

Bainbridge Township, Ohio
Board of Zoning Appeals
April 21, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:39 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. Mr. Todd Lewis arrived at 7:55 P.M. The following matters were then heard:

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

Application 2005-15 by Prestige Homes for property at 16505 Majestic Oaks Drive -
Continuance

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.

Mr. Lamanna stated that this is a continuance from last month.

Mr. Jon Russell of Prestige Homes was present to represent this application.

Mr. Russell testified that he is asking for two variances for the construction of a home on Sublot 65 in the Woods of Wembley Subdivision. He said the requested front yard variance is 22' from a 100' setback to a proposed 78' and added that the homeowner, Mr. Mueller, is present. He continued by saying that this lot is located next to a green space block so no house will be constructed there and added that water flows away from the house. He said the 25' riparian setback is from the high water mark and referred to the site plan. He said there is no noticeable difference on the setback with the adjacent houses and this is to the right of Block F open space.

Mr. Takacs asked about the proposed 22' front yard setback and said Mr. McIntyre had 24'.

Mr. Russell said they moved the house back a little and moved the house 5' on one side to the right and pushed it back and now it is 20' off the sideline.

Mrs. Stanton asked about the lot next door being in the common area.

Mr. Russell said yes, it is Block F and it goes to Washington Street and the nursing home is on the corner.

Mr. Olivier asked what the purpose is of moving the house 5' to the right.

Mr. Russell said the homeowner requested the house be moved over to get closer to Sublot 64 and to get closer to the block of property where nothing will ever be built.

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

Motion BZA 2005-15 – 16505 Majestic Oaks Drive

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

1. A variance from the minimum required front yard setback of 100' to 78' for a variance of 22'.
2. A variance to the location of a structure with respect to the riparian setback in the rear of 3'.

Based on the following findings of fact:

1. There is a practical difficulty due to the size of the lot and the location of the riparian setback area so it would not be possible to place the house in those confines.
2. The house has been moved over to reduce the impact into the riparian area due to the layout and it will not adversely affect water flow through the area.
3. The front yard setback is such because of the curvature of the road.
4. The location of the adjacent property on Sublot 64 and the lack of any further buildable property on the other side.
5. It is consistent with the neighborhood and will not have any adverse effect on the adjacent properties.

Mr. Takacs seconded the motion.

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

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

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

Motion 2005-18 – 17477 Chillicothe Road

Mr. Lamanna made a motion to postpone this application to the next regularly scheduled meeting to be held May 19, 2005 at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2005-20 by Ian H. Frank for property at 7400 Faraway Trail

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

Mr. Ian Frank was present to represent this application.

Mr. Frank testified that his request is to modify the height restriction of 35' due to a number of factors. He said it is a one acre lot with a front yard setback of 50' and a side yard setback of 15' and the proposed setback is 20' with a storm water easement of 36' to a rear dry detention pond. He said behind the lot there are five to six acres of open space and in terms of height, there will not be any restriction on the line of site and the only adjacent property owner will be to the immediate left. He said the lot is wooded with a ravine and they had to have soil borings performed and the house requires deep footers and a retaining wall and the retaining wall already has been approved. He added that the home needs vertical space as opposed to horizontal space. He explained that the additional height is needed in an effort to expand the house because of the ravine and he has a family of six (four children) and to house everyone, they need a two story home with a 12/12 pitch roof. He said a wider house would have been preferred but because of the size of the lot and the ravine, and in order to have five bedrooms, and to have the rooms usable, it is necessary to have a variance for the height. He added that the grade drops off on the right side, so it adds to the height of the house.

Mr. Takacs asked if the house could be shifted over.

Mr. Frank said no and explained there is no space and there is a dry detention pond in the back of the house.

Mr. Takacs asked if the home could be shifted back a little farther.

Mr. Frank said no because it would eliminate the backyard. He said it can be seen on the topos how the grade drops and it would eliminate the backyard.

Mr. Takacs said there would be over 150' in the backyard.

Mr. Frank said the retaining wall, for a deeper foundation, has been constructed already.

Mr. Takacs said if the house is moved straight back, there won't be the drop there is now.

Mr. Frank explained that the house would hang over the detention pond and with four small children they would have no backyard and added that with the soil analysis, a retaining wall was installed. He said if they were to change the design of the house, construction would be delayed and they have a special needs child that should not be moved in the middle of a school year and they need to achieve the space.

Mr. Lamanna asked if there is any living space in the roof.

Mr. Frank said no, not in addition to the second floor.

Mr. Takacs asked how far the living space goes up.

Mr. Frank said the roof pitch is in direct relationship (12/12 pitch).

Mr. Lamanna asked if there are 8' ceilings on the second floor.

Mr. Frank said they are 8' or 9'.

Mrs. Stanton asked where in Canyon Lakes this lot is located.

Mr. Frank said it is a little wooded street and it is paved and all of the utilities are in.

Mr. Lamanna said if this house was sitting on a flat lot, it would not be an issue and the problem is with the slope on one side and a similar slope in the rear.

Mr. Frank said the Canyon Lakes design review committee approved this and accepted the design.

Mr. Lamanna asked how wide the driveway is.

Mr. Frank said it is 10' to 12' wide.

The board reviewed the site plan and elevations.

Mr. Lamanna asked if the drive is going to the back.

Mr. Frank replied yes.

Mr. Lamanna asked what is back there.

Mr. Frank said the backyard is back there.

Mr. Lamanna asked if the driveway can be extended 8' or so for emergency vehicles.

Mr. Frank said yes, he does not have an issue with that.

Mr. Lamanna explained that one of the primary concerns is for the fire department to be able to get to the back of the house.

Mr. Frank said he does have a hydrant in front of his house.

Mr. Lamanna said if 10' were to be added to the driveway, the fire department could get to the back of the house if they have to and added that the house will be sitting below the street to begin with.

The board discussed the proposed house, height, etc.

Mr. Frank said if the board approves this, he will ask for the thirty day waiver.

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

Motion BZA - 2005-20 - 7400 Faraway Trail

Mr. Lamanna made a motion grant the applicant a variance for the maximum height permitted from 35' to 43'. The applicant has also agreed to extend the driveway 10' beyond the back of the second garage so as to provide access for fire vehicles.

Based on the following findings of fact:

1. A practical difficulty exists because the one side of the applicant's property slopes away steeply into a ravine.
2. More than 50% of the house is on a grade that would not exceed the height limitations.
3. The reason for the variance is the deep slope away towards that ravine due to the location of the house and there being no living space above the normal second floor height so it should not create any burden on firefighting by the township.
4. Due to the location of this property, and the surrounding properties, and the slope, the additional height will not present an undue appearance to the remainder of the properties or adversely affect adjacent properties.

Mr. Takacs seconded the motion.

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

Application 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township

The applicant is requesting an amendment to a previously granted conditional use permit with variances for the purpose of developing a residential care facility. The property is located in a R-3A District.

Mr. Lamanna stated that this is a previously granted conditional use permit with variances but due to some changes in the project, the applicant is requesting to modify the previously granted permit.

Ms. Cynthia Dunn, President of Judson, Mr. Tony Coyne, Attorney for the applicant and Mr. Bill Ferenback, Landscape Architect were present to represent this application.

Ms. Dunn testified that 1-1/2 years ago when they had come to the board, they were planning two phases with 320 units consisting of 60 cottages, 200 apartments and 60 assisted living units but when they started and worked with the architect, some of the issues were the trees and wetlands and there were some slight adjustments to be made that were necessary to relocate the trail. She said now they are still proposing 320 units, but there will be 71 garden homes 209 apartments and 40 assisted living units. She continued by saying it is a significantly improved plan and because of the cost of the infrastructure, they are now building in one phase instead of two.

Mr. Ferenback testified that the first plan was to have a central campus clustered in the middle with garden homes, but those drawings were a footprint and after doing building mass studies, they want to create more of a village effect. He referred to the area on the site plan and said this area east of the trail became identified as a wildlife area. He said in order to satisfy that, it was necessary to move west and indicated the trail location on the site plan. He said they have a green corridor plus a 25' buffer around all the wetlands. He said they contemplated taking the trail to the eastern direction to take advantage of the wildlife etc. He continued by saying that the complex has a village look and the center will be tucked away on a hillside to take advantage of the views. He said they put in quite a number of access roads that were requested by the fire department to gain access on three sides of the multi-story buildings. He said the lot coverage is at 19.7% which is still under 20% and the architect just completed the concept and master plan drawings and we feel that all of the conditions placed on the application and the initial variances are still being satisfied.

Mr. Lamanna asked Mr. Ferenback to give a brief comparison from the last time as to how the buildings will look.

Mr. Ferenback said they have a concept view and showed the center and the independent living buildings and said there is a mixture of three story and two story buildings to keep a village look by creating various roof heights.

Mr. Lamanna said it will avoid an institutional look and will be far more attractive and a really good job has been done for access around the buildings.

Mr. Ferenback said they had three meetings with Assistant Chief Lovell of the Fire Department. He indicated the location of the ponds and trees on the site plan. He said the previous plan had cottages scattered throughout the woods, but to minimize the amount of clearing, they are trying to bring the pods of cottages together to save and share the trees and to save the larger pockets of undisturbed areas.

Mr. Olivier asked about the old plan versus the new one.

Ms. Dunn said the old plan was for 60 garden homes, 60 assisted living and 200 apartments and the new plan is for 40 assisted living, 71 garden homes and 209 apartments.

Mr. Takacs asked if they will be gaining additional units.

Ms. Dunn replied no, there will be 320 total.

Mr. Olivier referred to the garden homes and asked if they will be single story homes on a slab.

Ms. Dunn said they will be single story with a crawl space.

Mr. Ferenback explained the proposed homes.

Ms. Maren Wolf of Chagrin Road asked where the Metroparks trail is and the proposed road on the site plan.

Mr. Ferenback explained the location of both per the site plan and the present location of the trail and the new proposed location and the location of the access road. He said he is not sure where the access road will intersect with Rocker but they will work with the county engineer on that.

Ms. Timy Sullivan of 7343 Chagrin Road asked what the height of the homes will be that will be located behind her home.

Mr. Ferenback said they will be 44' at the top of the ridge.

Ms. Sullivan said that is a big change from before.

Mr. David Mitchell, Attorney for the Chagrin Road Neighborhood Association testified that this is a substantially different plan than before and now there is a single phase instead of two and before the board was going to be able to review the traffic, water etc. after phase one. He referred to the previous minutes and said the board is losing its capability to do that with tonight's plan and they changed the location of the Metroparks trail and whether the trail will be conveyed to the township trustees is up in the air. He continued by saying that they increased the number of garden homes and the number of internal driveways and asked who is going to pay for the construction of the extension of Rocker Road. He said the trustees feel the applicant should pay, but does not think they are inclined to do so and until these matters are taken care of, this request should be denied.

Ms. Dunn said she has taken great steps to make this facility non-institutional and when they give you sewer and water, it is for the whole thing and that has been resolved. She said they had a very positive conversation with the Metroparks regarding the trail and they feel the impact on the trail is less than with the original plan and in terms of paying for the road, that is between us and the trustees and one concern with the delay is the cost of construction.

Mr. Lamanna said the plan was approved as a complete plan and one condition was that a traffic study be done after the first phase was completed, so the applicant will still have to come back with a traffic study when there is 50% occupancy so the board can look at it to see if there are any additional conditions to put on the project.

Mr. Coyne stated that they contacted Mr. Schweickart, traffic engineer and he concludes the traffic study that was previously done is still current and the second thing relates to the make-up of the units and said they are being more compliant, not less compliant and are pleased with the feedback from the fire department and they have good relations with them.

Mr. Lamanna said the concern was that the main block of buildings looked more institutional but this has a better look and feel and blends with the surrounding area better. He then asked about the lease agreement with Metroparks.

Mr. Coyne explained that property can be disposed of with leases and this concept is a 99 year lease and it won't interfere with how the property is developed, and that is how the Metroparks wants it.

Mr. Charles Riehl testified that he attended a Metroparks work session today and they had talked with the law director of Metroparks to see if they would change their policy and sell the trail to Bainbridge Township, and the township's preference would be a sale, but their (Metroparks) preference is the 99 year lease and no matter how the property is developed the 99 year lease will be the policy of Metroparks. He said they did require that we get back to them after this board meets.

Mr. Mitchell said the lease is between Metroparks and Bainbridge Township with a sub-lease to Judson and questioned whether or not that permits consolidation of parcels they don't own.

Mr. Riehl explained the lease agreement.

Mr. Mitchell said the lease will run to Bainbridge Township.

Mr. Riehl said that is correct, it will run to Bainbridge Township and then leased to Judson.

Ms. Dunn said one of the things Metroparks is pleased about is that Judson is paying for the improvements to the trail from Rucker to Chagrin.

Mr. Coyne said the 3,000' of trail will be designed to standards.

Ms. Dunn said one of the options of improving the trail is to bury the power lines.

Ms. Wolf asked if the trail will be open to the public.

Mr. Coyne replied yes.

Ms. Sullivan said since there is no limitation of three story buildings, she thought that was an issue last time.

Mr. Lamanna explained that the plan before the board is less now, more individual buildings but smaller in size.

Ms. Sullivan said she thought the code is 35' because of fire issues and now there will be three story houses and she did not think we did that in Bainbridge Township.

Mr. Mitchell said according to the previous motion, there was a purpose for construction of a three story building and now there will be 44' structures.

Mr. Coyne said the original plan had three large three story buildings, and these are much smaller and they were all in this area (he referred to the site plan).

Ms. Sullivan said no they were not.

Mr. Lamanna said they are centered over the trail.

Ms. Sullivan said they have been shifted closer to Chagrin Road and her concern is the three story buildings that are shifted closer to Chagrin Road.

Mr. Ed Sullivan testified that they are on the edge of a cliff.

Mr. Ferenback showed the ridge drop off on the site plan and where the three story and two story homes will be.

Mr. Mitchell asked how many three story structures there will be now versus the prior plan.

Ms. Dunn said they were going with what worked better visually.

Mr. Lamanna said you have to look at the linear feet of the three story buildings rather than what was presented before.

Mr. Ferenback said they would have by themselves looked larger.

The board reviewed the current site plan.

Mr. Lamanna asked how big the two buildings are that are isolated in the center of the project.

Mr. Ferenback said they are 125' and 160' long.

Mr. Sullivan asked how tall they will be.

Mr. Ferenback said they are 44' at the top of the ridge, at the peak, if they are a three story building.

Mr. Takacs asked about the other buildings on the site plan.

Mr. Ferenback referred to the master site plan and explained which ones are two story and which ones are three story buildings.

Mr. Olivier asked about the walking trails on the property.

Mr. Ferenback said the beige areas on the site plan are sidewalks and there will be some wood chip trails and added that the nature trails are wood chips.

Mr. Norm Schultz of Chagrin Road referred to the Metroparks trail and testified that it is an all purpose trail and is for horses, so it will be hard for people with canes to use it.

Mr. Ferenback said horses are not permitted on all purpose trails.

Mr. Schultz said they have used it before.

Mr. Ferenback said the trail will be built according to Metroparks' specifications.

Mr. Schultz said and for people with canes.

Mr. Ted Seliga testified by saying when it comes to the height variances, it had to do with the area of the buildings and the parking garages and the design of the buildings with shorter hallways that forced the three story buildings to exceed the maximum height of 35'.

Mr. Coyne said the parking will all be buried, but the height of the buildings were for the purpose of walking within the building and added the original plan had fewer larger buildings.

Mr. Mitchell said that Mr. Seliga is absolutely right regarding the height of the buildings for shorter hallways but this is not the case anymore.

Mr. Coyne said it is still the case.

Mr. Seliga said this requires an evaluation of the buildings on an individual basis versus what was granted before.

Ms. Dunn said this is also under review by the fire department.

Mr. Seliga said the fire department is not the issue, it is the variance to the zoning regulations.

Ms. Sullivan asked what the kinds of issues are that would lead to justifying a variance.

Mr. Lamanna said fire protection, rescue and firefighting access and if it creates an infringement on the adjacent property owners.

Ms. Sullivan asked does not an applicant have to convince the board that without the variance, they cannot make use of their property.

Mr. Lamanna said that is not the only issue.

Mr. Mitchell referred to the Supreme Court of Ohio that all factors have to be considered.

Mr. Lamanna explained that it is how they are weighted and some of the factors regarding the height are insignificant and there is different weighting to every variance request and it is important regarding the delivery of public services and impact on the adjacent property owners.

Mr. Mitchell said that Mr. Seliga's comment is correct.

Ms. Dunn said with those buildings, we are trying to avoid longer corridors etc. and they would be more expensive to do, with more elevators but with these buildings there will be more green and we are improving the trail.

Mr. Mitchell said how much you spend is irrelevant, you need to compare the former three story buildings from before to what is being proposed today.

Mr. Riehl said they will be 600' – 900' away from residences.

Mr. Ferenback said they will be 940' from the Sullivan's property.

Mr. Lamanna said the board has to look at the total length of the buildings from what was previously granted to what is being requested now.

Mr. Roland Motley testified that this is a big improvement and it is closer to Rocker than Chagrin Road.

Mr. Lamanna said it is driven by the shape of the property and the board will add up all the lengths of the three story buildings.

Mr. Ferenback referred to the site plan and said they are 120', 130', 175', 220', 160', 200' and 100' facing the road and two others that are internal that are 160' and 125'.

The board calculated the total footage.

Mr. Lamanna said there are 1,390' of three story buildings and 1,400' in the old plan not counting the wellness center.

Mr. Lewis said the amount of linear feet is almost identical.

Mr. Lamanna said he did not add in the wellness center.

Mr. Mitchell said the previous minutes also reflect that the three story buildings will be located in low areas of the property and it is clearly not the case anymore.

Mr. Ferenback explained the areas of the lower elevation on the property and said there are only so many areas to build on.

Mr. Lamanna asked what the elevation is at the trail.

Mr. Ferenback said it is 960' and goes down to 955'.

Mr. Lamanna asked about the old trail.

Mr. Ferenback said it is 960'.

Mr. Lamanna said there is a 10' difference.

Mr. Jim Muggleton of 7456 Chagrin Road testified that he is curious why the original variance was granted with a larger C-shaped structure and said the fire department indicated they need large strong areas all the way around the building and it does not seem to him that there is any access around the building.

Mr. Ferenback said they spoke to Assistant Chief Lovell and they do need access there and he is very satisfied with 98% of this plan but there is still some tweaking that is needed for this.

Mr. Muggleton asked if there may be more revisions.

Mr. Ferenback said they feel 99% sure that this plan will be used and it cannot be changed very much per Gus Saikaly of Water Resource and the Army Corp of Engineers and we are to a point we cannot change it anymore and if we add another road, something else will have to get moved around.

Mr. Sullivan asked how many apartments are on the top floor of the middle building.

Mr. Ferenback said there are six or seven units on the top floor and he can't remember the number of units per building, precisely.

Ms. Wolf referred to the private roads and asked if Bainbridge or Judson will maintain them.

Mr. Ferenback said Judson will take care of the private drives but they will be built to county standards for the fire department and Bainbridge will take care of the dedicated road.

Mr. Motley stated that in talking to the people in the park, the impact on the park is not the same as for the people on Chagrin Road. He said they are isolated and with the road opening up the community we would rather look over and see a two story building rather than a two story mound, but added that he is not speaking for everyone in the park.

Mr. Sullivan said they will look at two buildings and originally they were two story buildings and would be happier if they were two story versus three story. He said it is a R-3A piece of property in a residential area and to have apartment buildings in a residential area is not what we want to look at.

Mr. Lamanna asked Mr. Sullivan where his house is.

Mr. Coyne said they are three football fields or 900' away.

Ms. Sullivan said it is very deceiving and she does not want to belabor the point but they know what their site line is and they were comfortable when they thought they were going to be two story units, but from their standpoint, this is a big difference to look out at a house versus an apartment building and she would rather it to be a house.

Mr. Lamanna asked if it would be possible to swap it out with a two story structure.

Mr. Coyne said they can continue to have dialogue with the Sullivans and they (Judson) have been addressing the spirit and intent of the issues granted by the board and added that he respects Mr. and Mrs. Sullivan and maybe they can tweak the plan. He added that the trail will be a tremendous benefit to the community.

Ms. Sullivan said she really did not want this to be about the Sullivans but there is a difference between the campus effect and what was originally talked about and there is a significant difference.

Mr. Seliga said to counter Mr. Coyne, he believes that every variance should be on its own merit.

Mr. Lamanna said the board would not be here looking at this if it was totally different, the board is looking at how different it is regarding the variances previously granted. He said the plan may be different but the board needs to look to see if there is a change in the variance. He then asked Mr. Coyne how a lot merger is done on a lease.

Mr. Coyne said he can ensure that they can develop over it.

Mr. Lamanna said you cannot physically merge the property with a lease.

Mr. Coyne said they are accomplishing the same thing.

Mr. Lamanna said the purpose of consolidation is that the property cannot be uncoupled and it is to assure that no one can separate off a piece of one property, but it is possible through a deed restriction.

Mr. Coyne said with the conservation easement it will never be developed period.

Mr. Lamanna said the board has had that with other properties and referred to Heritage.

Mr. Mitchell said they will need variances from setback requirements if not consolidated.

Mr. Lamanna said they have rights over the property and is not sure the same thing applies with respect to setback requirements.

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

Mr. Takacs said his issue right now is he is not sure how the 99 year lease will work, but one phase of construction will shorten the time of construction.

Mr. Lamanna said there is still the traffic study that will give an opportunity to adjust shift changes, delivery schedules etc. if it turns out to be a traffic issue with the operations.

Mr. Olivier asked what the time frame will be for construction.

Mr. Ferenback said 18 months.

Ms. Dunn said it will start after the pre-sale period.

Mr. Ferenback said it will probably be finished in the fall of 2008.

Mr. Olivier asked if construction will start in 2006.

Mr. Ferenback replied yes.

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

Motion BZA - 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township

Mr. Lamanna made a motion to grant an amendment to the previously granted conditional use permit with variances for the purpose of developing a residential care facility as follows:

1. The previous application has been modified to relocate some of the multi-unit buildings into a different configuration and to a different sub-set of smaller buildings and that such plan is not different in a material way with respect to the considerations that were examined in granting the preceding conditional use and variances and knowing specifically that it does not appear that the amount of three story buildings as measured by the length of the roof line is significantly different than it was before and that the location arrangement of those buildings would not have any different impact on the line of site of the adjacent property owners.

Motion BZA - 2003-9 by Judson Retirement Community for property between Franklin Street, Rocker Avenue and Chagrin Road in Bainbridge Township - Continued

2. With respect to the requirement of conducting a traffic study before the commencement of Phase II, that requirement will be modified so that the traffic study will be conducted no sooner than 18 months and no later than 30 months after the facility has reached fifty percent occupancy and the study will be submitted to the board for review at a public hearing to determine whether additional conditions on operations or additional signage or directional devices or other limitations are needed to prevent adverse traffic consequences.
3. With respect to the requirement of acquiring the Metroparks property as an alternative to acquiring that property, the board will permit the applicant to obtain a lease for a term of not less than 99 years which will provide full rights to use such property and provided if such situation is the case, that the parcels be merged as required or if a merger is not available, that appropriate deed restrictions will be entered into, subject to the approval of the county prosecutor's office, that would accomplish the same purpose.

Based on the following findings of fact:

1. The board is making this change because this alternate arrangement accomplishes the same purposes and it is within the same considerations as were made in the board's original decision.

Mr. Takacs seconded the motion.

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

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.

Secretary's note: This application was withdrawn at the request of the applicant.

Application 2005-19 by Muralidhar Movva for property at 18180 Windswept Circle

The applicant is requesting a conditional use permit for the purpose of developing an on-site septic system. The property is located in a R-5A District.

Secretary's note: This application was withdrawn at the request of the applicant.

Since there was no further testimony, the public hearing was closed at 9:39 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: May 19, 2005

Bainbridge Township, Ohio
Board of Zoning Appeals
April 21, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:39 P.M. by Mr. Michael Lamanna, Chairman. Members present were: Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Modification of Minutes – Application 2005-3

With respect to the board's motion on application 2005-3 Mr. Lamanna moved to modify the motion as set forth in the revised minutes. The motion is substantially similar to that which was originally made, it has just been modified to better organize it and to more fully state the findings of fact that were previously made.

Mr. Takacs seconded the motion.

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

Minutes

Mr. Lamanna made a motion to adopt the minutes of March 17, 2005 including the revised motion on application on 2005-3 as modified at the meeting on April 21, 2005.

Mr. Takacs seconded the motion.

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

Applications for next month

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

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

Application 2005-21 by Leonard G. Stover for property at 7190 Country Lane

The applicant is requesting an area variance from lot coverage for the purpose of extending a driveway. The property is located in a R-5A District.

Since there was no further business, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

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

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

Date: May 19, 2005