

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

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Ellen Stanton and Mr. Donald Takacs. Mr. Mark Olivier and Mr. Todd Lewis were absent. The following matters were then heard:

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

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.

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Mr. Martin Sanders, Architect and Mr. and Mrs. Thomas were present to represent this application.

Mr. Sanders testified that he is representing Mr. and Mrs. Thomas and they are planning on building an indoor swimming pool that will be connected to their home. He said the pool will be 31' to 32' away from the rear property line and it will match the existing façade and they will install 6' to 8' evergreens to screen the structure from the neighbor and to give more privacy to the owner.

Mr. Takacs asked if the pool is there now.

Mr. Sanders said no and explained the existing shanty and driveway and that they were always there. He added that the existing house was built in the 1970s and is 68' from the rear property line. He said the existing side yards are 46'-8" and 39' and they were determined by a surveyor and the elevations of the new addition are similar to the existing home with matching siding and roof and they will add very attractive evergreens.

Mr. Takacs asked if there will be mounding.

Mr. Sanders said there will be strictly evergreens and does not know about any proposed mounding. He said the pool will be very attractive with a patio as shown on the drawings. He added that this will be strictly a family pool for four people (two parents and two children).

Mrs. Stanton asked about the proposed trees.

Mr. Sanders said it is quite shielded already with evergreens.

Mr. Lamanna asked if a survey or an actual location survey had been done on the house.

Mr. Sanders said yes, it had been surveyed by a registered surveyor and added that all of the trees will remain and the evergreens will act as a privacy screen.

Mr. Lamanna asked about the existing shed on the property.

Mr. McIntyre testified that he went through the records and there was an actual permit that was issued for the shed.

Mr. Takacs asked about the existing road.

Mr. Jim Thomas, property owner, testified that their driveway goes through and the neighbors use it for access in the wintertime.

Mr. Takacs asked about the house per the photos.

Mr. Thomas said the address for that house is on Chagrin Road.

Mr. Lamanna asked if they looked at positioning this pool structure at the end of the house.

Mr. Sanders said the requested location is ideal for the owner.

Mr. Lamanna said the standard has to be a practical difficulty.

Mr. Thomas explained the location of the septic tank.

Mr. Takacs said it is in the front of the house.

Mr. Thomas said they have a porch and access to the pool would come through their kitchen.

Mr. Sanders explained that per the driveway location, it would be a good service area for the pool.

Mrs. Stanton asked about the grade of the property.

Mr. Sanders said there are three steps around 21" – 24" and explained the high point and where the water flows.

The board reviewed the photos of the property.

Mr. Sanders explained the high point and said it drops drastically.

Mr. Takacs asked how close the other house is.

Mr. Sanders said it is 50' – 60' away.

Mr. Takacs said according to the photos, it looks fairly close.

Mr. Sanders said it is quite a distance.

Mr. Thomas said it is 60' – 70' away.

Mr. Takacs asked if the property line is the fence.

Mr. Thomas said pretty much and the neighbor has got to be 50' – 60' from that fence.

The board discussed with the applicant the location of the neighbor's house.

Mrs. Stanton asked about the height of the proposed evergreen trees.

Mr. Sanders said they will be 6' – 8' and they will be an attractive screen for all periods of the season.

Mr. Lamanna asked if the corner of the house meets the 50' setback.

Mr. Sanders said it is about 45' right now, and the others are 39' and 46'.

Mr. Lamanna said it has to be measured perpendicular to the side lot.

Mr. Sanders said it is about 42' and it will be a very attractive addition and the homeowner would be very happy.

Mr. Lamanna asked if there is a side yard variance.

Mr. McIntyre said the problem is that it needs a variance for the main structure.

Mr. Sanders said they will do everything possible to make it an asset.

Mr. Lamanna asked how high the proposed addition will be.

Mr. Sanders said it will be 14' high to the low point and will not be as high as the existing house.

Mr. Takacs asked about the location of the windows.

Mr. Sanders explained the wall of windows on the southwest side and said in time the evergreens will exceed the height of the structure.

Mr. Lamanna asked how big the existing shed is.

Mr. Sanders said it is 16' x 16'.

Mr. Lamanna asked what it is used for.

Mr. Thomas said it is used to store his tractor in the winter and in the summer, winter items.

Mr. Lamanna asked the applicant what he would think about moving the shed somewhere else on the property.

Mr. Sanders said the shed was there when they bought the house.

Mr. Lamanna said they found a 1988 permit for the shed that was probably inaccurately acted upon.

Mr. Takacs asked if the deck was elevated.

Mr. Thomas said it is on the same level as the first floor but the property drops off.

Mr. Takacs said that two houses will look at the pool.

Mr. Sanders said they will screen it.

Mr. Takacs asked again about mounding.

Mr. Sanders said they will put in mounding if necessary.

Mr. Lamanna said there is a concern about adding another non-conforming structure and added that a lot of things were done in 1988 that should not have been done and it would not have been approved by this board and now there is a newer house that is looking at a shed virtually on the property line.

Mr. Sanders said they will be happy to shield it to beautify it for both of the neighbors. He said right now the house is vacant, and the weeds are high, but they will do everything they can to shield it.

Mr. Lamanna said he would like the applicant to come back next month to show where the septic fields are and the elevation of the property.

Mr. Thomas said he wants the pool in this location and he is not going to build the pool in another area.

Mr. Lamanna explained that right now there is no basis to approve the pool in this location.

Mr. Thomas said they were told that all they needed are these plans, not septic and leach field locations.

Mr. Sanders said they are grandfathered in and this is being unreasonable.

Mr. Lamanna explained that there was not sufficient evidence presented to support a decision so the applicant needs to come back and bring evidence to support the board's decision and added that the board would like to see the shed moved.

Mr. Thomas said they cannot move the shed because it has a concrete foundation.

Mr. Lamanna said that the neighbors think there will be an adverse effect.

Mr. Thomas said they don't talk to their neighbors, but they will determine the outcome of this.

The board discussed tabling this application until the next meeting.

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

Motion BZA 2005-27 – 7945 Country Lane

Mr. Lamanna made a motion to table this application to the next regularly scheduled meeting to be held August 18, 2005.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated July 14, 2005 was read and photos of the site were submitted.

Mr. Lamanna swore in Mr. Jim Leffler, Chief, Mr. Mark Vedder, Assistant Chief and Mr. Frank Zupan, Assistant Chief of the Chagrin Falls Suburban Fire Department. Chief Leffler, Assistant Chief Vedder and Assistant Chief Zupan were present to represent the fire department.

Assistant Chief Vedder testified by saying that the Chagrin Falls Suburban Fire Department is a non-profit organization and they are requesting to build a building on the well field property owned by Chagrin Falls, located in Bainbridge Township, intended to be a storage building to store a spare rescue squad. He said they will have a roadway go back to the building and it will be blocked by trees and used for storage purposes.

The board reviewed the site plan submitted.

Mr. Takacs asked if this building will be for the storage of equipment and no people will be there.

Assistant Chief Vedder replied by saying yes, only storage and explained that they have an extra squad and large training equipment and said this will be for seasonal things and spare parts.

Mr. Lamanna asked if there are any plans to dispatch out of the building.

Assistant Chief Vedder replied no.

Mrs. Stanton asked about exterior lighting.

Chief Jim Leffler testified that there is not much need for it and the water department monitors their facility so there is not a lot of security lighting and added that because of Homeland Security issues, that is why they need their own driveway.

Mr. Takacs said there will not be a separate curb cut.

Chief Leffler added that the Village no longer raises trees on the property.

The board viewed photos of the site.

Mr. Gene Melen of 7466 Samuel Lord Drive testified that he did a cursory inspection of properties owned by Chagrin Falls Village and the Village owns 130 acres and asked why it is we want to convert residential property to a storage area. He said it will degrade property values and set a precedent to use the remainder of the parcel for various things and he does not want that in his backyard and added that the property should be residential.

Assistant Chief Vedder said the property is not being used for residential now.

Mr. Melen said there was a previous waiver for the property.

Mr. Lamanna asked Mr. Melen how far down on Samuel Lord Drive he lives.

Mr. Melen said their property abuts his back property line.

Mr. Mark Frank of 7522 Samuel Lord Drive testified that he also lives on Samuel Lord Drive and has lived there for 19 years and a storage facility is being requested but it was reported by the Sun Newspapers that the fire department is going to be using it as a training facility for fire drills, etc. and burns and this is Phase I and we will be sitting here next year for Phase II. He said the Mayor was here once and passed out the wrong drawings with several ball fields and a town hall and he is concerned that the entire fire department will be moved to this location.

Assistant Chief Vedder said it is a terrible location for a fire station and this is the Suburban Fire Department and we don't represent Chagrin Falls Village so we cannot address future development and we are going to build a storage facility only.

Mr. Frank asked about training at the facility.

Assistant Chief Vedder said they may put ladders against the building, but they use the well fields for training now.

Mr. Melen asked if the Suburban Fire Department owns land anywhere else in the Village.

Assistant Chief Vedder replied no.

Mr. Melen said that City Council could be approached to put a building on another parcel the Village owns that is 73.85 acres.

Assistant Chief Vedder said they (fire department) selected this location.

Mr. Melen asked if the 73.85 acres would serve the fire department's needs.

Chief Leffler testified that it is the Whitesburg property.

Assistant Chief Vedder said no, they did not research the other properties that Chagrin Falls Village owns.

Mr. Dennis Grabowski of 7728 E. Washington Street testified that there is major noise there now and two weeks ago several crews with several fire trucks were accessing the main drive.

Mr. Tim Skoh of 7694 E. Washington Street testified that there were several trucks.

Ms. Linda Curtis of 7694 E. Washington Street testified that there were a lot of fire trucks and she thought they were at her house when she came home.

Assistant Chief Vedder said they don't train on the weekends.

Mr. Grabowski said when he came up E. Washington Street, it was scary to see all the lights.

Ms. Curtis said she bought into a rural area and she wants to keep that atmosphere and does not want to see a storage building across the street.

Mr. Skoh asked how large the building will be.

Assistant Chief Vedder said it will be 40' x 80', the same as the one there now and the same height.

Mr. Melen asked what the maximum height will be.

Mr. Skoh said with a 40' x 80' building, you could put five rescue squads in there.

Chief Leffler said the property is pretty well blocked by the trees and added that it has never been used as residential.

Ms. Curtis said there is one house there.

Mr. Lamanna responded to the height question and said it will be 18' – 19' high, under 20'.

Mr. Melen said this parcel has been discussed for the last ten years and the current zoning is R-3A and residential and after a long drawn out process, a ball field was able to be built there and now we are being approached again to ignore it further for a storage building. He said the nose of the camel is in the tent and the next thing you know, the whole camel will be in the tent and it stinks.

Mr. Lamanna said the board is looking at the use and what effect it will have on the adjacent neighbors, and there are already water tanks, and whether this will change the impact significantly.

Mr. Melen said the water storage is a passive structure.

Mr. Lamanna said there are two other structures.

Mr. Melen said there is no traffic related to that.

Chief Leffler said the water department has storage facilities there already and as a fire department, we try to be good neighbors. He said regarding the concerns the neighbors have, we will work the best we can to keep it a minimal impact.

Mr. Lamanna asked Chief Leffler if he knew what the past situation was.

Assistant Chief Vedder said no, but they do train at the facility now.

Chief Leffler said the trucks may have been out on the street because the facility was locked and if we are on the street, the lights on the trucks will be on, but we can minimize that aspect.

Mr. Lamanna asked if Chagrin Falls has mutual aid with Bainbridge Township.

Assistant Chief Vedder replied yes.

Mr. Melen asked if Bainbridge Township will have use of this facility.

Chief Leffler said anyone can use our equipment and about 16% - 20% of our calls are mutual aid and when one of Bainbridge Township's squads was out of service, we lent them one of ours and we provide each other with service and added that they are landlocked in the Village.

Mr. Grabowski said the Village has property on Cleveland Street.

Assistant Chief Vedder said that is where the squad is now and it is tight.

Mr. Grabowski said there is plenty of property there on Cleveland Street to put another building and it won't affect our properties.

Mr. Melen said he has a list of properties that the Village owns and asked if the fire department wanted the list.

Assistant Chief Vedder said he would be happy to have the list.

Chief Leffler said they are not representing Chagrin Falls and they don't own any property and cannot force the Village to expand their property and the Village agreed to give us this property.

Mr. Melen asked if the Village will title the property to the fire department.

Assistant Chief Vedder replied no.

Ms. Linda Curtis asked how often the facility will be used.

Assistant Chief Vedder said they train only on Thursday nights and they don't train at the same site all of the time.

Chief Leffler said they try to split the crews up in different locations and the drill the residents were referring to was a vehicle extrication night and usually only one truck is used at one location. He added that they use the waste-water treatment plant, schools, etc. also for training.

Ms. Curtis asked if training is only once a month maximum.

Assistant Chief Vedder said they did not realize anyone had concerns about their using this property and they will try to make the residents aware.

Ms. Curtis asked if they will be able to see the building from the road.

Assistant Chief Vedder said it will not be seen in the summer.

Mr. Lamanna said this building will be back 300' – 400' from the highway gate and will be 200' from the highway so they can park three or four vehicles down the driveway and they will be using their own parking lot.

Assistant Chief Vedder said there will not be a lot of training back there.

Mr. Grabowski asked where the entrance will be.

Assistant Chief Vedder said it will be in the same place.

Mr. Grabowski asked about using Billy Campbell Drive.

Mr. Lamanna said that is 2,000' away.

Mr. Takacs referred to the proposed building and the paved area and said it will be 800' – 1,000' away from the ball fields.

Assistant Chief Vedder said what will be there is a rescue squad.

Ms. Curtis asked if the gate will be changed for easier access for the fire department.

Mr. Lamanna explained that they will have their own gate, there will be a separate gate for them and one for the water facility.

Chief Leffler said there has not been enough room to pull in off the street.

Mr. Grabowski said they could park on Billy Campbell Drive.

Chief Leffler said they could look at issues of that.

Mr. Lamanna asked if there will be training at odd hours.

Chief Leffler said only on Thursday nights from 7:00 P.M. – 9:00 P.M.

Mr. Skoh said the existing drive to the water tank is a typical driveway.

Mr. McIntyre explained the break-off inside and said it does not appear they will widen the curb cut.

Mr. Grabowski said the address is 7600 and he believes it is Billy Campbell Drive and there is no reason they can't come up Billy Campbell Drive.

Chief Leffler said they have a budget to work with and site work to be done and were hopeful to use the water department drive but cannot use it because of issues they have.

Mr. Ward Pierson of 7049 Cedar Street asked if there will be any hazardous chemicals stored there.

Assistant Chief Vedder said absolutely not.

Mr. Grabowski asked if oxygen will be stored there.

Assistant Chief Vedder said there will be no drugs or oxygen located there.

Mr. Melen asked if there will be running water, drainage, sewer or electric.

Chief Leffler said there will be at least electric in it but there are no plans for any other facility.

Mr. Takacs said according to the plans, they are connecting into the water and sewer lines.

Mr. Melen said that is the first step to make it a barracks.

Assistant Chief Vedder said it will not be a fire station.

Mr. Mark Frank said there are three wetlands on the property.

Assistant Chief Vedder said the property was a tree farm.

Mr. Frank said the construction of the building and the pitch could wipe out the wetlands.

Chief Leffler said the building will fit inside the existing fenced in area and they will leave the fence there.

Mr. Takacs asked if there will be a foundation with a footer.

Chief Leffler said yes they would probably use wood and some type of siding.

Mr. Melen asked if it will be a pole building.

Mr. Frank Zupan, Assistant Chief testified by saying it will be a pole building.

Mr. Melen asked if there will be a smoke alarm in there.

Assistant Chief Vedder said it is not their intent because it would require a phone line.

Chief Leffler said in the summertime, there is no way anyone will be able to see it and it will be blocked in the wintertime.

Mr. Melen asked if Bainbridge Township will be able to use it in the future.

Assistant Chief Vedder said if Bainbridge requests it, they absolutely could.

Mr. Lamanna asked if there will be any specialized training held there.

Assistant Chief Vedder said it will be a pole building for storage.

Ms. Curtis asked if they need to have a 40' x 80' building and will a smaller one work.

Assistant Chief Vedder said based on their storage needs, they need it that size to store things and he is not sure a 40' x 60' building would change the impact.

Mr. Lamanna said it is not a particularly large building.

Mr. Grabowski said no, unless it is in your backyard.

Mr. Lamanna said the township has people that are building that size structure 50' from the property line.

Mr. Melen asked if it won't change the characteristics of the R-3A property.

Mr. Lamanna explained that this is a use variance for the property because it has other uses.

Mr. Melen said and more, and more, it is a slippery slope.

Mr. Lamanna said the granting or denying of this application has no effect on any other future applications for this property.

Mr. Melen said if a developer wants to put cluster homes there, they will have to look at this barn.

Mr. Lamanna said presumably, the Village owns the property and decided to let the fire department rent this property, so if they sell it, it will be sold the way it is and we are not protecting future purchasers.

Mr. Melen asked how we look at this on the long term.

Mr. Lamanna said he is not worried about future subdivision of this parcel, and if it is sold, the buyer is accepting the consequences on what was built on the parcel.

Mr. Takacs told Mr. Melen that he is about 1,000 feet away.

Mr. Melen said he is concerned because there is an egress to the side of his lot and it goes right past his backyard. He explained where the egress is located and there is no other egress other than on Savage Road and said ultimately that is his concern and that it would turn into a transfer station for garbage.

Mr. Frank referred to the article in the Sun Newspapers that said, at the meeting, there was a discussion on whether they should even ask Bainbridge Township.

Mr. Takacs said you probably won't know this building will exist according to how it is presented.

Mr. Frank said he can see the lights from the ball fields that he cannot use.

Mr. Melen said he is here to support the territorial nonsense for this end.

Ms. Curtis said we have to all work together and share and be neighborly.

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

Motion BZA 2005-33 – 7600 E. Washington Street (Chagrin Falls Village Fire Department)

Mr. Lamanna made a motion to grant the applicant a variance for the purpose of constructing a storage facility for the fire department, together with a paved asphalt area and access road as shown on the accompanying site plan.

Based on the following findings of fact:

1. It is an existing property that is being used for municipal purposes with existing storage buildings related to water services.
2. This proposed building will be consistent with that existing use and will not substantially expand that use.
3. The proposed building will also be more than 350' from the existing E. Washington Street right-of-way so it will not adversely affect any of the properties on the other side of E. Washington Street.
4. Other adjacent properties on the other side of the parcel are between 800' and 1,000' away and there is substantial natural screening on the property so this building will not be visible.

In order to maintain consistency with the fact that this is located in a residential area, and to minimize the impact on the adjacent neighbors, and as a necessary finding of this board, from the facts permitting the granting of this variance, the board will also impose the following conditions on the use of this building.

1. It will be primarily used only for storage purposes and not for dispatch of the equipment or for other longer term occupancy of people.
2. The area can be used for training by the fire department but they will take due consideration the fact that they are in a residential area and how they conduct that training.
3. They will not conduct training activities after the hours of 10:00 P.M. or before the hours of 8:00 A.M. or on Sundays and they will generally conduct these activities no more than five (5) times per month.
4. A further condition is that there will be no permanent lighting for the paved area and that any lighting on the building be limited to reasonable security lighting only and designed and positioned in a way to minimize to a great extent possible any light spill over to the surrounding area.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Mr. George Clemens, Architect, was present to represent this application and testified that he is the architect for this project for the addition of a bay window and they are adding a family room with a bay because they are trying to improve the appearance on that side of the house as well as have a breakfast room bay. He said this will replace a window.

Mr. Lamanna asked if it will be a hanging bay window.

Mr. Clemens said no, there will be a foundation but it will be more of a decorative feature and they are right a 10' so anything they do would require a variance. He noted that Mr. Ward Pierson and Ms. Michelle Taylor are present.

Mr. Ward Pierson and Ms. Michelle Taylor both testified that they were fine with the proposed addition.

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

Motion BZA 2005-28 – 7055 Cedar Street

Mr. Lamanna made a motion to grant the applicant a variance from the required side yard setback requirements of 10' to 7'-3" for a variance of 2'-9" for the purposes of installing a bay window on an existing structure.

Based on the following findings of fact:

1. A practical difficulty exists because the current house is located on a small lot on Cedar Street, only 70' wide.
2. The house is located only 10' from the property line.
3. The bay window is a minor addition to the house and due to the fact that the adjacent property has the driveway of that property running along the property line, it will not adversely affect the neighbors.
4. This is consistent with other construction in this area.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Mr. Joel Frezel of Mattress Matters was present to represent this application.

Mr. Frezel testified that they want to put a sign on the back of the building to identify the business.

The board reviewed the variance request and noted that it is very similar to the other signs on the back of the buildings at the Market Place at Four Corners shopping center.

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

Motion BZA 2005-29 – 7165 Aurora Road (Mattress Matters)

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

1. A variance for the purpose of installing a second wall sign as shown on the application for an additional 22 sq. ft. of signage.
2. A variance of 23.6 sq. ft. additional total signage on the building.

Based on the following findings of fact:

1. This applicant has a two sided building, one of which faces Aurora Road and the other which faces the interior of the Market Place at Four Corners shopping center and therefore it is reasonable to have additional signage on the opposite side since potential traffic is likely to come equally from either side.
2. This is a reasonable and appropriate size sign as a secondary sign for that purpose and it is consistent with other signage on similar buildings within the center.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Mr. Alan Bobnar was present to represent this application.

Mr. McIntyre explained the septic field and replacement field location and the additional variance needed from the riparian setback.

Mr. Bobnar testified that he has a two acre lot that is grandfathered in and he is asking for a 10' variance on each side. He said it is wooded and one next door neighbor is 170' away and there is a valley where the water flows.

Mr. Takacs said it looks like the house will be 75' from the other neighbor's house.

Mr. Bobnar said obviously that house is closer than 50' and the front yard setback is 72' so it is up front further.

Mr. Lamanna asked if the principal septic field is in the back.

Mr. Bobnar said yes, and the reserve is in the front. He continued by saying he is going to clean out the existing stream with a Gradall.

Mr. Lamanna asked if there are any requirements going through a riparian.

Mr. McIntyre explained the silt fence requirement and said the Geauga Soil & Water Conservation District could address how the septic goes through the riparian.

Mr. Lamanna said it would not be a bad idea to double the pipe to make sure there is no breakage that would carry anything away into the stream and if Geauga Soil & Water has any recommendations, they should be followed.

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

Motion BZA 2005-30 – 8853 Taylor May Road

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

1. A variance from the minimum side yard setback requirements of 50' to 40' and 41.8' for a variance of 10' and 8'.

Based on the following findings of fact:

1. A practical difficulty exists.
2. It is a pre-existing lot of record only 150' wide.
3. The applicant is proposing a reasonable width house on this lot and it is centered on the property and would not be able to meet the side yard setback requirements on each side because of the narrowness of the lot.

Mr. Lamanna also moved to grant the applicant a conditional use with respect to Section 160.07 (A) to allow septic piping through a riparian setback.

With the following conditions:

1. The applicant will comply with any of the recommendations of the Geauga Soil & Water Conservation District for purposes of putting such a pipe through a riparian right-of-way.
2. The applicant will also upgrade the quality of the pipe through the right-of-way and make it either two pipes or double wall the pipe through that area.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated June 27, 2005 was read and photos of the site were submitted.

Ms. Debra Cifani was present to represent this application.

Ms. Cifani testified that she wants to put a Florida room on the back of her house and the property behind her house is owned by the association and they signed a letter stating they have no problem with it.

The board reviewed the variance request.

Mr. Lamanna asked what is behind her property.

Ms. Cifani said the association owns the land and also there is the old English property where there are motorcycle trails and beer bottles.

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

Motion BZA 2005-31 – 18010 Stoneybrook Court

Mr. Lamanna made a motion to grant the applicant a variance from the minimum required rear yard setback of 50' to 40' for a variance of 10'.

Based on the following findings of fact:

1. A practical difficulty exists.
2. The applicant is on a culdesac and due to the front yard setback requirements and the rear yard setback requirements it has only a very narrow area in which to build and still meet the setback requirements and this is the only location in which this addition could be placed.
3. The addition is consistent with the adjacent development and immediately behind the property is an unused triangle of land that belongs to the homeowners association and therefore will not adversely affect any of the neighboring properties.

Mr. Takacs seconded the motion.

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

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.

The zoning inspector's letter dated July 14, 2005 was read and photos of the site were submitted.

Mr. and Mrs. Richard Rogel were present to represent this application.

Mr. Rogel testified that he and his wife presently live in Auburn Township and they have their house for sale and they are proposing to tie their century home in the rear to the existing garage and would like to live there permanently.

The board reviewed the variance request.

Mr. Lamanna said the other issue is that there is another dwelling on the property.

Mrs. Rogel testified that the house is from 1850 and they are not adding a third house.

Mr. Lamanna asked if they are going to make this structure, the one in the back, the conforming structure and the other one will be the non-conforming structure.

Mrs. Rogel said that is the rental property and it will remain a rental property.

Mr. Lamanna said this house, the one in the back, will become the primary residence so anything you do to the other one in the front will be non-conforming.

Mr. Takacs asked about the shed on the property.

Mr. Rogel said he has yard maintenance equipment in that garage, but it will become a bedroom and bath.

Mr. Takacs asked if there is a basement.

Mr. Rogel said there will only be a basement where it connects.

Mr. Takacs said there is a lot of asphalt drive.

Mr. Rogel said they have grandchildren and they come and congregate and it is a good play area for them.

Mr. Takacs referred to the barn and asked if it is used for storage or for a business.

Mr. Rogel said it is for storage only and there is no business in it.

Mrs. Stanton asked about the height at the highest point of the house.

Mr. Takacs said it looks like about 20'.

Mr. Rogel said you are looking at the barn.

Mrs. Rogel said yes, that would be the new addition.

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

Motion BZA 2005-32 – 16533 Chillicothe Road

Mr. Lamanna made the following motion:

1. The board determined that the structure being modified and enlarged by the applicant, be deemed the principal structure on this property and therefore that said structure will be considered, for the purposes of the present application and future modifications, not to be a non-conforming structure, with the notation that the other dwelling that exists on the property will be deemed a non-conforming structure and any future changes, use or otherwise of that structure shall be subject to all of the requirements with respect to non-conformities.
2. To grant the applicant a variance with respect to lot coverage of .55% from 10% to 10.55%.

Based on the following findings of fact:

1. This is a de minimis increase in lot coverage.
2. On a very large lot, much of the increased coverage is due to trails and roads and play areas.
3. This would not have an adverse effect on any of the neighboring properties and would be consistent with neighboring uses in this area.

Mr. Takacs seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:54 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: August 18, 2005

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

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:54 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mrs. Ellen Stanton and Mr. Donald Takacs. Mr. Todd Lewis and Mr. Mark Olivier were absent.

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.

The board acknowledged a letter from Donald B. Bagley III, Esq., dated July 19, 2005 regarding the withdrawal of application 2005-22 by Mary Sue Prescott.

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

Minutes

Mr. Takacs made a motion to adopt the minutes of the June 16, 2005 meeting as written.

Mrs. Stanton seconded the motion.

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

Applications for next month

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

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 2005-34 by Gary Framson/EHC Cleve. LLC for Alan Nusbaum for property
at 16423 Stone Ridge 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 2005-35 by Andrew S. Castellano for property at 8550 East Craig Drive

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

Application 2005-36 by Paul & Kristen Doherty for property at 19001 Brewster Road

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 2005-37 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing wall signs for Home Depot. The property is located in a CR (Commercial Recreation) District.

Application 2005-38 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing ground signs for the shopping center development. The property is located in a CR (Commercial Recreation) District.

Application 2005-39 by Bainbridge North Land Development LLC for property at 7044 Aurora Road

The applicant is requesting an area variance(s) for the purpose of installing wall signs for Target. The property is located in a CR (Commercial Recreation) District.

Application 2005-40 by Chris W. Brown, Prestige Homes for Joe King for property at 8140 Woodberry Blvd.

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

Application 2005-41 by Stephen Crowther for property at 17138 Park Drive

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 2005-42 by Doris J. Lanza for property at 16716 Chillicothe Road

The applicant is requesting an appeal alleging error by the zoning inspector for the purpose of establishing a sleep clinic. The property is located in a PO District.

Application 2005-43 by Doris J. Lanza for property at 16716 Chillicothe Road

The applicant is requesting a use variance for the purpose of establishing a sleep clinic. The property is located in a PO District.

Since there was no further business, the meeting was adjourned at 10:18 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: August 18, 2005