

Bainbridge Township, Ohio
Board of Zoning Appeals
March 18, 2004

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

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

Application 2004-3 by George R. Wierdsma for property at 18524 Root Road

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

The zoning inspector's letter dated March 12, 2004 was read and photos of the site were submitted.

Mr. George Wierdsma was present to represent this application.

Mr. Wierdsma testified that he and his wife purchased their home in 1999 and added an addition to the existing shed not knowing that he needed a permit and was not aware that the shed never had a permit so he applied for one. He said he added a 9' x 10' addition to the side of the L-shaped building and the shingles are the same as the house as well as the paint and trim.

The board viewed photos of the shed.

Mr. Wierdsma said the shed is in the front yard of his property and the side yard setback is 40' and he is asking for an appeal to the side yard and front yard setbacks because of the lake in his backyard. He said three of the five neighbors were not aware of the addition and two of them said it did not bother them. He said he did not get a response from the City of Solon and added that his house is 18' to the lake and he has no backyard to move the shed to.

Mr. Takacs asked what the fence is for.

Mr. Wierdsma said it is to hide the furniture for the dock.

Mr. Takacs asked what the shed's purpose is.

Mr. Wierdsma said his wife has gone from one garden to six and he does store some equipment in it such as a saw, heater etc.

Mr. Takacs asked if there is a garage on the property.

Mr. Wierdsma said yes but it is used for storage.

Mr. Takacs asked if the cars stay outside.

Mr. Wierdsma said yes, unfortunately.

Mr. Takacs asked if the lake goes around the property.

Mr. Wierdsma said yes almost and if the shed were to be put behind his house it would have to be put on posts in the lake and it would be a fishing shack.

Mr. Lamanna asked Mr. Wierdsma if he would mind planting a few evergreen shrubs to dress up the shed.

Mr. Wierdsma said he has no problem with that.

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

Motion BZA 2004-3 – 18524 Root Road

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

1. A variance from the required front yard setback of 100' to 88' for a variance of 12'.
2. A variance from the required side yard setback of 50' to 40' for a variance of 10'.
3. A variance from the front yard setback restrictions for the purposes of maintaining a storage shed.

Based on the following findings of fact:

1. A practical difficulty exists because this was a pre-existing shed that was on the property when purchased by the applicant.
2. The applicant was unaware of its non-conforming nature.
3. The property has a large lake in the back and along the other side completely occupying that area and making it impossible to place a shed in the backyard area.
4. The current shed is located about as far from the street as permissible.
5. The side yard setback variance is small considering the overall lot width and acreage as it is a pre-existing lot of record.
6. None of the adjacent property owners have raised any objection.

With the following condition:

1. The applicant will place some evergreen landscaping shrubbery on the front and side of the shed so as to minimize the adverse impact on the adjacent property owners.

Mr. Takacs seconded the motion.

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

Application 2004-5 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.

The zoning inspector's letter dated March 12, 2004 was read and photos of the site were submitted.

Mr. Chris Brown of Prestige Homes was present to represent this application.

Mr. Brown testified that he understands that Bainbridge Township has passed a riparian corridor zoning regulation requiring a certain amount of feet from a wetland or a stream and there is a significant amount of wetland behind this proposed house and in their best interest and the homeowner's best interest, they want to move it away from that area therefore they are asking for an 18' variance from the front yard setback and there will be more of a buffer for the homeowner and added that the house is on a culdesac. He said the variance will not be as noticeable as it would be on a straight street.

Mr. Olivier asked if by pulling the house forward, how many feet will it be from the wetlands.

Mr. Brown said it will go from 9' to 27'.

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

Motion BZA 2004-5 – 8120 Woodberry Boulevard

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

1. A variance from the required front yard setback of 100' to 82' for a variance of 18'.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant has a large wetland area in the back half of the property. In order to maintain a reasonable setback from those wetlands in the back of the house, it necessitates moving the house forward somewhat to maintain a reasonable distance.
2. This house is located on a culdesac so the fact that it is sitting forward of the normal building line, it will be less noticeable and will not be contrary or adversely affect the other properties in the district.

Mr. Takacs seconded the motion.

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

Application 2003-50 by Bainbridge Associates, Ltd. for property at 8465 E. Washington Street and 16765 Chillicothe Road - Continuance

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

Mr. Cliff Hershman and Mr. Tim Olland were present to represent this application.

Mr. Hershman testified that this application was discussed at the last meeting and said he has no employee parking in the back and he needs it because all of his tenants would like to be able to park back there during the day. He said if the board grants this now, he won't be back ever again. He continued by saying they did keep the trees, although one is dying, it will be replaced and he is asking for an additional 30 parking spaces.

Mr. Takacs asked how many total parking spaces he will have.

Mr. Hershman said he will have 162 total spaces.

Mr. Olland referred to the site plan submitted and testified as to where they took parking away and left it as green space. He explained where the parking spaces will be located and the paving behind the building.

Mr. Lamanna asked about the increase in the parking spaces.

Mr. McIntyre said it is a 2.5% increase.

Mr. Takacs asked how many spaces are left for any new occupants.

Mr. Hershman said he has 17,000 sq. ft. left to lease out of the 38,000 sq. ft.

Mr. Takacs said it is only 60% - 70% full and the parking lot was full on Saturday.

Mr. Hershman said that is because all of the employees are parking in the front.

Mr. Olland said there are also quite a few construction workers working there now also and most of the businesses close at night but the restaurant will be open at night. He added that Heritage shopping center is one kind and this is another kind of shopping center and it would help to have the parking in the back for the employees. He said the fire department requires a loop behind the building for a fire lane and they asked us to do that and added that the city water stops at the end of their property. He continued by saying that they are not sure of the amount of tenants they are going to have and need room for trash receptacles.

Mr. Takacs asked what the total lot coverage will be with the additional 2.5%.

Mr. McIntyre said it will be 59.65%.

Mr. Lamanna asked what the lot coverage was in 2002.

Mr. McIntyre said it was at approximately 50.06% down from 90% lot coverage and in 2003 they added 1.5% in parking.

Mr. Olland said that when Ethan Allen and the Cactus Moon were there, the lot coverage was at 90% and we are 30% better than it was.

Mr. Takacs asked if we are talking about just this parcel.

Mr. Olland said yes, it does not include the Drug Mart parcel but it includes the parcel to the east.

Mr. Hershman said the parcel is 4.954 acres.

Mr. Olland explained per the GIS aerial, the row of trees that they saved.

Mr. McIntyre explained the 2.3% for the retention pond and the parking space calculations and referred to the site plan submitted and explained to the board the location of the parking spaces, green space and lot coverage calculations.

Mr. Takacs said that more parking spaces are needed but the shopping center is not filled up yet and he hopes there will be enough parking spaces.

Mr. Lamanna said the current site plan submitted will be marked Exhibit A and dated March 18, 2004.

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

Motion BZA 2003-50 – 8565 E. Washington Street and 16765 Chillicothe Road

Mr. Lamanna made a motion to modify the existing conditional use permit to reflect the new configuration of the development as shown on the plan which is now incorporated into this application as Exhibit A. All previous requirements of the conditional use remain in effect except that the maximum permitted lot coverage will be amended to be 59.65% which is an increased variance to the permitted lot coverage.

Based on the following findings of fact:

1. Additional parking appears to be required for the tenant mix going into the center.
2. In addition, some other modifications have been made to pave over a couple of areas where it would have been impractical to leave them undeveloped.
3. A retention pond has been required which was not previously considered and which under applicable definitions is considered developed space.
4. The findings for granting this variance is the same as the findings that were previously made by the board in the original conditional use permit knowing specifically that this was a previously existing developed area with an existing building and the actual developed area has been substantially reduced from what previously existed on this site.

Mr. Takacs seconded the motion.

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

Application 2004-4 by Heritage Development Company for Circuit City for property at northeast section of development between Aurora Road (S.R. 43) and Lake Street

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

The zoning inspector's letter dated March 12, 2004 was read and photos of the site were submitted.

Mr. Alan Bellis of Heritage Development and Mr. Scott Kim, representing the sign company were present to represent this application.

Mr. Bellis testified that Circuit City will be coming into the area where Home Depot was going to be and this has already been in front of the township trustees for approval. He said the proposed sign will be commensurate with Kohl's and will have a side facing Rt. 43 and in terms of calculating the square footage, we came up with 199 sq. ft. allowed but the sign will not be stretched out, it has a circle. He said they are requesting 130 sq. ft. for the front and 98 sq. ft. for the back for a total of 228 sq. ft. of signage.

Mr. Bellis continued by saying there will be channel letters and the red is not illuminated, just the background and they do want a sign to direct people to the back of the building where the car stereos will be installed etc. He added that Kohl's has 320 sq. ft. of signage and Home Depot was granted 660 sq. ft. and this is obviously a smaller building but a pretty good proposal for what was approved for Home Depot and Kohl's.

Mr. Olivier asked if only the channel letters will be illuminated.

Mr. Bellis said the white around the circle will also be illuminated.

Mr. Takacs said it looks like 240 sq. ft. will be illuminated including the letters and the circle around it.

Mr. Bellis said the sign contractor Mr. Scott Kim is here and if looking at just the circle, it is 201 sq. ft. or 16' x 16' which equals 256 sq. ft. and the overall circle would be red and not illuminated.

Mr. Kim testified that it is just a placard.

Mr. Olivier asked if the directional sign is not illuminated.

Mr. Kim said it will be on the rear and not illuminated on the garage.

Mr. Takacs asked what the total requested signage is.

Mr. Bellis said the front and side will consist of 228 sq. ft. and does not include the road shop sign.

Mr. Kim said the road shop sign is approximately 24 sq. ft. and might have graphics on it and the graphics would be illuminated.

Mr. Lamanna asked if the sign is calculated with the circle.

Mr. McIntyre said yes, we take the sign and the sign logo and calculate the square footage.

The board reviewed the calculations.

Mr. Lewis referred to the letter from the township trustees to Heritage Development dated November 21, 2003 whereby the trustees in item #2 of the letter stated that the sign on the State Route 43 side be proportioned in the reduction of its size in the same fashion as the signs for Kohl's.

Mr. Bellis said the proposed letters on the front of the building are 130 sq. ft. and the proposed letters on the side are 98 sq. ft. so it is a 21% reduction on the side.

Mr. Takacs said the code allows 199 sq. ft. total.

Mr. McIntyre said 199.41 sq. ft.

Mr. Bellis said it is the manufacturing as far as the size because a template is used and it cannot deviate from the size.

Mr. Lamanna said the size of the sign is big enough to be seen from the roadway.

Mr. Takacs said that based on the letter from Mr. Hesse, Kohl's is at 5'.

Mr. Bellis said the letters are not spread out and the overall height of Dick's is close to 7' with the apostrophe.

Mr. Takacs said according to the minutes Dick's is at 5' tall.

Mr. Bellis said that Dick's has "Sporting Goods" below it.

Mr. Takacs said that Home Depot and Dick's were approved at 5' letters.

Mr. Lewis said you have to look at readability of the signage from Aurora Road.

Mr. Kim said they applied for 16' on the front and 12' on the side and he thinks the 16' size is pretty important to them and it is comparable to the other signs around.

Mr. Takacs asked about the length of the building.

Mr. Bellis said it is 173.4 feet.

Mr. Takacs said that the proposed Home Depot was 535 feet.

Mr. Bellis said that Dick's is 150 linear feet.

The board reviewed the calculations and the variances requested and the letter by Mr. Hesse dated November 21, 2003.

Mr. Bellis said it is not an issue with the size of the graphics on the front and they tried to set a standard of a 20% reduction factor but this is a different animal from Kohl's.

Mr. Lamanna said if the calculation is on the letters without the circle, it is more favorable.

Mr. Takacs said based on signage visibility, it is more than adequate.

Mrs. Stanton said the proposed sign is almost 35' above grade.

Mr. Bellis said it should not be.

Mr. Lamanna said it is 34' 11" to the top of the curve and 40' to the top of the building.

Mr. McIntyre said he took the dimension from the top of the sign.

Mr. Kim said he thinks the board has analyzed it and 16' is Circuit City's prototype and standard.

Mr. Lamanna said the board wants to make sure it is consistent with everyone else and told Mr. Bellis and Mr. Kim that if they need to go back and check with somebody else, the board can table this application until next month and added that the board will show them the courtesy of letting them come back next month.

Mr. Bellis and Mr. Kim were in agreement with tabling this application until next month.

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

Motion BZA 2004-4 – Signage for Circuit City at northeast section of development between Aurora Road (S.R. 43) and Lake Street

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

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 - 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.

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

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held April 15, 2004 at the request of the applicant.

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 8:51 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: April 15, 2004

Bainbridge Township, Ohio
Board of Zoning Appeals
March 18, 2004

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:51 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Public Comments

Mrs. Anne Myers met with board to inquire if developers can be required to submit a bond to be held in escrow until their projects are completed and about the status of the Federated Church appeal.

Minutes

Mr. Takacs made a motion to adopt the minutes of the February 19, 2004 meeting as written.

Mr. Olivier 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 2004-2 by Thomas C. Bauer for property at 17350 Tall Tree Trail - Continuance

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

Application 2004-4 by Heritage Development Company for Circuit City for property at northeast section of development between Aurora Road (S.R. 43) and Lake Street - Continuance

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

Application 2004-6 by Tanglewood Associates, an Ohio General Partnership dba Tanglewood Country Club for property at 8745 Tanglewood Trail

The applicant is requesting a renewal of a conditional use permit for the purpose of maintaining a country club. The property is located in a R-3A District.

Application 2004-7 by Arnold Leeb for property at 17787 Chillicothe Road

The applicant is requesting a use variance and area variances for the purpose of constructing an animal hospital. The property is located in a R-3A District.

Application 2004-8 by Cicogna Electric & Sign Co. (George Dragon) for Cingular Wireless for property at 7197 N. Aurora Road

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

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for April 15, 2004 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:20 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: April 15, 2004