft. but they only proposed about 100,000 sq. ft. in that area.

Mr. Lamanna said Kohl's, Walmart and the out-lots were previously subdivided the last time.

Mr. McGill said correct.

Mr. Lamanna said and now we have taken all of the rest and we now have four parcels that have been created from all of the rest.

Mr. McGill said that is correct.

Mr. Lamanna said 8A through 8D.

Mr. McGill said 8A is currently a parcel, they are creating 8B, C and D.

Mr. Lamanna said and 8A ends up being much smaller than it used to be.

Mr. McGill said actually 8A doesn't change, it is currently where Circuit City, Thomasville and all of the rest down to TNT Tanning, that is currently 8A and that is being left unchanged, it is only parcel 8 that is being divided into B, C and D and referred to it on the GIS aerial map and said it touches Walmart and it is parcel 8A as it sits today.

Mr. Lamanna said then 8A is not changing.

Mr. McGill said correct.

Mr. Lamanna said we are creating 8B, C and D from what used to be one single lot before.

Mr. McGill said correct.

Mr. Lamanna said parcel 8A will have one with 67%, one with 66%, 8B with 66.89%, 8C will only have 11.51% and then 8D will have 27.71%. He asked are there any other variances that these lots will require for setbacks if you are looking at them as a freestanding lot.

Mr. McGill said all of the lots will probably require side yard setbacks because they are really adjacent buildings that need a zero lot line, from any exterior parcels they wouldn't need any additional setbacks, it is mostly the interior setbacks and also area variances on individual parcels. He said 8B is actually the only one that would need one and it would need an area variance and then also a setback and then the other two would just need the setback.

Mr. Lamanna said okay.

Mr. Olivier asked if both side yards need variances on all three parcels.

Mr. McGill said there is a side yard for 8B on both sides and then 8C is going to need one side yard setback on the left side of it towards the Dick's Sporting Goods where Dick's Sporting Goods touches Petsmart over there but then the other parcel he does not believe will need any real side yard setback.

Mr. Lamanna asked which one that is.

Mr. McGill said that would be 8D that would not require one.

Mr. Lamanna said so 8D is really looking like it is not going to require any variances.

Mr. McGill said he does not believe so, no.

Mr. Lamanna asked Mr. McGill to show the board which lot is 8B per the GIS aerial photo.

Mr. Murphy said that is really not 8B what you are showing up there, according to this 8B is going to be a little skinny thing with Dick's and the parking lot.

Mr. McGill said yes that is correct and explained, according to a site plan, which parcels will need side yard setback variances.

The board discussed the parcels and parking.

Mr. McGill said he thought he sent something in with the calculations that showed a little better where the buildings correspond to the revised plat.

The board reviewed a site plan that was previously submitted.

Mr. McGill said that Kohl's has its own existing parcel. He said he would walk the board through the map exactly where the lot lines would go. He referred to the GIS aerial photo and explained that the new parcel will be right there and come down like that and head all the way to Lake Street and that would be 8B. He said 8C would be over in here, so it starts here and comes down all the way around and follows the property line and picks up all of this which is currently part of it and follows right back. He said the remainder that is on the out-skirts over here goes all the way up to Route 43 would be 8D, starting at the edge where Walmart touches Lake Street and going all the way around and encompassing all of the wetlands and green space.

Mr. Lamanna said 8A already exists.

Mr. McGill said correct.

Mr. McGill said the whole thing was parcel 8, they had parcels 8 and 8A.

Mr. Lamanna said the one that is being broken up is 8 into three, B, C, and D. He said D is probably not an issue.

Mr. Olivier asked if Parcel D has any structures.

Mr. McGill said D does have a structure but the way we split it off, it won't require any variances because it has all of this green space back in here (he referred to a site plan). He said it has Babies R Us and goes to Marshalls and referred to the GIS aerial photo.

Mr. Lamanna said but that side is not changing.

Mr. McGill said correct.

Mr. Lamanna said really the only new thing that is happening is on the boundary line between 8B and 8C, all the rest of it is the same.

Mr. McGill said correct.

Mr. Lamanna said no other side yards are changing, the only place where something new is being created is that line between 8B and 8C which goes down between the buildings so you now have a zero setback between those two items.

Mr. McGill said correct.

Mr. Lamanna said the only new thing that is being added are those two side setbacks.

Mr. Murphy said we have now created a parcel 8C in the bottom right corner that individually only has 11% lot coverage.

Mr. Lamanna said right.

Mr. Murphy said and 8B which appears to have only 27% lot coverage, the other two we are leaving at two-thirds and two-thirds so these individual parcels that are being created will not give them any different total coverage in the entire project.

Mr. Horn said nothing has changed except for the particular parcel that is being created is going to have a greater lot coverage.

Mr. Murphy said the new person that comes in and builds on 8C can't come to the board and say this is only 11% so they have another 30%, 40% or 50% to cover that.

Mr. Horn said no there was an overall approval by the BZA prior and you look at it as a whole development not individual lots. He asked if Dick's is a separate building.

Mr. McGill said it is actually a separate building, there are two separate bearing walls between Dick's and Petsmart so that is not much between the two buildings.

Mr. Lamanna said it is not a common wall situation.

Mr. McGill said correct.

The board reviewed the application.

Mr. Murphy said he wasn't here years ago and asked Mr. Matt McGill if he is related to Mr. John McGill.

Mr. McGill said he is.

Mr. Murphy said some of the earlier things happened back in 2001.

Mr. McGill said he actually wasn't part of the company at that point.

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

Motion BZA 2010-25 – 7145 Market Place Drive

Mr. Lamanna made a motion to grant the applicant the following requests for variances for the purposes of re-subdividing the parcel as follows:

1. This property has been previously subdivided subject to various actions of the board in the past.
2. The applicant is now proposing to take one of those parcels which was designated as Parcel 8 and subdividing it into three parcels.
3. The purposes of making this subdivision is to allow a separate parcel for one of the tenants for tax purposes which is consistent with the previous purpose for which the subdivision was allowed.
4. In the making of that prior division of the property certain setback variances were granted with respect to the buildings which existed in the previous Parcel 8.
5. Those variances with respect to the buildings previously granted on the Parcel 8 will continue with respect to those same buildings as they lie in their new configurations in Parcels 8B, 8C and 8D because physically the lot lines have not changed position relative to those buildings with respect to the setbacks.
6. With respect to Parcel 8B a variance is granted on the east side of Parcel 8B to the side setback requirements to a zero side setback requirement and on the west side of Parcel 8C also a side setback variance to zero for the buildings located on the west end of the newly designated Parcel 8C.
7. With respect to Parcel 8B the board also grants a variance to the lot coverage to 66.89% from the 40% requirement and notes that lot coverage variances are not necessary for parcels 8C and 8D since they are below the 40% requirement.
8. The board also notes that these properties will continue to be subject to the Declaration of Covenants and Restrictions dated the 16th of April, 2001.

Based on the following findings of fact:

1. The board is granting this variance because of the agreement by the applicant and the provisions of the deed restrictions that require this property to be considered as a single unitary property subject to the development plan applicable to any decisions of the board and that as a whole it is in compliance with those requirements and as a result there will be no material change in the situation at this property.
2. The board notes again that by creating these additional lots, none of these additional lots have the right to claim the benefits of zoning without consideration of all of the other lots.

Motion BZA 2010-25 – 7145 Market Place Drive - Continued

3. Finally as the board has stated before, the applicant has agreed that as a condition of granting this variance and the board has decided that as a condition of granting this variance and without such agreement and without such condition this board would not make the proceeding findings of fact that this project and all of the parcels to be created as a result of this action before the board will be considered as a single development to follow all of the restrictions and agreements that have been attached to this development and to otherwise comply with the overall lot coverage which has been previously approved.
4. As the board has noted in its previous decision it is incumbent upon the developer to assure that the development proceeds in accordance with these requirements and that the lot coverage is not exceeded by the actions of any of the individual nominal property owners.

Mr. Murphy seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2011-1 by Anthony Paskevich & Assoc./Al Klauss for Paul Voinovich for property at 17110 Hidden Point Drive

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

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held February 17, 2011 at the request of the applicant.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2011-2 by Fastsigns Lyndhurst for Montefiore (The Weils) for property at 16695 Chillicothe Road

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

The zoning inspector's letter dated January 20, 2011 was read.

Mr. Joel Frezel was present to represent this application.

Mr. Lamanna asked if there is a letter from the owner that authorizes Mr. Frezel to speak on their behalf tonight.

Mr. Frezel testified by saying yes.

Mr. Shane Wrench, Zoning Inspector testified that there is a letter from the Weils giving Mr. Ed Davis authorization.

Mr. Horn said the Weils gave Mr. Ed Davis authorization and Mr. Ed Davis gave Mr. Frezel authorization.

Mr. Frezel said yes, he had a convention he was attending so he asked me to help him out.

Mr. Frezel stated they are requesting a variance to allow the installation of two additional signs. He said there are two existing signs on the north and south entry wall which are in very poor condition and they are requesting to replace the two existing signs with smaller signs. He said currently they are 44 sq. ft. at each wall, one on the north and one on the south and they would like to replace both the existing signs with two signs that are 29.5 sq. ft. and they are reducing the height of the two signs and what they are asking for is to allow to put two additional signs, one on either side on top of the stone monument that is there, one says Assisted Living and one says Rehabilitation Pavilion. He said the total square footage is under the amount we are allowed and by putting them up above on the top of the structure it makes them very easily seen and the people who are driving into the site of that nature need the ability to see without too much difficulty what is there and basically it is not advertising per say, it is more in the directional or informational nature of what they are putting there.

Mr. Horn said it was said that the two signs now are 44 sq. ft. each that are being replaced with two signs at 29.5 sq. ft. plus two additional ones and asked what the square footage of those are.

Mr. Frezel said the additional signs are each 12" high by 77.25" wide so they come out at about 6.45 sq. ft. each so if you put all of those together it is slightly less than 44 sq. ft. He said the colors they are using are more visible with a background and a darker copy color which makes it stand out better and actually it blends into the background as well so it accomplishes two things, they are not garish and just popping out at you, it is beige and green, earth tones and the actual sign that is there now is in very, very poor condition so they have a need to be replaced anyway.

Mr. Murphy said it is hard to tell from this indication if there will be anything filling the old space underneath.

Mr. Frezel said what they did was that is a Photoshop photo, they took the existing sign and tried to block out what was behind it and actually there is a void.

Mr. Murphy said so you will see through it, you will see the shrubs, they are not putting in a fence.

Mr. Frezel said that is correct, it looks like a fence or some kind of barrier now.

Mr. Horn said it doesn't fit in with the stone wall.

Mr. Frezel said no, not at all but it is a void, it is an open area. He showed the board a copy of the sign in color and a copy of the existing sign. He showed the layout of the wall and said it will fit in the existing space.

Mr. Lamanna said the question here is whether we have more than one sign.

Mr. Frezel said his understanding is the variance request is for four additional signs where he believes you are allowed to have two.

Mr. Lamanna said it is certainly a variance for two ground signs but the question is are these three signs or one long sign.

Mr. Frezel said there are a couple of ways of looking at it, it depends on which side of the fence you are on.

Mr. Lamanna said he is not sure that technically there is a precise answer to this.

Mr. Frezel said if he were walking in off the street he would say it was one sign separated by a masonry element and in fairness two additional signs.

Mr. Lamanna said it is one of those questions that one would say you need to look at it and consider it.

Mr. Frezel said in some places, not here, the code does not count the masonry structures or support structures, they look at the sign and the one at each side of the entryway.

Mr. Lamanna said that is what we do we don't look at the masonry structure in terms of the square footage.

Mr. Frezel said actually we are replacing signage now and adding an informational element to it and enhancing it.

Mr. Lamanna said a 100' wall and you have a sign at one end of the wall and the other end of the wall he might say that is a little iffy but here we are talking a couple of feet and the fact that this has already been built, if it was being built from scratch you could have attached those two pieces.

Mr. Frezel said overall it is an enhancement of the structure.

Mr. Murphy said in 2002 they got a variance for one sign so we are not really changing that at all regarding visibility or safety.

Mr. Olivier asked if the illumination will be changed.

Mr. Frezel replied no.

Mr. Lamanna said whether it technically is or technically is not it is in essence one sign.

Mr. Murphy asked if the square footage is being reduced slightly.

Mr. Frezel said it is.

Mr. Horn said in 2002 it says you were granted a variance from 25 sq. ft. to 32 sq. ft. but what we saw indicates 44 sq. ft.

Mr. Frezel said that is the existing sign in the center section and the center section is 44 sq. ft. yes.

Mr. Murphy said they got a 7 sq. ft. variance.

Mr. Horn said from 25 sq. ft. to 32 sq. ft. it but it shows 44 sq. ft., each of the signs is 44 sq. ft.

Mr. Frezel said he believes that is right.

Mr. Murphy said a variance was given on 2002-9 to go from 25 sq. ft. to 32 sq. ft. on each side.

Mr. Frezel said the existing condition, he believes, is 44 sq. ft.

Mr. Murphy said not necessarily based on the board's history other than the fact that it was revised again.

Mr. Wrench said no.

Mr. Horn said they were granted 32 sq. ft. for each sign right.

Mr. Wrench said according to the records.

Mr. Horn said they are indicating that the sign was built at 44 sq. ft.

Mr. Murphy asked what if they applied for that 32 sq. ft. in view of a 45° angle to the road.

Mr. Lamanna said we are not looking at the projections.

Mr. Murphy said it is in here as being written up as having two separate individual signs that face 45° to the road.

Mr. Frezel said if the signs are double-faced you only count one side at a time. He said architecturally it is more aesthetically pleasing to have it like that with one in the middle, it doesn't block traffic, it doesn't create a hazard when you are driving out of the property, all around it is a better method of putting it in there.

Mr. Murphy said our history of what was granted in 2002 was for 32 sq. ft. on each of those two signs for a total of 64 sq. ft.

Mr. Frezel said he understands.

Mr. Horn said and now they want to put 33.75 sq. ft. on that sign so they are getting closer to what they were granted originally.

Mr. Frezel said he wasn't here then.

Mr. Lamanna said he wonders if the calculation was made on the round top.

Mr. Frezel said if you take the radius into account it would affect the calculations.

Mr. Lamanna said that is possible.

Mr. Frezel said some people actually do the calculations to figure out the shape. He said aesthetically everything seems to be in balance and proportion with the size of the wall and the graphic.

Mr. Lamanna said the circle there is the same size and put between the two pillars.

Mr. Frezel said right they didn't move it.

Mr. Murphy asked if there was anyone in the audience that had a question.

Mr. John Miller of 8621 East Craig Drive testified that he was just wondering on the variances like this one the board had some questions on the numbers and he was wondering on the last variance the Weils had because they said they were going to put a turn lane in too when they put the additional 29 room facility in and he does not know where they might be with doing that because that would have an effect on the sign too. He said his property is adjacent to the Weils and he received a certified letter from the township.

Mr. Miller continued by saying he has been living here for eight years and things keep on being asked for more and more and you keep on giving in but they don't seem to follow through with all of their obligations unless they already have this moving along and at the last presentation they said that they would pay for a turn lane even though it wasn't their responsibility, that was part of the acceptance when they wanted to put 29 more rooms in and added that at the time it sounded great.

Mr. Lamanna said the problem is the board is here to deal with a particular application and you (Mr. Miller) raised a question on another aspect of this.

Mr. Horn said the board can get a copy of those minutes and review them now that Mr. Miller raised that point.

Mr. Murphy said by giving them the rehab pavilion which is essentially what the board did several years ago and that was the additional rooms he is assuming the rehabilitation and he remembers adding that extra space in the back and he remembers the conversation about the turn lane but does not remember the actual outcome whether in fact they are going to do it.

Mr. Miller said the attorney said that since they don't have to pay taxes on this property but because they were going to add this additional facility they will pay those additional taxes too which he thought was funny that he said they will pay more taxes, will you let us do this and then also they would do a turn lane. He said they did a study that showed that whole intersection had problems but they were there to help that out.

Mr. Lamanna said they have no ability to add a turn lane, they can ask ODOT if they would consider it but they can't say we want this here, put it here, if ODOT thinks they want it there and they will pay for all of the costs of having it done he imagines they would have a way then to expedite the process.

Mr. Miller asked if they are a non-profit because that is why he said they don't have to pay taxes and that is a huge place.

Mr. Horn said they do make a payment to Bainbridge in lieu of taxes and when Winbury was approved on Chagrin Road they agreed to pay up to \$50,000 for the cost of a turn lane if one was ever put in so he does not know if that is what was agreed to but the board can find out.

Mr. Miller said the person he actually bought his home from gave him some papers because it was to stop any light pollution coming from the back onto his property but if you stand in his backyard you can see the lights all the way across. He said he hasn't pursued that because he has tried pursuing other things and it hasn't been to his advantage but there are lots of things that they promised and haven't followed through with and we keep on giving and the township keeps saying that is okay and lets it go.

Mr. Lamanna said if nobody says anything.

Mr. Miller said he came with a whole presentation and photographs to fight that 29 room expansion, flooding of the road etc.

Mr. Lamanna asked if the flooding went away because he knows the board had some requirements on dealing with the drainage issues and those issues.

Mr. Miller said they signed a petition with everyone on the whole street but that was negated, the board didn't accept that.

Mr. Lamanna said the board addressed the issues but nobody has come back to say they are still having flooding issues from this. He said he is at a disadvantage because he doesn't have the board's decision in front of him but the board will look into it.

Mr. Miller said they were offering something that they can't even do.

Mr. Lamanna said if they said if in the future it is decided that they need this and they will pay for it, nothing is going to happen until somebody goes to ODOT and says they think there is a problem and there should be a left hand turn lane there whether they initiate it because if all of the people coming in started grumbling that this is a problem or the township goes there because it has been blocking enough traffic on Rt. 306 causing a problem with cars trying to turn left into the Weils then ODOT will come out and decide whether or not under their criteria they would recommend putting a turn lane in there, but somebody has to initiate the process and there has to be a reason for it too. He said he is around there all of the time and never really noticed that the Weils was creating a problem.

Mr. Murphy said he remembers with their traffic study there are parts of the intersection that are slowly failing and being overrun and he remembers them talking about the turn lane and unfortunately he does not remember them saying they are going to create their own turn lane or they would be part of it. He said since nothing here tonight becomes formal for a month until the next meeting, before the minutes are approved a month from now, could we ask to review that case because it was just a couple of years back.

Mr. Lamanna said yes.

Mr. Murphy said in fact if they have new lights they should have been complete cut-off light fixtures without glare and they should have new sodium vapor lamps added to the parking lot back there and he is a big believer in that, they should be full cut-off light fixtures and if they weren't shielded any new lights that went in at that point should be.

The board held a discussion regarding lighting.

Mr. Murphy said the board would like to address Mr. Miller's concerns and if the Weils said they were going to put in a turn lane then it should be addressed before the sign is approved and it should be contingent upon this rehab pavilion that was recently built and approved with additional variances that what they did is what they said they were going to do.

Mr. Miller said he appreciates that, it would be great.

Mr. Lamanna said anybody with a conditional use appearing for another variance it should be looked at to see if they are in compliance with their current conditional use and as a matter of course it is an opportunity if somebody comes in for another variance under a conditional use to look at it.

Mr. Miller said that enables them to continue though doesn't it.

Mr. Lamanna said the problem with all of these things is, the zoning inspector only has so much time and there are a lot of conditional uses and a lot of conditions that range from the extremely important to the not so important and some things have major impacts but part of the trouble is if nobody comes in and says anything about it and added the review process is around five years.

Mr. Murphy said he would like to see the 2002 pictures for what was allowed for the sign which was 32 sq. ft. and they are now saying their new sign is 30 sq. ft. and for some reason there seems to be a big discrepancy in that.

Mr. Horn said at the 2002 hearing the sign was to be 32 sq. ft.

Mr. Frezel asked if they counted the copy and not the background.

Mr. Horn said he did not know, he was not on the board at the time but that is what the minutes reflected.

Mr. Frezel said what he just said was 10" high.

Mr. Horn said the letters will be 10" – 12" or 32 sq. ft. and approval was given for 32 sq. ft., a 7 sq. ft. variance.

Mr. Frezel said out of curiosity if that is the case, when the sign was installed no one inspected the sign to make sure it complied with what was issued.

Mr. Lamanna said it is the obligation of the person putting it in to comply, you can't put something in and then say nobody came and measured it therefore I am okay because nobody complained about it.

Mr. Frezel said he is not saying that.

Mr. Horn said in a perfect world somebody should come by and see if they complied.

Mr. Frezel said in that case he shouldn't have to get a permit because maybe nobody will check but he doesn't do that.

Mr. Lamanna said it takes time for somebody to go out and measure and take calculations etc. and if you look at the sign, you could eyeball it and see if it isn't 32 sq. ft. or it isn't far off from 32 sq. ft.

Mr. Frezel said he has a question and at this point in time he will ask for this to be tabled obviously because that is the obvious thing to do but his question for the board is, are they going to that issue because this gentleman is concerned about the flooding and the lights or is the board concerned about the fact that the initial sign that is there now may not comply with what was granted earlier.

Mr. Lamanna said there is a discrepancy here and we want to find out why there appears to be a discrepancy.

Mr. Horn said from his perspective with regard to signage it is totally in terms of the previous approval of 32 sq. ft. and the other issues should still be reviewed but he thinks the sign issue is independent of the others.

Mr. Frezel said he agrees.

Mr. Lamanna said those issues are only issues from the standpoint that as he said before, if somebody comes in for a variance and they are operating under a conditional use permit and they haven't satisfied their conditions under the conditional use permit, the board is probably not going to grant them the variance until they come in and comply.

Mr. Frezel said he has a job to do and his job is to get an answer as to why and what transpired and he understands Mr. Miller's issues and he has sympathy for what he is saying but his issues have nothing to do with the sign whatsoever and that was his question and he knows the answer to the question now.

Mr. Lamanna said the issues are why there is a discrepancy between 32 sq. ft. and 44 sq. ft. and there may be an answer to that, not that somebody did anything wrong.

Mr. Olivier referred to the sign that is there and asked if that second lower sign "A Senior Living Community" was added later.

Mr. Frezel said it was part of the initial sign that was there, it wasn't added below it, it was part of the whole sign.

Mr. Murphy said as a carpenter he is looking at the whole thing and 32 sq. ft. is a 4' x 8' sheet of plywood and the new sign looks about 4' x 8' and the old sign looks like 4' x 8' plus maybe a little more, smaller letters on the old sign, bigger letters on the new sign and neither one looks horrible or obnoxious and nobody in the neighborhood complained about it but if in fact we gave a 7 sq. ft. overage in 2002 and they went from 32 sq. ft and just built the sign at 44 sq. ft. that is not exactly the best neighbor so we should find out if there is something between this document and now.

Mr. Frezel said at the end of the day the answer to the question is if indeed 32 sq. ft. is allowed and now the variance request is for additional square footage.

The board discussed the application and variance requested.

Mr. Murphy said the board should find out how they got to this size and maybe there is more paperwork.

Mr. Frezel said he will ask that this be tabled and he will go back to his client and tell them that he requested it to be tabled based on the 2002 minutes for 32 sq. ft. and how we got to the sign now and that it should be clarified.

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

Motion BZA 2011-2 – 16695 Chillicothe Road (The Weils)

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held February 17, 2011 at the request of the applicant and so the board can determine the discrepancy between the current sign and what was originally approved as a variance and to determine whether the applicant is meeting the current conditions of the conditional use.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2011-3 by Bainbridge Shopping Center II, LLC for property at 7205 Aurora Road

The applicant is requesting a modification to a conditional use permit. The property is located in a CR District.

The zoning inspector's letter dated January 20, 2011 was read.

Mr. Matt McGill of Bainbridge Shopping Center II, LLC was present to represent this application.

Mr. McGill testified that there are no area variances that are actually needed, it is a modification to their conditional use permit from the original approval they got back in 2002. He said basically what they are looking to do is develop a portion of the green space that is in the middle of the shopping center which is on the site plan that was provided. He said there is a conservation easement over a portion of that parcel and they will be staying out of that as required but basically they are looking to develop green space that would still keep them under their allowable variance that was previously approved.

Mr. Horn asked if this is where they are going to go from 40% to 47% with the addition of this.

Mr. McGill said yes and he provided a calculation that showed the existing but he also did additional calculations that would show where they would be at if they did do the development as shown on the site plan provided. He said based on the calculations if they developed the existing parcel between Thomasville Furniture and TNT Tanning and developed what they are proposing tonight the total lot coverage would be 45.886% and he believes he misspoke before when he said 47%, it is actually substantially lower than that but the overall lot coverage, if this variance is approved would only be 45.886% and they would be developing 61,324 sq. ft. in that middle portion of the shopping center.

Mr. Horn said with some parking and two small buildings.

Mr. McGill said correct and at this point that is just a conceptual to show how it would layout but it could revolve into just one building or two buildings but not more than two.

Mr. Horn asked if there is no conservation easement on the entire green area, it is only a portion of the green area that has the conservation easement on it.

Mr. McGill said there should be an overlay of the conservation easement as well as the 25' setback. He showed the board the overlay and said you can see where the existing conservation easement is and Mr. Wrench took the time to confirm that conservation easement location with the Ohio EPA and as far as the conservation easement documents this is the exhibit that goes along with it and you can see how it corresponds and the requirement is the 25' setback from that conservation easement which is on the plan as well.

Mr. Olivier asked if this is part of Parcel 8.

Mr. McGill said correct and the future Parcel 8D.

Mr. Murphy said so this becomes part of Dick's.

Mr. McGill said no it is 8D.

Mr. Murphy said the fact that it is on the original drawings as green space, that little square, and it is on one of the drawings as a conservation easement and asked if this document was obtained more formally.

Mr. McGill said this is actually the exhibit that is attached to the conservation easement document and asked Mr. Wrench if he found the actual conservation easement document.

Mr. Wrench said yes from the EPA.

Mr. McGill said correct and that was the exhibit attached to that.

Mr. Murphy referred to the document that said there was on-site mitigation for the Ohio EPA, Marketplace at Four Corners and this would have been mitigated because of.

Mr. McGill explained that the original development took out a certain amount of wetlands and they mitigated them, some on-site and some over in Twinsburg.

Mr. Murphy said so in fact this whole square right here is labeled on this Exhibit B as green space.

Mr. McGill said correct.

Mr. Murphy said to Mr. McGill he is saying he is going to take and pave some of that green space on this application today.

Mr. McGill said correct and it would be subject to the conservation easement.

Mr. Murphy said they call that entire square green space, not future McDonald's. He said this mitigation document says that is green space.

Mr. McGill said the mitigation plan deals only with wetlands, while it is labeled green space on it there is no requirement to maintain it as green space per the EPA, it is only just labeled green space on there.

Mr. Olivier said you have got green space in other places, lot coverage dictates green space so that is just a label that was placed on it unless they mean the covenants and restrictions.

Mr. Lamanna said he does not think there was ever a covenants because five or six years ago he thinks either as part of something else it was brought up the possibility of doing this and he thinks ultimately it was decided you were not going to do it so it fell out of another matter the board was addressing.

Mr. McGill said correct, it was previously mentioned but we didn't pursue it.

Mr. Lamanna said you decided not to pursue it because at the time you (Mr. McGill) thought that it was going to all get built up on the other side where Thomasville is and it was thought that the buildable area was going to get used up over there so it was a moot issue.

Mr. Murphy said Mr. Dan Osterfeld from the State of Ohio EPA in an email said "I checked the actual Permanent Injunction Consent Order and only 0.42 acres of wetland is required to be protected in perpetuity, the rest is considered green space. I am certain that the Ohio EPA was thinking that this green space would provide an upland buffer for the 0.42 acre wetland and was hoping that it too would be protected. However, in the Permanent Injunction Consent Order, this appears to have been left to the local agencies as to green space requirements for their development." He said so in fact the Ohio EPA did not prohibit you (Mr. McGill) from developing that they just hoped that you would not develop it to protect it.

Mr. Lamanna said someone is surmising that that is what they might have been considering.

Mr. Olivier said but they required a 25' buffer and if they wanted more they would have required a 100' buffer or a 200' buffer. He said they put a buffer around the wetlands.

Mr. Murphy said let's not even go back to what happened in the parking lot in that woods, in that beautiful swamp before everything happened, things happen so let's not go back to that, the reason for the mitigation is that people destroyed the wetlands. He said you have got four-tenths of an acre in the middle of a parking lot and we have a green space and now we are talking about paving 1/3 or 40% of that is what he sees happening. He said he is trying to clarify what is being asked for is all and it is on the Ohio EPA Mitigation drawing B and we have Mr. Wrench's request to Mr. Dan Osterfeld at the State EPA office from January 19th (yesterday). He asked how much the green space is.

Mr. McGill said it is around four acres.

Mr. Murphy said so if in fact you would take and develop that front half how much of that is woods, how many trees are coming down.

Mr. McGill said none.

Mr. Murphy asked if it is all lawn in the front half so you are going right up to the treed buffer.

Mr. McGill said up to 25' off the trees which will be the setback.

Mr. Lamanna said so the trees are all actually in the mitigation.

Mr. McGill said correct.

Mr. Lamanna asked if there is any slope to that area.

Mr. McGill said not a lot.

Mr. Horn said it slopes in the middle.

Mr. McGill said the majority of the water flows out to the pond on the exterior of the development.

The board discussed the slope and the direction the water is flowing.

Mr. Lamanna said without seeing the numbers it is hard to tell because there could be a ridgeline in there possibly. He said he is taking away part of what is feeding that area.

Mr. Olivier asked if the wetland is tied into something else.

Mr. McGill said no.

Mr. Lamanna said he is hoping the parking lot does not drain in there.

Mr. McGill said no the majority of the parking lot does not drain to that. He said you have run-off that comes from the outside of Kohl's parcel and then the outside of what was Circuit City into that, however the majority of the parking lot goes into the three large ponds that are on-site, one as you can see in the bottom corner, the one next to Walmart and the one behind Kohl's, that is where the majority of the water goes.

Mr. Lamanna asked if that is curbed on the side of the access road.

Mr. McGill said he is not sure.

Mr. Horn asked Mr. McGill if he had any communication with Tinker's Creek Land Conservancy that holds the conservation easement.

Mr. McGill said it is Western Reserve now and he did meet with them on-site.

Mr. Horn asked if they had a drainage issue.

Mr. McGill said no, completely separate, they had some guys mowing and they wanted no mow areas and that was late in 2009 and that was somebody from Western Reserve who took over the duties from Tinker's Creek. He said the majority of the areas that were affecting the conservation easements were actually the people coming onto our property and he thinks the BMW dealership and also the Sirna's Market were encroaching on it and that was what the main problems were.

Mr. Murphy asked if every parking space called for is necessary on the property already and is there a possibility of reducing parking to develop this property more and he is assuming Mr. McGill is looking to putting a couple of more small restaurants in the green space.

Mr. McGill replied correct and said the current parking ratio required by the township is 4.0 for 1,000 sq. ft., we actually have closer to 4.6 and that is due to tenant requirements to be in the shopping center which are reflected in the ETR that was recorded when this was originally done. He said most tenants require 5.0 on a national basis but we were able to meet them in the middle between the township's requirements and their requirements to get to 4.5 to 4.6.

Mr. Murphy asked other than the green space what other spaces are still developable, there is the space next to the furniture store.

Mr. Horn said there is not much more to be developed if they get the 46% here.

Mr. McGill said correct and actually the one that shows where the Home Depot was going to be and what they were proposing and now you can see what is there, you have a much smaller, shallower building and allows us development in this area over here (he referred to a site plan) and the rest of it, for the most part, stays the same.

Mr. Murphy said he understands, originally that was going to be the Home Depot.

Mr. McGill replied yes and while it is noted on here as being developed, this drive is not in the same spot, it is currently closer and giving more green space out in this area (he referred to a site plan).

Mr. Murphy said without getting into the green space this property is still part of the developable building area so without having the whole parcel built out completely we are looking to go into the green space.

Mr. McGill said the reason is because those two sites apply to different tenants, he cannot get a restaurant to go back in here (he referred to a site plan) but he can get a restaurant up in here, it is just a different desire of tenant's needs.

Mr. Lamanna said they want exposure to the street.

Mr. Olivier said it sounds like they are swapping green space in the back corner for it up front.

Mr. McGill said and based on the lot coverage even if he developed that and the remaining spaces available they are still at only 45.88% which puts them 2.5% under their variance. He said once it is developed, you can't develop behind the shopping center so there is physically no where feasible.

Mr. Lamanna said you could fill in that one little blank section there with some small stores.

Mr. McGill said correct.

Mr. Olivier asked if that parcel in the front on Rt. 43 is developable (he referred to the GIS aerial photo).

Mr. McGill said no it is not, he believes there are some wetlands in that area and there is something up in there that is part of a conservation easement and in fact the whole area that is shaded is a conservation easement so without modifying the conservation easement it can't be developed.

Mr. Murphy asked Mr. Wrench if he knows Mr. Osterfeld's position in the EPA, he is in the Division of Surface Water but what is his status.

Mr. McGill said he is pretty sure he is some type of field inspector.

Mr. Murphy said it is the only thing the board has from the EPA dealing with this.

Mr. Wrench said the main question presented to him (Mr. Osterfeld) was with regards to the conservation easement and he was familiar with that when it transpired originally and he was confirming the conservation easement.

Mr. Murphy read from Mr. Osterfeld's letter "I am certain that the Ohio EPA was thinking that this green space would provide an upland buffer for the 0.42 acre wetland and was hoping that it too would be protected." He said that sentence is part of the things that are being done now and are even more than the development plan for this is more and more they are trying to do things where you take run-off of salt from parking lots and storm water and give it a place to slow down, they have rain gardens and swamp plants that are salt tolerant and those kind of things and he knows there is not a whole lot of that in this thing, there is the whole surrounding area and in driving around through there he was thinking that that green zone was permanent green zone and it may or may not be as we will find out but the EPA seems to think it was too and that is what he is seeing here. He said he understands they are saying it is 0.42 that is locked up and there is 25' off of it.

Mr. McGill said actually Mr. Murphy mentioned more purification processes and if you drive behind the ponds (he noted the locations on the site plan) you will see it goes through those types of plantings so before it leaves their development it goes through a purification process just like he spoke about and it was designed that way, it filters the water from the salt and everything.

Mr. Murphy said he likes that, that is good and asked Mr. McGill if there are actually three out-flows from the property, he said he knows it is almost flat and he understands what we are dealing with over there, there are three retainage areas.

Mr. McGill said correct and referred to a site plan and explained that this one specifically goes into a creek, this one goes directly into the wetland and then this one has an out-stretch that goes into another creek and it already goes through the wetland plantings that are in the ponds.

Mr. Murphy said it is all pretty flat and it doesn't end up in Geauga Lake it ends up in Tinker's Creek.

The board discussed the ponds and elevations of the property.

Mr. Murphy said the green space he would guess is 2' lower than the pavement.

Mr. Lamanna asked Mr. McGill if that area is going to have to be filled.

Mr. McGill said he did not think so.

Mr. Murphy said right behind that after the 25' of buffer zone is swamp and he thinks it is low.

Mr. Lamanna said you can see that that is lower.

Mr. Murphy asked why we are calling it a green zone.

Mr. Lamanna said they were just identifying what it is because this map was prepared after the parking lot was already planned out.

Mr. McGill said if you note on this map which is the same one that Western Reserve has the hashed area is the conservation easement but that is the only thing that is governed by the EPA in the Western Reserve Land Conservancy.

Mr. Lamanna said the easement covers where the trees are and there is a 25' buffer.

Mr. McGill replied yes and said it is 25' off the drive to the southeast and to the northwest there is also another 25' from the drive that heads straight back to Walmart.

Mr. Murphy referred to Exhibit B as saying the proposed on-site mitigation per the Ohio EPA and asked is that agreed to or do we have anything that says this is what was agreed to, this is proposed so what this is showing me is these were wetlands that are now pavement and this is the mitigated conservation easement area (he referred to Exhibit B) and this was forested at one time and it was emergent wetlands at one time and now this is all concrete, asphalt and buildings and this is now the conservation easement area and this is proposed and he does not know what that is.

Mr. McGill said that is correct, it was provided by the EPA.

Mr. Murphy said it was proposed and there is a small .42 acres in the middle of that green space with an outflow pipe to the road. He said conservation easement one is all the way around the outside, conservation easement two is that little thing in the middle.

Mr. Olivier asked why this application is in front of the board if he is not building in the conservation easement.

Mr. Lamanna said because it is an approved conditional use so it is a modification to a the conditional use. He said his question is whether or not this will adversely affect the conservation easement in any material way. He said one thing that has to be clear is that once this is developed that it is either bermed or curbed or whatever so that we don't have any drainage from the parking lot into it.

Mr. McGill referred to the GIS photo and asked if this map has been upgraded to match the existing grade.

Mr. Lamanna said that was pre-parking lot grade so once anything reaches a paved area we don't know what it is anymore, we are assuming the contour is just inside the green area but you can see in one area, he doesn't know if it is a depression or a little hill in there but obviously there is not a lot of change. He said the one thing to watch is if the water from the parking lot goes flowing down into the protected wetlands, with salt from automobiles and oil and grease so he thinks that is one thing to make sure when it is developed that there is a physical separation of that parking lot so that the water can't flow back into the green area. He said he assumes there is drainage that can be tapped into anyway.

Mr. McGill said correct.

Mr. Horn said the board should try to get some communication from the Ohio EPA and the Western Reserve Land Conservancy on this issue or put in the conditional use, prior to beginning construction they would have to get the plans approved by the Ohio EPA and the Western Reserve Land Conservancy that it will not adversely affect the conservation easement.

Mr. Lamanna said we could ask him to do it with the Western Reserve Land Conservancy but he doesn't think the Ohio EPA has any authority to do anything or have jurisdiction over it.

Mr. McGill said when he gets the final plans he can contact the person he deals with at Western Reserve Land Conservancy, that is no problem at all.

Mr. Lamanna asked Mr. McGill if he talked to the contact person about this.

Mr. McGill said no since it was outside the conservation easement he didn't see the point but he will contact them.

Mr. Lamanna said the board would like their opinion regarding the conservation easement.

Mr. Olivier asked about Geauga Soil and Water reviewing it.

Mr. McGill said he believes he has to submit to them for any drainage issues and when they do the final civil plans they will submit to them for approval and their approval is contingent upon him being able to build and they can't get the final drawings done until they get approval from them anyway.

Mr. Lamanna asked why the Land Conservancy wouldn't have been notified because certainly they would have some interest to appear here because they hold an interest in the property. He said he thinks the board should hear from the Western Reserve Land Conservancy.

Mr. Murphy asked Mr. McGill when he wants to move on this.

Mr. McGill said he is always going to come back with a final layout because right now he is looking for permission to develop it and he would have to get a final site plan completed.

Mr. Lamanna said the board would like to hear from the Land Conservancy and if they said they don't have a problem with it, will the board have an issue with it.

Mr. Murphy said at that point, probably not.

Mr. Lamanna said his concern is will this really adversely affect the viability of the wetlands.

Mr. Murphy said that may in fact be true.

The board was in agreement to hear from the Western Reserve Land Conservancy.

Mr. Lamanna said the board has to make sure if this was developed that it would be totally isolated from the mitigation area in terms of water flow and there would not be any run-off or drainage going back into it.

Mr. Murphy said it appears there is a drain going out of that property.

Mr. Lamanna said there are drains they can tie into but then they will also need some kind of berm or curb across the back.

Mr. Murphy said he would feel more comfortable to have the Land Conservancy here.

Mr. Lamanna suggested that the board send a formal notice contacting them.

Mr. McGill asked if it would be easier to get a letter from them saying this won't be affected.

Mr. Lamanna said yes.

Mr. Horn said it would be better to get the letter earlier than later, not the night of the hearing, incase there is a question the board can contact them about it.

Mr. McGill said okay.

Mr. Murphy asked Mr. McGill where he got the 25' setback number.

Mr. McGill said he believes it is part of the conservation easement.

Mr. Murphy said the EPA said one sentence more than you would have hoped they would which is they thought the green space was something more permanent.

Mr. Lamanna said they had the chance to make it part of it and they didn't do it because this was a pretty serious court decision and if they wanted a buffer zone that big they could have asked for a buffer zone the current limits of the green space. He said let's see what the Land Conservancy says on this and the board will table this application until next month.

Mr. McGill asked if that is the only comment that is out there.

Mr. Lamanna said yes but the board needs to be clear that the developed area will be isolated from the conservation easement area and it needs to make sure that when it is being laid out that the area is totally isolated.

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

Motion BZA – 2011-3 – 7205 Aurora (Bainbridge Shopping Center II, LLC)

Mr. Lamanna made a motion to postpone this application and continue it to the next regularly scheduled meeting to be held February 17, 2011.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Since there was no further testimony, the public hearing was closed at 9:07 P.M.

Respectfully submitted,

Christopher Horn
Michael Lamanna, Chairman
Mark Murphy
Mark Olivier

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

Date: February 17, 2011

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
January 20, 2011

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:07 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Christopher Horn, Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the November 18, 2010 meeting with the correction of the small typographical error on page 3.

Mr. Horn seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

ORGANIZATIONAL SESSION

Sunshine Law

Mr. Lamanna made a motion to adopt the Ohio Sunshine Law (ORC).

Mr. Horn seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Meeting Schedule

Mr. Lamanna made a motion to set the meeting night of the Board of Zoning Appeals on the third Thursday of each month at 7:00 P.M. at the Bainbridge Town Hall; which meetings may be continued from time to time, at the discretion of the board, to such other dates as set at the meeting; and also that the board may schedule additional meetings during the month upon its motion.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Vice Chairman

Mr. Horn made a motion to appoint Mr. Lewis as Vice Chairman.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Chairman

Mr. Horn made a motion to appoint Mr. Lamanna as Chairman.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Notice of Meetings

Mr. Lamanna made a motion to require a \$25.00 fee and 12 self addressed stamped envelopes for notice of public hearings and/or special meetings.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Zoning Secretary

Mr. Lamanna made a motion to reappoint Linda Zimmerman as secretary to the Board of Zoning Appeals.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

By-Laws

Mr. Lamanna made a motion to adopt the following by-laws as amended on January 15, 2009.

Mr. Olivier seconded the motion.

Vote: Mr. Horn, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

NEW BUSINESS

BZA -2011-1 – 17110 Hidden Point Drive

Mr. Shane Wrench, Zoning Inspector met with the board to discuss the lot coverage situation in the Bridgeway Subdivision.

Applications for February 17, 2011

Application 2011-2 by Fastsigns Lyndhurst for Montefiore (The Weils) for property at 16695 Chillicothe Road – Continuance

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

Application 2011-4 by Paul Willson for property at 18760 Snyder Road

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

Application 2011-5 by Jason Dalessandro for property at 7585 Cottonwood Trail

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

Application 2011-6 by A. & E. Real Estate LLC for property at 17800 Chillicothe Road

The applicant is requesting area variances for the purpose of constructing a stand-alone building in a strip shopping center for animal daycare. The property is located in a CB District.

Application 2011-7 by Geauga Lake Flea Market LLP for property at PP# 02-126400; PP# 02-126500; and PP# 02-126600 - Parking Lot of Former Geauga Lake Amusement Park

The applicant is requesting a use variance for the purpose of holding seasonal outdoor sales of merchandise, craft shows and related events from April through October annually. The property is located in a CR District.

Application 2011-8 by Major Harrison of Brilliant Electric Sign Co., Ltd. For Bainbridge Center LLC for property at 17747 Chillicothe Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for February 17, 2011 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:03 P.M.

Respectfully submitted,

Christopher Horn
Michael Lamanna, Chairman
Mark Murphy
Mark Olivier

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

Date: February 17, 2011