

Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 16, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:37 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Olivier and Mr. Donald Takacs. Mr. Todd Lewis and Mrs. Ellen Stanton were absent. The following matters were then heard:

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

Application 2005-22 by Mary Sue Prescott for property at 16338 Chillicothe Road

The applicant is requesting an appeal alleging error by the zoning inspector for the purpose of a home occupation. The property is located in a R-3A District.

Motion BZA 2005-22 – 16338 Chillicothe Road

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held July 21, 2005 at the request of the applicant.

Mr. Takacs seconded the motion.

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

Application 2005-23 by Dana Shirley for property at 8896 Crackel Road

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

The zoning inspector's letter dated May 31, 2005 was read and photos of the site were submitted.

Mr. Dana Shirley, homeowner, was present to represent this application.

Mr. Shirley testified that he has lived in his home for the last eleven years with his wife Valerie Thomas and is requesting a variance to the side yard setbacks to build a storage building/pole barn for storage and for his motor home. He said he brought additional information that showed a little more and presented it to the board and added that he is not sure what was in the packet the board members received. He said it indicates what he is up against because the house was originally constructed just outside the 100 year flood plain and it was set back further and with only 150' of frontage, he does not have much room on each side and the additions are close to the septic field. He continued by saying the lot is surrounded by evergreen trees and it is sealed all the way around.

Mr. Shirley described the photos and said it is a little idea of what can be seen. He said Photo A is from the top of the drive at Crackel Road and the motor home is sitting where they would like the building to be. He also submitted a cross-section of the front and side of the structure. He said Photo B was taken across from Crackel Road and it is a view of what the people driving by will see. He said Photos C & D are most obvious because they are the points of when the people will actually see the building. He said he would appreciate the board's approval on granting this variance.

Mr. Lamanna asked how far back the house sits from the street.

Mr. Shirley said it is 200' back and added that the Winns and the Walkers will not be able to see the building but Mrs. Walker could see it if we have another storm like we had.

Mrs. Walker testified that she has his back.

Mr. Lamanna asked how big Mrs. Walker's building is.

Mrs. Walker said it is a four-car garage and it is 20' from the line.

Mr. Shirley said this building will be a foot lower than the roofline of his house and it can't be seen with the trees anyway.

Mr. Lamanna asked for an explanation of the aerial photo and how close it will be to the walkway.

Mr. Shirley said it will be 2' from the walkway and they want it as close as they could without hitting the drainage line and explained the location of the swale per the site plan.

Mr. Lamanna said it looks like it could be moved over 5 – 6 feet.

Mr. Shirley referred to the shadow from the gazebo on the photo.

Mr. Shirley said there will be almost a 2 ft. overhang and added that he wants it to be as close to the walkway as possible for access to the house.

Mr. Lamanna said it will only be 18' off the property line.

Mr. Shirley said it would save more money to move it closer to the house.

Mr. Lamanna asked if it would be a problem putting it closer to the walkway.

Mr. Shirley said it would be no problem.

Mr. Lamanna said it would reduce the variance by several feet.

Mr. Shirley said if it is moved 2' closer to the walkway, it would make the building 14' to the side yard.

Mr. Lamanna asked about the total height of the proposed building.

Mr. Takacs said it looks like it will be 24.6' and asked what the building will be used for.

Mr. Shirley said it will be used to store office furniture for a short time and bikes.

Mr. Takacs said he noticed the French doors on the plan.

Mr. Shirley said it is not a garage by any means.

Mr. Lamanna referred to the worksheet and said that the side yard setback shows 18'.

Mr. McIntyre testified by saying that it should be 18' and added that he has not seen the other information given to the board tonight.

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

#### Motion BZA – 2005-23 – 8896 Crackel Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a pole barn at the location and size shown in his application.

1. A variance from the minimum required side yard setback of 50' to 18' for a variance of 32'.
2. A variance from the maximum lot coverage of 10% to 12.5% for a variance of 2.5%.

Based on the following findings of fact:

1. A practical difficulty exists.
2. Due to the location of the applicant's existing house and septic field and the width of the lot, only being 150', it is not practical to place the building with a sufficient 50' side yard setback.
3. The side yard setback is also consistent with the neighborhood and with the adjacent property who also has a barn approximately 20' off the side line and that barn will obscure the view of that neighboring property and also the distance to the adjacent property to the east is such that they will probably be unable to see this barn from that house and it will not affect them.

Motion BZA – 2005-23 – 8896 Crackel Road - Continued

4. With respect to the lot coverage, due to the deep setback required for this house due to drainage issues in the front yard, there is a substantial additional driveway length on the lot that is only 1.5 acres so it is a small increase in the lot coverage and is consistent with the neighborhood and will not adversely affect any of the neighboring properties.

Mr. Takacs seconded the motion.

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

Application 2005-24 by TMC Terraplan Mgmt. Corp.; Regal Car Wash XXVII Associates, LLC for property at 8327 E. Washington Street

The applicant is requesting a conditional use permit to allow the property to continue to be used as a full service car wash. The property is located in a CB District.

The zoning inspector's letter dated May 31, 2005 was read and photos of the site were submitted.

Mr. Lamanna stated that this is a change of ownership.

Mr. Bob Roulan, present owner, was present to represent this application.

Mr. Lamanna asked Mr. Roulan if the car wash will continue to operate in the same way.

Mr. Roulan testified by saying yes.

Mr. Lamanna asked Mr. McIntyre if there are any outstanding conditional use permit issues.

Mr. McIntyre testified that there were water issues, but now they are on city water, so there are no outstanding issues.

Mr. Lamanna said they are now on municipal water and added that technically the new owner should be here.

Mr. Roulan said that Mr. Dennis Coyne was supposed to be here to represent the applicant but he is not.

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

Motion BZA 2005-24 – 8327 E. Washington Street

Mr. Lamanna made a motion to grant the change of ownership for the conditional use permit. This property is going to be continued to be used in the same way.

Based on the following findings of fact:

1. There are not any currently known violations of the existing conditional use permit.
2. The board also notes that there were, in that conditional use permit, certain requirements as to the amount of water usage and recycling etc. Those were placed at the time in the belief that the property would be using well water and since they are now using municipally supplied water, for so long as they are using that water and not using well water, those additional conditions will not apply.

Mr. Takacs seconded the motion.

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

Application 2005-25 by John and Tracie Montville for property at 18928 Rivers Edge Drive E

The applicants are requesting an area variance for the purpose of constructing a residential addition. The property is located in a R-3A District.

The zoning inspector's letter dated May 31, 2005 was read and photos of the site were submitted.

Mr. and Mrs. John Montville were present to represent this application.

Mrs. Montville testified that they are asking for a variance because her in-laws were moving in with them so they are adding a garage and they cannot go to the back of the property with the addition because of the septic field. She said they worked with different designs and wanted to get one that looked the most pleasing. She also said they are adding on a three-car garage and their property is curved with considerable frontage but it was built at the 100' setback line, seven years ago, so they are asking to move the house forward by 22' to the 75' setback line.

Mr. McIntyre said the house across the street on the corner is setback at 75' and another house is at 80'. He said the interior lots are setback at 100' and 120' but the two corner lots are at 80' and 75'.

Mrs. Montville said by coming to that 75' line, their house will not look any closer to the street than the other houses.

Mr. Lamanna asked how close the immediate neighbor is.

Mrs. Montville said she did go to all the neighbors and they were fine with the plans and they did not feel it would degrade their property. She explained the location of the garage on the aerial photo.

The board reviewed the photos submitted.

Mrs. Montville said the garage door will face the front.

Mr. John Montville testified that the development is 20 years old and the deed restrictions say the front yard setback is 75'.

Mrs. Montville said they want to keep the roof line the same as the house.

Mr. Montville said when they originally built the house, they had to get septic approval before they could build the house and they cannot build on the secondary leach field and it may have been encroached upon if they had tried to build out.

Mr. Paul Doherty, President of the Homeowners Association testified that it is his understanding that if the house would have been built in the late 1970s, they would not have to be here now and it is not fair to penalize them because their house was built later.

Mr. Lamanna explained that when the subdivision was platted, it may have been 75' but the setback was changed and the house is not allowed to increase in non-conformity.

Mr. Doherty referred to the first case on Crackel Road and said the side yard setback will be 18' with a 32' variance.

Mr. Lamanna said that is right.

Mrs. Montville said they have the common area next to them.

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

#### Motion BZA 2005-25 – 18928 Rivers Edge Drive E

Mr. Lamanna made a motion to grant the applicant a variance to the minimum front yard setback from 100' to 80' for a variance of 20' for the purposes of constructing an addition onto the house including an additional garage.

Based on the following findings of fact:

Motion BZA 2005-25 – 18928 Rivers Edge Drive E - Continued

1. A practical difficulty exists.
2. The applicant has a limited area in which the house can be expanded due to the existing leach field and secondary leach field.
3. The variance also has minimal impact on the character of the neighborhood and the original setback in this neighborhood was 75' and there are other houses that are less than the 100' setback.
4. Since this house is on a curve in the road, it is a substantial distance from the neighboring houses and it would appear that the slight reduction in the frontage area will not be significantly noticeable due to the distance to the adjacent houses.

Mr. Takacs seconded the motion.

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

Application 2005-26 by Greg Harris for Brilliant Electric Sign Co., Ltd. on behalf of Key Bank for property at 17747 Chillicothe Road

The applicant is requesting area variances for the purpose of installing four parking signs for Key Bank customers. The property is located in a CB District.

The zoning inspector's letter dated May 31, 2005 was read and photos of the site were submitted.

Mr. Greg Harris of Brilliant Electric Sign Company and Ms. Denise Rentz of Key Bank were present to represent this application.

Mr. Lamanna asked if the purpose of these signs is to designate parking spaces for Key Bank.

Mr. Harris testified by saying yes and added that it is part of their lease agreement.

Mr. Lamanna asked if the Key Bank logo can be removed from the signs.

Mr. Harris said he would not have to be here at the board if they did not need the logo.

Ms. Rentz testified by saying they want to match the Prompt Care parking signs that are already there and they will be the same colors which are black, white and red. She added that they had the signs there before but they kept getting knocked over.

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

Motion BZA 2005-26 – 17747 Chillicothe Road (Key Bank)

Mr. Lamanna made a motion that the board has determined that based upon the sign proposed by the applicant, and in this particular case the use of the name of the occupant on this sign to identify parking spaces, will not be considered advertising material in the context in which it is used.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:25 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: July 21, 2005



Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 16, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:25 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Mark Olivier and Mr. Donald Takacs. Mr. Todd Lewis and Mrs. Ellen Stanton were absent.

Minutes

Mr. Takacs made a motion to adopt the minutes of the May 19, 2005 meeting as written.

Mr. Lamanna seconded the motion.

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

Applications for next month

Application 2005-27 by James B. Thomas for property at 7945 Country Lane

The applicant is requesting an area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Application 2005-28 by John and Shauna Widman for property at 7055 Cedar Street

The applicant is requesting an area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Application 2005-29 by Mattress Matters for property at 7165 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing an additional wall sign. The property is located in a CR District.

Application 2005-30 by Alan A. & Kerri L. Bobnar for property at 8853 Taylor May Road

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

Application 2005-31 by Debra K. Cifani for property at 18010 Stoneybrook Court

The applicant is requesting an area variance(s) for the purpose of constructing an addition. The property is located in a R-3A District.

Application 2005-32 by Richard & Dorothy Rogel for property at 16533 Chillicothe Road

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

Application 2005-33 by Chagrin Falls Village Fire Department for property at 7600 E. Washington Street

The applicant is requesting a use variance for the purpose of constructing storage for the fire department. The property is located in a R-3A District.

Since there was no further business, the meeting was adjourned at 8:35 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: July 21, 2005

