

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 17, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:44 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent. The following matters were then heard:

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

Application 2003-56 by McGill Property Group fka 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.

Mr. Dale Markowitz, attorney for the applicant, Mr. Brian Grassa, representative from McGill Property Group, Mr. Kevin Westbrook, engineer from URS and Mr. Ron Shaw, civil engineer from URS were present to represent this application.

Mr. Markowitz testified that they will present a few more items and noted that Mr. David Hartt was unable to be at the last meeting but is in attendance tonight and said that Mr. Kevin Westbrook will be talking about a revision to the traffic plan. He said that they met with the Chagrin River Watershed Partners and they have information on the vegetation on the south side and after meeting with the trustees and receiving comments from the public, they attempted to acquire land from Parkside Church but because of certain conditions and it would be too complicated and too involved, they (McGill Property Group) are back to acquiring eight acres in Solon to donate to the conservancy if the township wants that and there are 17 acres on E. Washington Street but the consensus is to go with the eight acres in Solon. He said the township trustees will start the process with Solon regarding a JEDD for the 85 acres in Bainbridge including the eight acres in Solon and added that he will be meeting with the township trustees on February 28, 2005 to finalize the memorandum of understanding which will include the new traffic plan and the additional eight acres.

Mr. Brian Grassa of McGill Property Group testified by explaining that the traffic light spacing between the two existing signals is 775' from Geauga Lake Road to the west and the new one to Geauga Lake Road will be 1,423' or almost double and the lights will operate in sequence. He continued by saying that the parking area on the south side is 603,400 sq. ft., 2,959 parking spaces that equal 4.9 spaces per 1,000 sq. ft. of build-out there and the reason is that when Heritage received the application for Walmart, they thought the Walmart will become a super center one day and require more parking spaces and added that they are at 3.7 spaces per 1,000 sq. ft. of build-out on the north side.

Mr. Grassa said they discussed the proposed road to Geauga Lake Road and said it is best to leave Geauga Lake Road as it is and take the new road to a T intersection with an opportunity to make a right hand turn from Geauga Lake Road into the new shopping center and only a right hand turn onto Geauga Lake Road out to Rt. 43 with no left hand turn movements on Geauga Lake Road and it could be designed to be removed in the future and the traffic there would be controlled through stop signs. He referred to the storm water management and said they over designed their basins, they have been reviewed and approved by the City of Aurora and they continue to look at measures and continue to address issues such as planting and replanting the filter vegetation. He said they have met with the Chagrin River Watershed authorities and included fire retention systems, and they have new technology and new engineering as well as advice from the Geauga Soil & Water Conservation District.

Mr. Markowitz said they have a traffic improvement plan.

Mr. Kevin Westbrook of URS testified that there is only one significant change at the intersection and the rest is what was presented last time.

Mr. Tom Jones of 8497 Tulip Lane asked where the wetlands drain to.

Mr. Ron Shaw of URS testified that the entire site drains to the large wetlands and the large wetlands discharge to Pettibone Road and then to the golf course.

Mr. Markowitz said since the last meeting, they (McGill Property Group) met with Aurora's law director and the engineer for Aurora regarding drainage and the Aurora office also wants to have additional authority to be able to come onto the property to inspect the systems and we have no problem with that and that will be part of the agreement with Aurora.

Mr. Lamanna asked about the run-off.

Mr. Shaw said that it runs up to Pettibone Road, southwest along side of Pettibone and into a dual culvert straight through the golf course.

Mr. Olivier asked if there will be more volume of water to the ditch and culverts.

Mr. Shaw said with the new detention ponds, the water will be limited to pre-development conditions and added that they do not plan on discharging more than there is now. He referred to the large wetland area on the site plan and said all of the discharge will be to the main wetland and the smaller ponds may be retention ponds or bio-retention ponds and will flow to the larger wetland and they will convert the proposed mounds to bio-retention ponds.

Mr. Lamanna asked if all of the water will be discharging into the wetlands, if it will over-tax the wetlands so they will be unable to drain fast enough and asked if the water from the retention ponds would bypass the large wetland.

Mr. Shaw said they want to continue to maintain the existing drainage pattern.

Mr. Lamanna said he is concerned about directing all of the flow into the larger wetland area and he would like someone to look at it to keep the balance of the wetlands and to not allow more water or less water to enter the existing wetlands. He said he is afraid the water won't come out of the wetlands fast enough.

Mr. Shaw said the problem area is across the street and this area is not directly responsible for flooding and added that the water will be directed up.

Mr. Lamanna said he does not want more water added to the wetlands than what it has historically taken.

Mr. Shaw explained the location of the wetland because of the low spot.

Mr. Lamanna said part of it will run off on another property.

Mr. Markowitz said the Geauga Soil & Water Conservation District will look at it.

Mr. Lamanna said instead of draining into the wetlands, the water could be routed directly to Pettibone Road and it should be relatively easy to make design adjustments now.

Mr. Markowitz said he did not see a problem with that.

Mr. Pat McCarthy of 9923 Pebble Beach Cove, Aurora, testified that he is a councilman for Reminderville and read the following letter that was addressed to Mr. Lamanna regarding Detention Ponds – Market at Four Corners, dated February 17, 2005.

“Dear Mr. Lamanna:

On May 5, 2004 Allen Bellis of Heritage chaired a meeting to discuss the detention ponds at the Market at Four Corners. Representatives from Bainbridge, Solon, Aurora and Reminderville attended the meeting. Heritage was asked to resolve the following storm water issues:

- NW detention pond – Please reexamine the size of the pond. Solon and Rt. 43 are inundated with water. Solon is faced with correcting old storm water lines that are receiving greater volumes of water than they can handle.
- SE detention pond – Please plant vegetation in the pond and reexamine the height of the east end of the pond to prevent water from flowing over the top. Aurora is receiving the pond's silt and parking lot runoff.

- SW detention pond – Please restrict the out flow to hold back water during storms. Five properties in Reminderville and two in Aurora are frequently flooded.
- Please put grates over the tops of the pond chimneys which are open and potentially dangerous for wildlife and children.

These items have not been resolved and I strongly disagree with Mr. Grassa of the McGill Group per the article in the January 25, 2005 Aurora Advocate when he said the ponds are functioning properly. At the very least he should have noticed the “High Water” sign that has been erected on Rt. 43 as a result of the NW pond out flow.

Reminderville is faced with an expenditure of \$125,000 to resolve storm water problems which have been substantially affected by the SW pond. We do not receive any benefits, taxes or financial consideration, from the Market at Four Corners.

Please do not move forward with another shopping center until these items are resolved.

Sincerely,

Pat McCarthy  
Reminderville Councilman”

Mr. McCarthy continued by saying that this is a serious problem for them and it could cost \$167,000 to fix it and most of which occurred when the shopping center was built. He said when the ponds were pumped out, yards were filled with water and 1,600 cubic feet of silt hit the Aurora Lake. He said he is concerned about the detention pond because children slide off the hill and the pond is not a normal pond. He said on January 22, 2004 there was talk about a JEDD but Aurora and Reminderville receive all the water and the police and fire departments are closer than Bainbridge.

Mr. Lamanna said the issue of a JEDD is up to the township trustees.

Mr. Jim Vacca of Moneta Drive, Aurora, testified that the Geauga Lake Road entrance and exit is a much better layout but right turn-ins and right turn-outs don’t work. He said no one pays attention to them and somehow they are more of a hazard.

Mr. Steve Spencer of 837 E. Boulevard, Aurora, testified that he is concerned also about the wetlands area and the rate of absorption and the distribution of water out and it was said at the last meeting that water flows across Rt. 43 and loops around and flows back to the north and questioned if the wetland area can take any more water or if there should be a shorter, more direct route.

Mr. Lewis referred to the topo map and asked how the natural drainage goes to Pettibone.

Mr. Shaw said it drains towards Pettibone Road now.

Mr. Lewis asked if a measurement has been taken.

Mr. Shaw said there is a 25' drop to the wetlands.

Mr. Lewis asked if it can backflow to Aurora Road.

Mr. Shaw explained the proposed bio-retention ponds that will take care of that.

Mr. Vacca asked where the old track was located and said there is a natural slope from the former grandstand to Rt. 43 and it used to be a paved parking lot and that water runs to Rt. 43 from where the old grandstand used to be and there is a substantial drop from the old oval behind it.

Mr. Shaw said there is a drainage area of about 12 – 13 acres and they will take it out and grade it back and the water will be routed the other way and it will alleviate much of the flooding problems in Aurora.

Mr. Lewis asked if the rise will be taken out to get rid of the run-off to Aurora Road.

Mr. Shaw said that is correct, when the shopping center is built, you won't see the 25' drop.

Ms. Mary Williams of 10589 Florida Street, Aurora, testified that her property is the first property to get hit with water and she could only use 7' of her property and she also lost a willow tree and according to an article in the newspaper, there have been corrections made, but they have not been corrected and she sometimes has a 60' lake in her backyard and her property has not been dry at all in the last four years.

Mr. Ray Rosenberger of 6232 N. Canterbury Road, Parma, asked how Chapters 117, 131 and 143 apply to this application.

Mr. Lamanna said that convenience business does not apply because it is located in a CR district.

Mr. Rosenberger asked if Chapters 117 and 131 do apply.

Mr. Lamanna said that Chapter 117 certainly applies and it applies to the CR district.

Mr. Rosenberger testified that there is no definition for a commercial retail center and he is a little bit confused as to what they are applying for and asked if it is grouped into something else.

Mr. Lamanna asked Mr. Rosenberger what his question is.

Mr. Rosenberger asked how this application is in compliance with the Bainbridge Township Guide Plan.

Mr. Lamanna asked Mr. Rosenberger if his point is that this use is not permitted in this district.

Mr. Rosenberger said it is up to the applicant to demonstrate that they are in compliance with the Guide Plan 2000.

Mr. Lamanna asked how they are not in compliance.

Mr. Rosenberger said with regards to the specific area in question, the southwest side of the township, especially Geauga Lake Park and Sea World, this should be complimentary to them and with this square footage added to the previously committed areas, it puts it well beyond the square footage for the township. He asked if this is based on zoning, must it be in compliance with the guide plan.

Mr. Lamanna said if it is in compliance with the zoning, it has to be in compliance with the guide plan and the zoning itself is based on the guide plan and the guide plan was used to create zoning in the first place. He continued by saying that the public hearing portion will be closed but the remaining item the board will need to consider for this application is the agreement between the township and the applicant that they are in the process of negotiating and the board will review the agreement or memorandum of understanding at the next meeting.

Mr. Grassa stated that when they appeared before the township trustees, the trustees said they would rather have the board of zoning appeals decide any zoning issues and should the board of zoning appeals grant this variance, the applicant will meet the conditions.

Mr. Lamanna said the board does not want to sit here and decide what terms should be included in that agreement and it would be much easier to come back with the agreement and he would like to see the agreement in at least 98% final form.

Mr. Markowitz said he understood that the board wants them to meet with the trustees but there is a possibility of losing one or their major tenants.

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

Mr. Lamanna closed the public comment portion of this hearing.

## Special Meeting

Mr. Lamanna made a motion for the board of zoning appeals to schedule a special meeting for March 3, 2005. Such meeting is to commence at 7:00 P.M. The purpose of that meeting will be to hear such applications as the board may continue to that date or as may be set for that date in lieu of our regularly scheduled meeting and secondly that application 2003-56 be continued until that special meeting.

Mr. Lewis seconded the motion.

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

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

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

Mr. Dale Markowitz, attorney for the applicant, was present to represent this application.

Mr. Markowitz testified that the applicant has an understanding with Edgewater Reserve residents, a written agreement was drafted and circulated and the applicant has submitted a revised plan. He asked that this be continued to the next meeting.

Mr. Lamanna said that due to discussions between the adjacent homeowners and the recent revised plan that was just submitted late yesterday, it would be better if the board had all the issues hammered out before the next meeting.

Mr. George Gorup of Rail King Court testified that his development had discussions with the developer and Mr. Markowitz and they are in agreement.

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 special meeting to be held March 3, 2005.

Mr. Lewis seconded the motion.

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

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

Mr. Lamanna stated because of certain interested parties that wish to present some expert testimony to the board and they are not prepared to do that tonight, the board with the agreement of the parties, has decided to postpone further consideration of this application until the next regularly scheduled meeting to be held March 17, 2005.

Motion BZA 2005-3 – 8133 Chagrin Road

Mr. Lamanna made a motion to postpone application 2005-3 to the next regularly scheduled meeting to be held March 17, 2005.

Mr. Lewis seconded the motion.

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

Application 2005-4 by Greg Harris for Brilliant Electric Sign Co., Ltd. for Thomasville Furniture for property at 7655 Market Place Drive

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

The zoning inspector's letter dated February 10, 2005 was read and photos of the site were submitted.

Mr. Greg Harris of Brilliant Electric Sign was present to represent this application. Mr. Bill Wilson and other representatives from Thomasville Furniture were also in attendance.

Mr. Harris testified that they have an issue of what the zoning code allows for regarding setbacks and square footage and total signage permitted and the zoning code allows for 15' as the maximum height of a sign permitted above finished grade. He said they also have awnings with very small copy but they are counted as signs. He continued by saying that the variance is very reasonable for the proposed signage for this storefront and it is totally justified. He said the copy on the awnings is for the people in the shopping center and the height placement is for the design of the building.

Mr. Olivier asked about the signage around this building.



Mr. Harris said there is Circuit City, Kohl's etc.

Mr. Grassa testified that he does have other signs that have received variances.

Mr. Lamanna said his question is the awning sign.

Mr. Lewis said the argument is that a larger sign is needed to be seen from the road but the awnings cannot be seen from the road and he does not recall awnings on other stores in the Market Place shopping center.

Mr. Lamanna said he had no problem with the larger sign, but did not think they needed awning signs.

Mr. Harris said his application did not include the awning signs.

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

Motion BZA 2005-4 – 7655 Market Place Drive (Thomasville Furniture)

Mr. Lamanna made a motion to grant the following variances for the purposes of installing a wall sign.

1. A variance to the maximum size permitted to 125 sq. ft. for a variance of 10 sq. ft.
2. A variance to the maximum height over that permitted of 15' to 31' for a variance of 16'.

Based on the following findings of fact:

1. They are small variances and are consistent with the other signage in the area especially as to the height and which it fits appropriately on the building, architecturally, so it does not create any adverse impact from being at a greater height.
2. The board denied the request for a variance for four awning signs on the basis that those signs are just additional business identifiers and really are unnecessary as far as identifying the business and would violate the existing limitation on one wall sign.

Mr. Lewis seconded the motion.

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

Applications 2005-5, 2005-6, 2005-7, 2005-8 and 2005-9 by William Joyce for property at 7315 Country Lane

The applicant is requesting area variances for the purpose of creating fee simple lots instead of limited common area sites. The property is located in a R-5A District.

The zoning inspector's letter dated February 10, 2005 was read and photos of the site were submitted.

Mr. William Joyce was present to represent this application.

Mr. Joyce testified that the last time he was here the board agreed to cluster zoning and a paved road in the fall of 2002. He said the utilities are in and the landscaping is completed and he started marketing the property in 2003. He said they marketed the property heavily through Smythe Cramer Realty but ran into people who did not understand the concept of cluster and condominium law which is in effect, and the fact that we don't have property lines and added that there have been no contracts acquired for the parcels. He said he put his own house on the market and it is still not sold and he is offering it below the appraised value. He said he is requesting a variance from frontage on Country Lane and the intent was to have the addresses on Corbin Drive but the owners will have an address on Country Lane. He said they will have an association and will preserve the open space and it will be a private road with the parcels on Country Lane.

Mr. Olivier asked if the frontage will be pro-rated over five parcels.

Mr. Joyce replied yes.

Mr. Lamanna asked Mr. Joyce if he has spoken to the county.

Mr. Joyce said no.

Mr. Lamanna said he is not sure the county will allow the property split.

Mr. Joyce said originally he tried to put a dedicated road in.

Mr. Lamanna said the board was trying to satisfy the county and does not know how the board can go back and re-do this.

Mr. Joyce said he did have a neighbor, the Pitts property, that was broken up with a reciprocal easement over the drive.

Mr. Lamanna asked when that was done.

Mr. Joyce said in 2001 or 2002. He continued by explaining the degree problem at Country Lane that they had at the road and the board actually suggested the condo concept and we thought it was a viable idea.

Mr. Lewis said since it is the same driveway and divided into lots, he would feel more comfortable with the county's opinion on this.

Mr. Lamanna asked about Northwood Lakes.

Mrs. Stanton said that is a condominium subdivision.

Mr. McIntyre said if the board requests, we can get a request to the county planning commission for their advice on this and added that the health department already approved this.

Mr. Joyce said he sat before the health variance board and they approved it for septic.

Mr. Lamanna said the board can talk to the county before it does anything on this and suggested talking to them first for their opinion so it will work for everybody and said this application could be put off until the next regularly scheduled meeting.

Mr. Joyce referred to other situations when someone else would have less than 60' frontage and asked if the board has granted variances.

Mr. Lamanna said either you have 60' of frontage or you don't. He said the board and Mr. Joyce should wait to see what the county has to say about this.

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

Motion BZA 2005-5, 2005-6, 2005-7, 2005-8, 2005-9 – 7315 Country Lane

Mr. Lamanna made a motion to table these applications until the next regularly scheduled meeting to be held March 17, 2005.

Mr. Lewis seconded the motion.

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

Application 2005-10 by RCV Investments for property at 8388 E. Washington Street

The applicant is requesting an amendment to a conditional use permit for the purpose of reconfiguring a game room. The property is located in a CB District.

The zoning inspector's letter dated February 10, 2005 was read and photos of the site were submitted.

Mr. Steve Ciciretto, architect for the applicant, was present to represent this application.

Mr. Ciciretto testified that as they started the process they decided to have more design work done so Mr. McIntyre suggested they come back to the board. He explained that they originally were going to tear down a 40' addition and construct a 60' addition but they are now asking for an additional 15' in the back and have eliminated the parking in the front. He continued by saying that Mr. Lanza had brought up some safety concerns about kids hanging out in the back of the building, but we are proposing a two story addition to the back of the building. He said they meet the parking requirements for this size of building with 97 spaces and only 37% lot coverage which is still under 40% and they brought the parking around to the back so they will have more green space. He referred to the drive-thru (canopy) on the front of the building and said the building pretty much stays the same. He said the two story addition in the back is for the climbing wall, the laser tag area and party room and the canopy will be of a glass element with brick and metal awnings with a semi-traditional feel. He continued by saying that the highest part of the building is 32' but we are showing this at 35'. He showed the board on a site plan the part they will be tearing off and the addition will not be seen from the west side because it will be blocked by the Laughing Coyote. He said with the parking areas required, the lot coverage is under 40% and they will work out the water retention issues with the neighbors.

Mr. Lamanna asked if the building is not as close to the street.

Mr. Ciciretto said the building will be 70' from the right-of-way but the canopy is really 60'.

Mr. Lamanna said with a 60' setback to the canopy and 15' more building added to the footprint, it is creeping a little closer to the side yard.

Mr. Ciciretto said that is correct and added that the employees will park in the back.

Mr. Lamanna asked if they will need a variance for the additional side yard.

Mr. McIntyre explained that they are asking for a 30' side yard as opposed to a 41' side yard that was granted before at a previous meeting.

Mr. Lamanna asked if the parking has increased because the building size has increased.

Mr. McIntyre said that 1,500 sq. ft. will be added with the second floor.

Mr. Lewis asked if an elevator has to be installed for compliance with ADA.

Mr. Ciciretto replied yes and said with the parking in the back the lot coverage is still under 40% and they could bank some parking spaces.

Mr. Lamanna said if it proves to be a parking issue, the applicant could come back to the board.

Mr. Lewis said there is an opportunity to move three spaces out of there.

Mr. Lamanna said the board is looking at the first couple of spots near the street because it would not hurt to take two spaces out of there and leave the area green. He said they would rather go with a smaller number of parking spaces and if it proves to be a problem, they will have to come back to the board.

Mr. Frank Lanza testified that he has a retention pond in the back and it comes down the side and runs through where this addition is going because the guy next door blocked it off.

Mr. Ciciretto said the goal would be to design a new retention basin and re-route the water.

Mr. Lanza said the guy at Scorchers created the problem.

Mr. Lamanna said the situation is well noted.

Mr. Lanza said the guy paved over the drainage ditch and he actually sent him a letter about it. He said the parking lot is the problem so he built a retention pond that takes care of everyone on W. Craig and Rt. 306 and added that the water has to be diverted.

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

#### Motion BZA 2005-10 – 8388 E. Washington Street

Mr. Lamanna made a motion to grant the following changes to the conditional use permit and variances that were previously granted to the property with respect to application 2004-28. All of the provisions and requirements of that previous application and conditional use permit granted thereby will continue in effect except that as specifically modified by this decision.

1. A variance with respect to the front porte-cochere from the minimum required front yard setback of 100' to 60' for a variance of 40'.
2. With respect to the side yard variance previously granted at 41' it will be modified to 30' on the east side.
3. The applicant has increased the depth of the building by approximately 15' and redesigned the building and based on the revised square footage, there would be 97 parking spaces required but the board will grant a variance to 85 spaces as shown on the applicant's drawing minus the first two spaces on the southeast corner of the property.

Motion BZA 2005-10 – 8388 E. Washington Street

Based on the following findings of fact:

1. The variances are consistent with the previously granted variances.
2. One of the changes is to correct an oversight in the previous decision.
3. The slight increase in the side yard variance is not significant and is consistent with other building spaces in this area and will not adversely affect any of the adjacent property owners.
4. With respect to the parking, the board has determined that based on the use of the building that it will not require as many parking spaces as the calculations would indicate however the board does note that as a condition, if parking problems develop in the future, the applicant will return to this board to review that situation upon request of the zoning inspector to determine if additional parking spaces may be needed if usage proves that it is required.
5. In addition the applicant will also work with his adjoining neighbor on the east side to coordinate outflow of detention ponds so as to avoid any local flooding in the area.

Mr. Lewis seconded the motion.

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

Application 2005-11 by Schneiders Saddlery – D & S Schneider Realty for property at 8255 E. Washington Street

The applicant is requesting an area variance for the purpose of creating parking. The property is located in a CB District.

The zoning inspector's letter dated February 10, 2005 was read and photos of the site were submitted.

Mr. Steve Ciciretto, architect for the applicant, was present to represent this application.

Mr. Ciciretto testified that this project did not have to come to the board of zoning appeals prior to this issue. He said that Schneider's Saddlery is located next to the post office and is a large retail mail order facility for horse equipment and pointed it out on the site plan. He said they added a two story addition to the front of the building, there will be retail on the first floor and office space on the second floor. He continued by saying that the property falls under the M-1 District zoning and they created a lot of new green space so lot coverage is not an issue. He said that on the original plan, Mr. McIntyre said there can be no parking in the 70' setback area.

Mr. Ciciretto said this is the former Zucker Marine property and a common drive is shared with the neighboring businesses and this facility provides most of the green space and that the post office parking is close to the street and we would like to have additional spaces in front of the building for retail and we believe this is a minor variance and we have more green space in front than any of our neighbors.

Mr. Lamanna asked if anything is going to be done with the entrance next to the post office because it is total chaos.

Mr. Ciciretto said yes and they will extend the green space back and the driveway is set up so it is a matter of striping it, it is part of the whole scheme, but it is not really their property because there is a common easement and the Schneiders only have access rights. He said it is Mr. Simon Caplan's responsibility because he owns the adjacent buildings.

Mr. Lamanna asked if the Schneiders have an easement.

Mr. Ciciretto replied yes and they will not create any more curb cuts, there is an agreement regarding signage etc. and the whole entrance is too wide. He said they cannot go in and green space their whole drive and that is part of the problem and the fact that it is not striped.

Mr. Frank Lanza said that they could put a little island there.

Mr. Ciciretto said they can discuss that with Mr. Caplan.

Mr. Lamanna said it would be better off if that side is an entrance.

Mr. Ciciretto said if it is possible to put in an island, they will.

Mr. Lamanna referred to Heinens and said there is a no left turn on E. Washington Street and it is pretty effective and if there was no traffic going out, it would simplify things.

Mr. Ciciretto said an island would keep the traffic going one way.

Mr. Lamanna asked if they want to move the parking into the 70' setback.

Mr. Ciciretto replied yes.

Mr. Lamanna said one of the things the board has been trying to do is move the parking away from the street.

Mr. Ciciretto said the difference is that this is M-1 zoning and the parking lot could be paved right to the right-of-way. He referred to the other property along there and said even with Fifth Third Bank, the parking is where we are and they are not 70' back.

Mr. Ciciretto said the green space is 41'-6" back and with the Fifth Third building, the parking is closer to the street. He said the green space will be near the right-of-way with some landscaping and questioned where they need the variance under M-1 zoning.

Mr. Lanza asked if the sign is going to be put in the green space.

Mr. Ciciretto said yes and explained that M-1 zoning predates zoning and Knowles Industrial Park is all under M-1 zoning and referred to the Knolls condos. He said at that time there was an agreement that all regulations fall under M-1 zoning where you can pave to the right-of-way. He said the applicant would rather not take that approach and would rather go for a variance and added that this will be better than what is already on the street and we are talking about a 13' variance and will be about 8' to the right-of-way, not 70' to 40' it would be more like 54' to 40'.

Mr. Lamanna asked if this will be a landscaped area and mounded 3' – 4' with some planted trees and bushes.

Mr. Lanza said he did that around his sign.

Mr. Ciciretto said he will show the landscaping plan next month when he comes in for the sign variance.

Mr. Lamanna asked what the sign will be like.

Mr. Ciciretto said there is an agreement that all of the retail businesses including the ones in the back are all on the one sign. He said they will put the new sign in the same area, but lower it but it will be bigger because it will contain names of the adjacent retail establishments and we will be getting a variance for our neighbors. He said they are going to need a sign roughly the same square footage, but we have to add the other names to it.

Mr. McIntyre said he will have to review the M-1 zoning at the time of its conception.

Mr. Ciciretto said they agreed just to have the two tenants on that sign and added that the building will be significantly different than before and we were hoping to avoid the whole M-1 issue.

Mr. Lewis said he does not ever see a lot of cars in the front lot of Schneider's and asked if the board is dealing with an applicant that is refreshing this building so it can be put on the market in six months.

Mr. Ciciretto said they will never move out of here but if they cut their retail and add another tenant someday or if they increase their retail they don't want to come back and added that cars may show up that were there before but said this is strictly for Schneider's.



Mr. Lewis asked if they need 35 spaces in the front.

Mr. Ciciretto said they have doubled their amount of retail space and they are working on an agreement with Timberfire to maybe use their parking for special events.

Mr. Lewis said he has mixed feelings about intruding in the green space.

Mr. Lamanna said that other buildings along there are closer to the street and if they put a 3' mounded green area in, it will break up the area nicely and if they move the sign down and work on improving the traffic flow with a small island to keep people on the correct side it would be good but right now, it is a free-for-all.

Mr. Wayne Boron of Snyder Road testified by saying that it seems like the green space is being removed more and more often.

Mr. Lamanna explained lot coverage issues which include hard surface coverage such as parking lots, buildings etc.

Mr. Boron referred to the proposed Alpaca farm and the green space.

Mr. Lamanna explained cluster housing and open space requirements.

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

#### Motion BZA 2005-11 – 8255 E. Washington Street

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of parking.

1. A variance from the minimum required front yard setback of 70' to 40'-6" for a variance of 29'-6".

Based on the following findings of fact:

1. The area as shown on the applicant's drawing between the street and the parking spaces will be mounded to a minimum height of 3' and then will be landscaped with bushes and some trees.
2. In addition, the applicant will review with the adjacent neighbor, the location of the signage so it is as close to the east entrance as possible.

Motion BZA 2005-11 – 8255 E. Washington Street – Continued

3. The applicant will also investigate with the neighbors the traffic flow ingress and egress between these two adjacent properties which have reciprocal easements for traffic to look at ways to insure that the traffic entering and leaving is using its appropriate lane including exploring possible small islands to separate the incoming and outgoing traffic with appropriate signs as to in and out, keep right and the like.

Mr. Lewis seconded the motion.

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

Application 2005-12 by John F. Iacano for property at 9213 Charles Drive

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

The zoning inspector's letter dated February 10, 2005 was read and photos of the site were submitted.

Mrs. Eileen Iacano was present to represent this application.

Mrs. Iacano testified that her husband has given her power of attorney to represent him at this hearing tonight. She continued by saying that they are looking for a front yard variance and because of the time when their house was built, it does not meet the requirements now. She said that she had letters from all of her neighbors except for the one across the street because they could not be located.

Mr. Lamanna asked what is next door.

Mrs. Iacano said it is private lot that won't be developed.

The board reviewed the variance request and the current setbacks.

Mrs. Iacano said she and her husband own ½ of the street because it is a private drive.

Mr. McIntyre explained that the road is 72' wide and after taking 30' off from the center it brings it down to 42' and they want to be 5' closer to the right-of-way. He said the right-of-way is 30' from the centerline of the road.

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

Motion BZA 2005-12 – 9213 Charles Drive

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

1. A variance from the minimum required front yard setback of 100' to 43' for a variance of 57'.

Based on the following findings of fact:

1. This variance represents an increase of about 6.5' in the existing situation on this property which is currently non-conforming.
2. In addition, this property is located on a private drive and the setbacks are consistent with those of the other houses located on this private drive so it will have no adverse effect on the adjacent property owners.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 10:45 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: March 17, 2005

Bainbridge Township, Ohio  
Board of Zoning Appeals  
February 17, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:45 P.M. by Mr. Michael Lamanna, Chairman. Members present were: Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the January 13, 2005 and January 20, 2005 meetings as written.

Mr. Lewis seconded the motion.

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

Applications for next month

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

Applications 2005-5, 2005-6, 2005-7, 2005-8 and 2005-9 by William Joyce for property at 7315 Country Lane - Continuance

The applicant is requesting area variances for the purpose of creating fee simple lots instead of limited common area sites. The property is located in a R-5A District.

Application 2005-13 by Lester D. Hillier for property at 18880 East Rivers Edge Drive

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

Application 2005-14 by Prestige Homes for property at 8120 Woodberry Boulevard

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 2005-15 by Prestige Homes for property at 16505 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 2005-16 by McMillon Construction for property at 16749 Bedford Street

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

Application 2005-17 by Hoehnen Landscaping Co. (Scott Hoehnen) for property at 16745 Park Circle Drive

The applicant is requesting area variances for the purpose of constructing a warehouse. The property is located in a LIR District.

Application 2005-18 by Brian Winovich for property at 17477 Chillicothe Road

The applicant is requesting area variances for the purpose of constructing multi-family residential – condominiums. The property is located in a R-3A District.

Since there was no further business, the meeting was adjourned at 10:50 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: March 17, 2005