

Bainbridge Township, Ohio
Board of Zoning Appeals
December 18, 2003

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:45 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 2003-53 by Mark A. Murphy for property at 17117 Catsden Road

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.

The zoning inspector's letter dated November 24, 2003 was read and photos of the site were submitted.

Mr. Mark Murphy was present to represent this application.

Mr. Murphy testified that he wants to build a house on a two acre lot in a five acre zoning district and is asking for a variance from the side yard setback requirements because the lot is only 144' wide. He said the lot is deep and narrow and can be within the 90' rear yard setback but cannot be within the 50' side yard setbacks.

Mr. Lamanna said the house looks like it is going to be 300' back.

Mr. Takacs asked what is on either side of the lot.

Mr. Murphy said typically the houses are closer to the street than his will be and the back side of his lot abuts Bluso's property on Country Lane, to the south there is a house and on the north side there is another house closer to the street.

Mr. Lamanna asked who owns the property in the back.

Mr. Murphy said the Blusos.

Mr. Olivier asked if there is a house on that property.

Mr. Murphy said yes, it is close to Country Lane.

Mrs. Stanton asked since the property drops off, will the proposed house been seen.

Mr. Murphy said yes, it will be seen in the winter, but not the summer and explained that the garage will be ground level and there is a 65' elevation difference from Catsden Road to the first floor of the house.

Mr. Lamanna asked about the back of the proposed house.

Mr. Murphy said it will have a deck and a screened-in porch.

Mr. Olivier asked about the location of the main entrance.

Mr. Murphy said it is in the corner of the house.

The board reviewed the site plan and the variances requested.

Mr. Murphy said they will have a three-car garage and when walking the property it feels flat but it climbs.

Mr. Lamanna asked if there will be 40' on one side.

Mr. McIntyre replied yes with a chimney stack.

Mr. Takacs said the house runs the long way.

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

Motion BZA 2003-53 – 17117 Catsden Road

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

1. A variance from the maximum lot coverage of 10% to 18.2% for a variance of 8.2%.
2. A variance from the required side yard setback of 50' to 40' for a variance of 10' on one side.
3. A variance from the required side yard setback of 50' to 36' for a variance of 14' on the other side.

Based on the following findings of fact:

1. The applicant has a pre-existing lot of record.
2. The lot is only 144.64' wide and 1.8 acres and therefore has a practical difficulty in meeting the setback requirements.
3. The house that the applicant proposed is a reasonable house for this property and is oriented such as to minimize the amount of variances required.

Motion BZA 2003-53 – 17117 Catsden Road - Continued

4. The applicant also has a lot that climbs on a hill and the house is situated in a flat spot near the back end of the lot necessitating a long driveway which increases the lot coverage requirement.
5. Where this house is located is far back from the adjacent dwellings and therefore will not have any impact on those adjacent dwellings.

Mr. Takacs seconded the motion.

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

Application 2003-54 by Boyer Signs & Graphics for Home Savings Bank for property at 7075 Kent Road (Route 43)

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

Application 2003-55 by Boyer Signs & Graphics for Home Savings Bank for property at 7075 Kent Road (Route 43)

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

The board was in agreement to hear applications 2003-54 and 2003-55 together.

The zoning inspector's letters dated November 24, 2003 were read and photos of the site were submitted.

Mr. Bob Casto of Boyer Signs was present to represent these applications.

Mr. Lamanna asked if Mr. Casto had permission from Home Savings Bank to represent these applications.

Mr. Casto testified by saying yes and said there are two items that require a variance. He said one is the second wall sign on the west elevation which is the back side of the building facing Kohl's and the other is to add the corporate logo to the east elevation facing Route 43 and with those two additional signs on there, it adds to the overall square footage of the project as a whole. He continued by saying that the corporate logo needs to be addressed because it distinguishes them from other savings institutions.

Mr. Casto said the rear of the building needs a sign because when traffic is going from the shopping center toward Rt. 43, no one would know what building it is and there is a lot of traffic on the back side, so the building needs to be identified. He added that a sign is currently up but it does not have the corporate logo on it to identify the bank.

Mr. Lamanna said that the variance equals 50% of the total square footage and it is way more than anyone else has gotten and is 52% over what is permitted but given the way this building is, he can see some support for granting an extra wall sign with the two-way traffic.

Mr. Takacs asked how the square footage was calculated.

Mr. McIntyre explained how it was calculated.

Mr. Lamanna said it is a consistent way of doing it and by adding the corporate logo, it adds 90 sq. ft. and without the logo, the sign is basically in compliance.

Mr. Lewis said the existing sign on the east elevation fronts on Rt. 43 and the other proposed sign will be on the inside of the shopping center.

Mr. Lamanna asked if the logo could be placed in between Home and Savings.

Mr. David DePesquale testified that they are willing to eliminate the logo on the west side of the building but it would give an odd appearance with a big blank space.

Mr. Takacs asked if there will also be a ground sign on Rt. 43.

Mr. DePesquale said that is correct but it will not be seen with the landscaping.

Mr. Takacs said the ground sign will be seen before the one on the building.

Mr. DePesquale said it is their corporate logo that needs to be seen.

Mr. Lamanna said the calculated area is bigger because of the triangle.

The board reviewed the variance request and calculations of the proposed signage.

Mr. DePesquale said it is important to have the logo on the front of the building so people know it is not the Home Savings in Kent and added that they are not affiliated.

Mr. Takacs asked if they need to keep the logo there.

Mr. DePesquale said yes because of the mound, it is important to have it with the name.

The board discussed the signage calculations.

Mr. McIntyre said if the logo is 3 ft. x 3 ft., it is 9 sq. ft.

The board discussed the calculations and having the logo stay on the Rt. 43 side only with no logo on the back side (east side) of the building and asked to see what the ground sign will look like.

Mr. Casto showed the board a rendering of what the ground sign will look like.

Since there was no further testimony, these applications were concluded.

Motion BZA 2003-54 and 2003-55 – Home Savings Bank – 7075 Kent Road (Route 43)

Mr. Lamanna made the following motion with respect to applications 2003-54 and 2003-55 to grant the applicant the following variances:

1. A variance to install a second wall sign as shown on the applicant's application without the logo for approximately an additional 24 sq. ft.
2. With respect to the front and main wall sign facing Kent Road (Route 43), the board grants a variance of 10 sq. ft. based on recalculations of the proposed sign.
3. With respect to the total signage for the property permitted which is 159.2 sq. ft., the board also grants a variance of 10 sq. ft. to that, to allow the installation of the additional signage.

Based on the following findings of fact:

1. The applicant's building faces two ways, one onto the main highway and one into the shopping center and therefore it is reasonable to have a second wall sign on this part of the building facing into the shopping center.
2. Given the arrangement of the building and the additional wall sign, a small diminutive variance of 10 sq. ft. is reasonable under the circumstances.

Mr. Takacs seconded the motion.

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

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

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.

The zoning inspector's letter dated November 24, 2003 was read and photos of the site were submitted.

Mr. Lamanna explained that all buildings must be located 100' from the property line, but they are requesting a 20' variance and said that they are also requesting a variance from maximum lot coverage to 52.62% for a variance of 12.62%.

Mr. Brian Grassa, Senior Project Manager for Heritage Development was present to represent this application.

Mr. Grassa testified that Heritage is looking at the parcel of land on the south side of Aurora Road bordered by the railroad lines on the north and the relocated Geauga Lake Road on the east. He said there is a lot of interest in expanding and they are looking to bring in more national retailers and the middle area of 33,000 sq. ft. will be for local merchants like craftsmen, artisans etc. He explained the design aspects with the main building off of Aurora Road across from the entrance to the existing shopping center. He said the proposed 20' setback variance will be along the westerly border that faces vacant land in the City of Solon and in addition, and more importantly, is the lot coverage because of economics, aesthetics and marketing and in order to develop the center and develop amenities and services, they need at least that amount of building on the site plan.

Mr. Takacs asked if the building can be configured with the same square footage but to remove the variance from the side yard setback.

Mr. Grassa said they will formally remove that request from the application and added that he agrees with the board.

Mr. Takacs asked about the proposed parking spaces.

Mr. McIntyre explained that parking spaces are calculated at 300 sq. ft. for parking and maneuverability and there is more parking requested than what is required.

Mr. Takacs said they are 5.2% over lot coverage on the parking and asked if that is part of the 52%.

Mr. McIntyre said yes and if the 5.2% were to be removed, it would reduce the lot coverage to 47%.

Mr. Grassa said he does concur with Mr. McIntyre's comments but many of the proposed stores are national retailers and they ask for the maximum parking spaces. He said it is a balancing act to accommodate their parking needs.

Mr. Takacs asked about the parking across the street.

Mr. Grassa said the parking is at 4.3%.

Mr. Takacs said he believes they have extra spaces across the street.

Mr. Grassa said the shopping center is not built out yet but the parking lot does exist so that is where you are getting the average on the parking.

Mr. Olivier asked about the proposed access drives onto Geauga Lake Road.

Mr. Grassa said the 10' strip of land between the parking lot and the road was donated to Bainbridge Township and there is an agreement that there shall be no access from the relocated Geauga Lake Road from Six Flags and he read from the agreement. He said that land is owned by Bainbridge Township and there are no restrictions as far as access for this property but we will need an easement.

Mr. Lamanna asked what if an easement cannot be obtained for access.

Mr. Grassa said it would force all the traffic out at the intersection.

Mr. Takacs said there are three access points.

Mr. Grassa said that is correct.

Mr. Lamanna said there is an agreement to not have the Six Flags parking lot coming out onto the relocated Geauga Lake Road to prevent clogging up on that road and if you dump everyone onto Geauga Lake Road, it defeats that purpose.

Mr. Grassa said they (Heritage) should sit down with the trustees.

Mr. Lamanna said the relocation of Geauga Lake Road was done for a specific purpose and was done on Six Flags' nickel to a large extent and they may have something to say about this also. He said he has not seen any traffic studies or evidence for the lot coverage and asked Mr. Grassa where he is prepared to go from here.

Mr. Grassa said he is prepared to start discussions tonight and wanted to bring the issues to the board.

Mr. Lamanna asked about the property behind this parcel.

Mr. McIntyre said there is a five acre triangular piece that belongs to Parkside Church and the VFW is located across the street on the north side of Pettibone Road. He explained to the board the location of Parkside Church and the VFW.

Mr. Lawrence Bartolone of 7269 Pettibone Road testified that the site plan submitted by Heritage should show the five residential homes on Pettibone Road and added that his property starts at the curve. He said they can hear the vacuums and can see the lights from Geauga Lake Road when the leaves are off the trees.

Mr. Lamanna said the board needs to address what is behind the proposed shopping center and that it is all residential behind the railroad tracks.

Mr. Grassa said he wants to hear the concerns of the board and the township trustees.

Mr. Lamanna said the board would want a traffic study done.

Mr. Grassa said he does have some preliminary numbers and will submit them at the next meeting.

Mr. Takacs said there is frontage on Kent/Aurora Road.

Mr. Grassa said yes.

Mr. Takacs said there are three entrances/exits on Geauga Lake Road and two on Aurora Road.

Mr. Grassa said there is 1,584 ft. on Aurora Road and 1,956 feet along Geauga Lake Road.

Mr. Lamanna asked about the orientation of the out parcels.

Mr. Grassa said they will design them to orient into the center.

Mr. Lamanna said the township does not want to turn Geauga Lake Road into a commercial road.

Mr. Grassa said it is a point well taken.

Mr. Lamanna said the lot coverage is an issue.

Mr. Grassa said they need it because of the parking support for the national parking trends.

Mrs. Stanton referred to the existing shopping center and said she does not see anyone parking way out, that people tend to drive from one building to the other and there is a lot of parking. She said she has a problem with the amount of parking and concrete at the current shopping center.

Mr. Grassa said they like the idea of land bank parking.

Mrs. Stanton asked if they would landscape it.

Mr. Grassa said they could landscape it with green surfaces but not trees.

Mr. Steve Spencer of 837 East Boulevard, Aurora testified that they had no problem tearing down trees.

Mr. Ted Seliga asked what the square footage of this proposed shopping center is compared to the existing shopping center.

Mr. Grassa said when the existing shopping center is built out it will be 750,000 sq. ft. and the proposed shopping center is 600,000 sq. ft.

Mr. Seliga asked what the square footage is of the existing shopping center today.

Mr. Grassa said it is approximately 600,000 sq. ft.

Mr. Olivier asked if there were plans for on-site detention basins.

Mr. Grassa said yes 80% will flow north and 15% flows to the south on either side of the wetland area and added that they do have a preliminary drainage plan.

Mr. Olivier asked if the detention basins were included in the lot coverage.

Mr. Grassa said we will have slopes to accommodate and they will not be included in their lot coverage calculations.

The board discussed the lot coverage calculations and acreage.

Mr. Lamanna said that 15% - 16% are buildings and the rest is parking and the applicant needs to be more efficient with the parking and roadways. He told Mr. Grassa that he might want to go back and revisit the site plan because there is way too much parking and roadways.

Mrs. Ann Meyers of Chagrin Road asked how many stores will be in the proposed shopping center.

Mr. Grassa said they are looking at five stores but the footprint is not set in stone and we are looking at a lot coverage variance to allow that much building and parking and we are marketing toward five main stores with a cluster of shops in the middle.

Mrs. Meyers asked if the wetlands are shown on the map.

Mr. Grassa said there is less than ½ of one acre of wetlands along St. Rt. 43.

Mrs. Meyers asked if the project manager will know where the wetlands are and will everyone be aware of them.

Mr. Grassa said they already submitted a permit application to the Army Corp of Engineers.

Mr. Jim Vacca of 1101 Moneta Avenue, Aurora, testified that he is a neighbor to the existing shopping center and there is nothing like the sound of garbage trucks in the morning and the lighting is very intrusive also. He said Heritage stated they will keep the traffic down at night but they have not and the residents have had no help from Bainbridge with the flooding. He said he does not see a retention pond and added that Six Flags will go after the township if you (Heritage) go after the access along Geauga Lake Road. He said it was originally a rural road and he has lived out here for 50 years and this is the third time the road was moved. He said the Pettibone Road residents should be concerned about the noise, lights and water and said this problem will occur.

Mr. Lamanna asked if these issues have been taken up with the Geauga Soil & Water Conservation people.

Mr. Vacca said yes and their advice was to use three bales of hay.

Mr. Lamanna said the board requires the applicant to have a plan that conforms with the Geauga Soil & Water Conservation District and we do not want that sort of thing to happen and that is why we have Geauga Soil & Water to look into this and why we have engineers come in and give testimony.

Mr. Vacca said the board also has the say-so regarding garbage trucks at 2:00 A.M. and this is what we tried to get from you people the last time and added that the Reminderville people are getting flooded.

Mr. Lamanna said the board appreciates everyone's concerns and we will ask the township to look at our agreements with them.

Mr. Gray Jancsorak of 1014 Moneta Drive, Aurora testified by referring to the truck traffic and asked if the property has already been delineated and asked about the retention/detention ponds and said he is walking around with more water in his yard than there is in the detention pond and said it was not planned right. He said the pond fills up and goes over the dam and there is a ridge that goes between the detention pond and he was walking in water above his knees. He said they need to find out what is wrong with the detention pond on the first property before building on another one.

Mr. Lamanna told Mr. Jancsorak that he needs to talk to the people at Heritage, the zoning inspector and Geauga Soil & Water.

Mr. McIntyre testified that this was the first time he was told about the flooding situation and something is malfunctioning and he will look into that.

Mr. Jancsorak said he went to his city council first.

Mr. McIntyre said the township will drag whoever they have to into this situation.

Mr. Lamanna said the board will look closely at this new situation.

Mr. Jancsorak said they (Heritage) have proven they can't manage the property.

Mr. Grassa said that 85% of this property drains to Pettibone Road and asked Mr. Jancsorak if he has contacted their office.

Mr. Jancsorak said he did not know who they (Heritage) were and this has been addressed with the Aurora City Council since March.

Mr. Albert Williams of 10589 Florida Street, Reminderville testified that he is the President of Council for Reminderville and said their site manager was in his backyard when it was flooded and it has flooded 15 times this summer and he is getting silt build up and fish living there now. He said to say they are not aware, their site manager was there with the EPA.

Mr. Steve Spencer of 837 East Boulevard, Aurora testified that the site plan shows three cuts onto the relocated Geauga Lake Road and when Geauga Lake Road was relocated, they re-built the wetlands and if cuts are allowed it will put traffic of 1,000 cars on a township road that is not designed for this in a wetlands area. He said in reference to an agreement with the township trustees, does that agreement not say there will be no cuts into the Milstein property also.

Mr. Grassa replied yes.

Mr. Spencer said it is right across the street from Summit Street and an old parking lot and we will get people cutting across there so it would be better to have an entrance there with another light.

Mr. Lamanna said the state cannot just put extra traffic lights along there and the traffic engineers will control the entrance and exits. He said the board made clear its opinion on the proposed entrances and exits on Geauga Lake Road.

Mr. Spencer asked if the traffic study will show existing traffic as well as the increase and said it appears that this proposal extends to Pettibone Road and asked if there is any thought to putting an entrance on Pettibone Road.

Mr. John Scott of Solon testified that he is a member of Council – Ward 3 of the City of Solon and said property in Solon abuts the proposed shopping center and the area that is in Solon that abuts the proposed shopping center is zoned residential. He said part of the property that is owned by Heritage is zoned residential and it is going to stay residential.

Mr. Grassa said this is the only property we are intending to purchase.

Mr. Scott said that part of the Milstein property is in Solon.

Mrs. Meyers asked if the board can legally demand a bond from these developers to be kept in escrow for a certain period of time.

Mr. Lamanna said he does not think board has any authority to require that kind of thing.

Mrs. Meyers asked if it could be researched.

Mr. Vacca referred to the traffic on Rt. 43 and said people will go against the traffic. He continued by saying that regarding the retention basins, he will talk to Mr. McIntyre about the issue and he started at the top and said he gets the feeling that Bainbridge Township works real hard for their residents.

Mr. Lamanna said that this is certainly an issue if so many complaints are coming out of the existing project and we need to make sure that the appropriate people get on this situation.

Mr. Grassa said he has his notes.

Mr. Lamanna said he is not sure an access onto Pettibone Road would be a good or bad thing.

Mr. Grassa said he is concerned about the wetlands and added that this was the original site they looked at and they have the property here but no one wants them to use the roads and he wants the opportunity to talk to the township's safety forces.

Mr. Lamanna said it is worth talking to the safety forces about an access on Pettibone Road.

Mr. Seliga asked if that was just the public or the board that was against the access road on Pettibone and said there are positives along with the negatives.

Mr. Grassa said it was a combination opposition.

Mr. Lamanna said we have to look at the pluses and minuses.

Mr. Seliga said this property has always been designated for a purpose like this.

Mr. Lamanna said that traffic will always be a problem no matter what but the board does not want to do anything to exacerbate the traffic in that area.

Mr. Grassa said they are not looking to be bad neighbors or cause a problem and they will address the problems as they come up.

Mr. Lamanna told Mr. Grassa to go back and re-tool the plans a little bit and added that the board is not happy with 52% lot coverage and we want people to get closer to 40%. He said in looking at the square footage, there is too much parking and roads proposed and suggested that this application be tabled until next month.

Mr. Bartolone asked when the traffic study will be done, now or July 4th weekend.

Mr. Lamanna said the study will probably count for those periods and the board will probably want look at the traffic study next month.

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

Motion BZA 2003-56 – Heritage Development – PP# 02-420598 Aurora Road

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held January 15, 2004.

Mr. Takacs seconded the motion.

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

Since there was no further testimony the public hearing was closed at 9:34 P.M.

Respectfully submitted,

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

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

Date: January 15, 2004

Bainbridge Township, Ohio
Board of Zoning Appeals
December 18, 2003

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:34 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

The board met with Mr. Ted Seliga, Mrs. Ann Meyers and Mr. Norman Schultz for a discussion regarding the township's settlement with Judson Retirement Community.

Mr. McIntyre met with the board for a clarification of conditions set forth by the board for property located at 7395 Chagrin Road.

Minutes

Mr. Takacs made a motion to adopt the minutes of the November 20, 2003 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for next 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 2004-1 by Jozef Kofol for property at 16381 Chillicothe Road

The applicant is requesting a substitution/enlargement of a pre-existing, non-conforming use for the purpose of expanding a restaurant. The property is located in a R-5A District.

Application 2004-2 by Thomas C. Bauer for property at 17350 Tall Tree Trail

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

Since there was no further business, the meeting was adjourned at 10:04 P.M.

Respectfully submitted,

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

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

Date: January 15, 2004