

Bainbridge Township, Ohio
Board of Zoning Appeals
September 18, 2003

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis and Mrs. Ellen Stanton. Mr. Donald Takacs was absent. Mr. Mark Olivier arrived at 8:00 P.M. The following matters were then heard:

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

Mr. Lamanna explained that since there are only three members present, unanimous consent is needed to pass a motion.

Application 2003-38 by Edward G. Pierson, III for property at 7049 Cedar Street

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

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Edward Pierson was present to represent this application.

Mr. Pierson showed the board a photo of the inside of the present garage and testified that it is in poor condition and he wants to replace it (20' x 14') with a 24' x 22' two-car garage. He said the roof has leaked over several years and he would need to set the proposed garage 10' further back. He added that the neighbors are aware of what he is doing and said he needs a two-car garage, one to park his car, and the second stall for a wood working shop. He said he plans on installing electrical and heat and the garage will cost between \$10,000 – \$15,000. He added that the rafters will also hold storage.

Mrs. Stanton asked about the exterior.

Mr. Pierson said the exterior siding will be the same as the house, white, and will have two arched doorways and with the 2 x 6 construction, it will be thermally and acoustically better.

Mr. Lamanna asked about the height on the side.

Mr. Pierson said the garage will be 17' at the peak.

Mr. Lamanna asked how high the side of the garage will be.

Mr. Pierson said it will be 9' high to the ceiling.

Mr. Lamanna said the current garage is probably 8' so it is not going to be that much taller.

Mr. Lewis asked about the height of the house.

Mr. Pierson said it is a 1-1/2 story house and the garage will be shorter than the house itself.

Mr. Lamanna asked how much further back the proposed garage will be.

Mr. Pierson said it will be 10' further back because of the deck on the back of the house.

The board viewed photos of the site.

Mr. Pierson said there is lots of room in the back and two of the Maple trees can stay but probably one other tree will have to come down. He said he went down the street and noticed that there are ten homes with a two-car garage and three homes with a one-car garage and added that statistically there are more cars than eligible drivers in this country.

Mr. Lewis said the garage will be no closer to the side yard property line.

Mr. Pierson said yes and by moving the garage back, it will take the sound away. He added that there is a hole in the present structure.

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

Motion BZA 2003-38 – 7049 Cedar Street

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

1. A variance from the required minimum side yard setback of 50' to 5' for a variance of 45'.
2. A variance from the required minimum rear yard setback of 90' to 50' for a variance of 40'.
3. A variance from the maximum lot coverage of 10% to 26.4% for a variance of 16.4% which represents a 7.41% increase in the current lot coverage.

Based on the following findings of fact:

1. A practical difficulty exists because this a ¼ acre lot.
2. The lot is very narrow and would be impossible to meet the existing requirements.
3. There is an existing garage on the site that is also 5' so the encroachment will not be increased there.

Motion BZA 2003-38 – 7049 Cedar Street - Continued

4. The rear yard encroachment should not have any effect on the neighbors.
5. The actual relocation of the garage to farther back on the property will actually improve the situation for the neighbors on the 5' side.
6. The increase in lot coverage is reasonable given the small amount of total size of this lot.
7. Adding this two-car garage is consistent with the uses in the neighborhood. A large number of other homes in this area have replaced older garages with two-car size garages.
8. The building being proposed by the applicant is principally a one-story building, not of excess height or unreasonable, given the other structures in the area and therefore should not have any adverse effect on the neighborhood.

Mrs. Stanton seconded the motion.

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

Application 2003-39 by Gary & Michele Motyka for property at 9130 Old Meadow Drive

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

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Gary Motyka was present to represent this application.

Mr. Motyka testified that he would like to add a 24' x 26' one story addition for a great room and a one-car garage attached to the existing two-car garage. He said the proposed addition will be on the west side and he needs nine feet into the side yard setback. He added that the setback on the street is 75' – 80' and his property abuts State Route 422 but there are woods between with no neighbors to the rear. He submitted a signed letter from the neighbors stating that they have no objection to this variance request.

Mr. Lamanna stated that a letter from the neighbors is not admissible.

Mr. Motyka explained that the addition will be one story with a basement, cathedral ceiling and fireplace and the entire house will be vinyl sided with brick veneer and it will have a concrete drive and pull-off.

The board viewed photos of the site.

Mr. Motyka said he has no intentions of taking out the woods.

Mr. Lamanna asked about the front porch.

Mr. Motyka said they are going to bump it out four feet to create a larger foyer inside the house and added that the neighbors are aware of it.

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

Motion BZA 2003-39 – 9130 Old Meadow Drive

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

1. A variance from the minimum required side yard setback of 50' on the west side to 40' for a variance of 10'.
2. A variance from the minimum required front yard setback of 100' to 71' for a variance of 29'.

Based on the following findings of fact:

1. With respect to the front yard variance, this house is originally built at an approximately 75' setback so this is only a small 4' increase for purposes of modifying an existing porch to be consistent with the additions.
2. At this distance, the setback will be consistent with the other homes in the area.
3. With respect to the side yard setback, the adjacent house is well setback from the side yard.
4. This is the only feasible place to make an addition onto the house because of its shape and structure. The area in between is heavily wooded and the addition will be consistent with the finish and bulk of the existing house and therefore should not have any adverse impact on the neighbors and it is also consistent with the other houses in this area so there will be no adverse impact or change in the character of the area.

Mr. Lewis seconded the motion.

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

Application 2003-40 by Troy Oaks Homes for property at 16776 Elyria Street

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

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. David Thalman of Troy Oaks Homes was present to represent this application.

Mr. Thalman testified that this will be a multi-sector HUD home with a detached garage and will be 1,643 sq. ft. with three bedrooms and two bathrooms, and will be a total and complete home with all appliances and window treatments, landscaping and yard. He said the setbacks will be 22' from the rear property line, 28' from the side property line on the south and 20' from the side property line on the north and there will be an entrance off the front porch and added that two homes like this were previously sold in the Chagrin Falls Park Community although we did not sell them. He added that the lot width is 100'.

Mr. Lamanna asked what the front yard setback is for the house.

Mr. Thalman said the setbacks are 15' for the house and 13' for the garage and it is their intent to have the garage in front of the house just slightly.

Mr. McIntyre explained the lots in question per the GIS layout.

The board reviewed the setbacks requested.

Mr. Thalman showed the board a photo of the proposed home.

Mr. Lamanna asked Mr. Thalman how much problem it will be to back the garage up in line with the house.

Mr. Thalman said none whatsoever.

Mr. Lamanna said that 15' is pretty close and the board has been trying to keep a 20' setback in the front and asked if it could be moved back a couple of more feet.

Mr. Thalman said they can do that.

Mr. Lamanna said the rest is fairly consistent with what the board has granted before.

Mr. Lewis said it will aesthetically look nicer and will put more emphasis on the house.

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

Motion BZA 2003-40 – 16776 Elyria Street

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

1. A variance from the minimum required front yard setback of 100' to 15' for a variance of 85' for the house.
2. A variance from the minimum required front yard setback of 100' to 17' for a variance of 83' for the garage.
3. A variance from the minimum required rear yard setback of 90' to 22' for a variance of 68'.
4. A variance from the minimum required side yard setback of 50' to 28' and 20' for variances of 22' and 30' respectively.
5. A variance from the maximum lot coverage of 10% to 24.73% for a variance of 14.73%.

Based on the following findings of fact:

1. A practical difficulty exists because these are pre-existing lots of record. There are actually five lots which have been consolidated.
2. The size of the house being proposed is consistent with the size of the lot and consistent with the development in the area.
3. Because of the small lot sizes, these variances are required in order to make a lot reasonably buildable.
4. In this case, the slightly smaller than normal front and rear yard setbacks are required because of the slightly more elongated shape of the dwelling, but by moving the proposed garage back, it will diminish the impact on the street.
5. Due to the spacing of the adjacent houses and their location, it will be consistent with the development in this area and along the street and therefore will not have an adverse impact on the surrounding community.

Mr. Lewis seconded the motion.

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

Application 2003-41 by McMillon Construction for property at 16755 Bedford Street

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

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Cedric McMillon was present to represent this application.

Mr. McMillon testified that he is planning to build a two-story Colonial home in Chagrin Falls Park that will be 46' x 24' with an attached two-car garage. He said the proposed front yard setback is 25', the color will be beige, and it will have a concrete driveway and a 10' x 12' deck and will be totally landscaped. He said the garage will be one-story and added that the side yard setbacks will be 25' and 32' with approximately 34' to the rear property line.

Mrs. Stanton asked about the height of the proposed house.

Mr. McMillon said it will be 30' high.

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

Motion BZA 2003-41 – 16755 Bedford Street

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

1. A variance from the minimum required front yard setback of 100' to 25' for a variance of 75'.
2. A variance from the minimum required side yard setback of 50' to 20' and 32' for variances of 30' and 18' respectively.
3. A variance from the minimum required rear yard setback of 90' to 46' for a variance of 44'.
4. A variance from the minimum lot size of 3 acres to .229 acres for a variance of 2.77 acres.
5. A variance from the minimum lot width of 200' to 100' for a variance of 100'.
6. A variance from the maximum lot coverage of 10% to 17.82% for a variance of 7.82%.

Based on the following findings of fact:

1. These are five pre-existing lots of record and these variances are being granted due to a practical difficulty due to the size of the lots.
2. It would be impossible to meet all of the setback requirements and the setbacks are consistent with those in this area.
3. The size of the house being proposed is also reasonable for the lot size and is consistent with the development that is occurring in this area. Because of these factors, there should be no adverse effect on the neighboring properties and this development and these variances will be consistent with what has occurred in the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2003-42 by Bainbridge Land Development/Heritage Development Company, LLC for property at 7555 Market Place Drive

The applicant is requesting area variances for the purposes of creating a lot. The property is located in a CR District.

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Alan Bellis was present to represent this application.

Mr. Bellis testified that two years ago, Heritage came in for variances for all the different lots and they are in the process of doing financing and are subdividing the property within the developed area and would like to amend the variance to take out of parcel A and the original is just shy of 90 acres. He showed the board the site plan and explained that the remaining parcel includes Retail K and runs between Kohl's parcel. The parcel will have frontage on State Route 43 because there has to be so much frontage on a public thoroughfare.

Mr. Lamanna said nothing is changed in the overall development.

Mr. Bellis said yes, correct.

Mr. Lamanna asked if all the covenants and restrictions will apply.

Mr. Bellis replied yes and said the Geauga County Planning Commission reviewed the documents and they noticed all the legal descriptions have to be updated and re-filed technically.

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

Motion 2003-42 – 7555 Market Place Drive

Mr. Lamanna made a motion to grant the following variances with respect to the proposed lot split within the shopping center:

1. A variance from the minimum required side yard setback of 20' providing 0' setback.
2. A variance from the minimum required rear yard setback of 50' to 25' for a variance of 25'.
3. A variance from the maximum lot coverage of 40% to 88.88% for a variance of 48.88%.

Motion 2003-42 – 7555 Market Place Drive - Continued

Based on the following findings of fact:

1. This proposed lot split is for specialized purposes for financing and leasing of the property and development of it.
2. The board has previously had an application with respect to this development wherein similar lot splits have been granted on the basis that these lot splits are for legal definition only and that the lot will continue to be subject to the overall approved development plan for this property and that with respect to the property as a whole development, that the requirements of the development as a whole have met the requirements of the zoning ordinances subject to any variations or variances that have been granted with respect to the development as a whole.
3. In the board's prior granting of these variances, there were a substantial number of conditions imposed upon the granting of those variances in order to assure that this is in fact merely a legal convenience and not a change in the overall development plan or an actual increase in the variances available to the complete site.
4. Those same conditions are hereby incorporated by reference into this decision and will be applicable to the proposed lot split in this application.

Mr. Lewis seconded the motion.

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

Application 2003-43 by Thomas A. and Adelaide W. Linton for property at 19105 Snyder Road

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

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Thomas Linton was present to represent this application.

Mr. Lamanna asked Mr. Linton if his lot is a flag lot.

Mr. Linton testified that because of the wetlands on the south end of his property, he had to put the drive on Snyder Road.

Mr. Lamanna said that Snyder Road is technically the front yard.

Mr. Linton said yes and he has over 100' from the nearest property line.

Mr. Lamanna asked which way the house faces.

Mr. Linton said the house faces Snyder Road because he did not want to cut any trees down. He said he wants to place the shed so he can access it from the concrete pad. He added that his drive winds through the gap in the trees and said he may have to take one tree down. He said that Mr. McCreary is one of his neighbors and cannot see it.

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

Motion BZA 2003-43 – 19105 Snyder Road

Mr. Lamanna made a motion to grant a variance to permit a front yard obstruction for the purposes of constructing a shed in the applicant's technical front yard.

Based on the following findings of fact:

1. A practical difficulty exists.
2. The purposes of the particular restriction are not really applicable to this lot.
3. This is a large flag shaped lot, which although is technically addressed on Snyder Road with a front yard on Snyder Road, actually has greater frontage on Crackle Road, and because of that, the concept of the front yard does not really apply.
4. The location of this proposed shed is a substantial distance from the property line and would not affect any of the normal setbacks since the setback is over 700' already from Snyder Road.
5. It is not going to be perceived as being in the front yard of this house and would have no effect on the surrounding community and given the orientation of the house and the lot restriction, it is not applicable and permitting this obstruction does not derogate from the purposes of this particular zoning requirement.

Mr. Lewis seconded the motion.

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

Application 2003-44 by Jeffrey E. Baum for property at 18200 Chillicothe 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 September 12, 2003 was read and photos of the site were submitted.

Mr. Jeffrey Baum was present to represent this application.

Mr. Baum testified that his neighbors cannot see his house and he cannot see his neighbors either. He showed the board photos of his property and where the house sits on the wooded lot and said he is proposing to build a garage in front of his house.

The board reviewed the GIS layout.

Mr. Baum said he lives right across the street from Holy Angels Church and he has a strange lot but it is beautiful and the property owner of the lot next door to him lives in Oklahoma.

The board discussed the setbacks requested.

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

Motion BZA 2003-44 – 18200 Chillicothe Road

Mr. Lamanna made a motion to grant a variance to permit a front yard obstruction for the purposes of constructing a shed in the applicant's technical front yard.

Based on the following findings of fact:

1. This is a flag type lot with a long driveway out to the addressed street.
2. The applicant's dwelling is far back from the street.
3. The applicant would like to build a shed which would be in a normal and reasonable orientation to the rest of the dwelling but happens to lie in that area that is technically his front yard.
4. Again, this location does not fall in any way into the normal front yard type setback nor would it be visible from any of the adjacent neighbors on Chillicothe Road or even to appear to be a front yard obstruction on the lot of this unusual shape and orientation.
5. This restriction does not have good meaning and granting this variance would not derogate from the purposes of the restriction on front yard obstructions.

Mr. Lewis seconded the motion.

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

Application 2003-45 by Kerry Jones for James and Erma Cooke for property at 8381 E. Washington Street

The applicant is requesting a conditional use permit for the purpose of adding two self wash bays to an existing lube station. The property is located in a CB District.

The zoning inspector's letter dated September 12, 2003 was read and photos of the site were submitted.

Mr. Lamanna said there are setback and lot coverage issues with this application.

Mr. James Cooke and Mr. Kerry Jones were present to represent this application.

Mr. Cooke testified that they are requesting a conditional use permit to add two self car wash bays to go along with the lube station.

Mr. Jones testified that the car wash will be located on the east side of the building to be seen from the front and it is the best location for a turning radius. He said there was already a drive on that side of the building at one time.

The board viewed photos of the site.

Mr. Lamanna asked about the existing variances on this property.

Mr. McIntyre said on the original conditional use permit there were variances for the setbacks for the existing building and regarding the lot coverage, the drive that was there before, was removed and brought back to a green area. He explained that drives count for lot coverage whether gravel or paved and must be 20' from the property line unless shared. He said the proposed two bay car wash is new.

Mr. Lamanna said the existing lube station will be no closer.

The board reviewed the site plan and said there is a road there now.

Mr. Jones said there is green space there now, but there was a driveway when it was a car dealership.

Mr. Lamanna said with the additional paved area, there will be a .68% increase in lot coverage but we can reduce that somewhere else.

Mr. Jones said they can reduce it by the way they re-shape the driveway; they just need a turning radius.

Mrs. Stanton asked about the storage building.

Mr. McIntyre explained that the buildings go across the property line.

Mr. Cooke said that he owns all six acres.

Mr. Lamanna asked if the lots are consolidated now.

Mr. McIntyre said no.

Mr. Lamanna explained that once someone comes in for a change, they no longer get the benefit of the pre-existing status and told Mr. Cooke that he should consolidate those lots.

Mr. Cooke said that he could.

Mr. Lamanna asked about the drive issue.

Mr. McIntyre said it is 20' from the south property line and they are not sharing the drive with the bank, so they will be 2' from the property line which is now a grassed area.

The board reviewed the site plan and proposed driveway.

Mr. Lamanna said it looks like the existing road is pretty close and a small additional building will be added. He asked where the water will come from.

Mr. Jones said they have well water. He explained that the national average is 10 cars per day and the water usage is 400 – 500 gallons of water per day.

Mr. Lewis asked about water run-off.

Mr. Jones said they have sewer in the building.

Mr. Lewis asked if the water will be recycled.

Mr. Jones said no, it will not be a big water usage.

Mr. Lewis asked why not put the car wash on the rear side of the building.

Mr. Jones said because the storage units are there.

Mr. Cooke said cosmetically wise, it is not appropriate because of the restaurant.

Mrs. Stanton asked how many feet the building will extend out.

Mr. Cooke explained the proposed location and said it will be attached to the existing building and will be 24' x 24'.

Mr. Lamanna said it will be no closer to the property line than the front of the existing building already is.

Mrs. Stanton asked about landscaping.

Mr. Jones said they will clean it up and put plants in.

Mr. Cooke said it will be landscaped to the property line.

Mrs. Stanton asked if there were any photos of what the proposed building will look like.

Mr. Cooke said it will cosmetically look like the existing building with a flat roof.

Mr. Lewis asked if it will have garage doors.

Mr. Cooke said no, it will be a drive-through.

Mrs. Stanton asked about signage.

Mr. Jones said there is more than ample room for signage and added that the older sign is grand-fathered.

Mr. Lewis asked if there will be no increase in signage, just a substitution.

Mr. Jones replied yes.

Mr. Lewis asked if there will be no extension of the drive outside of the car wash bay.

Mr. Jones said no and explained the areas that will be paved.

Mr. Cooke said the lube station will be the primary business.

Mrs. Stanton asked about the telephone pole on the property line.

Mr. Jones said it is close to the property line.

Mrs. Stanton asked if the building for the car wash will be attached.

Mr. Cooke said yes.

Mrs. Stanton asked about the hours of operation and lighting.

Mr. Jones said there will be a light in each bay and will be open 24 hours. He added that the Shell station is open 24 hours.

The board discussed signage.

Mr. Lamanna asked what can be done about the existing pole sign and said this is an opportunity to bring it into compliance.

Mr. Jones said if they go to a ground sign, there will be no room for the car wash sign and asked if they can put a sign on the building.

Mr. McIntyre explained that two or more businesses are allowed 40 sq. ft. per face.

Mr. Cooke said he did not have an objection to that.

Mr. Jones said it is time for a change but they have no wall signs at all.

Mr. McIntyre explained that one wall sign per business, per building, is permitted and directional signs can be no larger than 3 sq. ft.

Mr. Lamanna asked if they can live with 40 sq. ft.

Mr. Cooke replied yes.

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

Motion BZA 2003-45 – 8381 E. Washington Street

Mr. Lamanna made a motion to grant the applicant a conditional use permit for installing a two-bay auto and truck car wash as shown on the applicant's drawings and the following variances:

1. A variance for the distance of buildings from property lines from 100' to 15' for a variance of 85'
2. A variance with respect to drives from 20' to 2' for a variance of 18'.

With the following conditions:

1. The applicant will within the next six months, merge together the lots that comprise this parcel as being operated here with the adjacent parcels that he owns that are all being operated as a single business.
2. The applicant will also replace his pole sign with a ground sign within the next four months and the board will also clarify that the applicant will be allowed to acquire a variance for the purposes of having a sign on the building both for the car wash and for the lube portion of it so long as those signs are within the total wall signs permitted for this building.

Based on the following findings of fact:

1. Each of these variances represents setbacks that are consistent with the existing setbacks on the existing building and the existing drive and parking area.

Motion BZA 2003-45 – 8381 E. Washington Street - Continued

2. A practical difficulty exists because of the existing shape and size of this lot and the development of it would be impossible to meet these requirements and still use the property and there will be no additional encroachments from that, that already exists with the building with the paved area so that when looking at it, the additional encroachment will not be noticeable.
3. Also, on that adjacent side, there is a driveway to the adjacent building separated by a sloped grassed and landscaped area therefore the reduced side yard setbacks added by the proposed development will not adversely affect the neighboring property owner.

Mr. Lewis seconded the motion.

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

Since there was no further testimony the public hearing was closed at 9:16 P.M.

Respectfully submitted,

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

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

Date: October 16, 2003

Bainbridge Township, Ohio
Board of Zoning Appeals
September 18, 2003

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:16 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent.

Application 2003-33 by Nancy J. Kelley for property at 7080 Cedar Street

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

Mr. McIntyre discussed application 2003-33 with the board at the request of the applicant. This application was previously heard and variances were subsequently granted at the August 21, 2003 board of appeals meeting. After reviewing this application, the board was in agreement to make the following motion.

Motion BZA 2003-33 – 7080 Cedar Street

Mr. Lamanna made a motion to modify the board's previous decision in the following manner to note that the applicant has reduced the proposed garage size to a 22' x 22' garage and to modify the variance on the east side of the proposed garage from providing an 8' setback to providing a 5' setback.

Based on the following findings of fact:

1. The board has obtained more precise and updated information with respect to the location of the existing house and the distance between the house and the proposed garage which would have been unreasonably small for access with the previous setbacks that the board had granted.

Note: These modifications will be included in the current minutes and approved as part of the approval of those minutes.

Mr. Lewis seconded the motion.

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

Minutes

Mr. Lewis made a motion to adopt the minutes of the August 21, 2003 meeting as written.

Mr. Olivier seconded the motion.

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

Applications for next meeting

Application 2003-46 by Timothy L. Wolfe for property at 18646 Haskins Road

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

Application 2003-47 by Gregory J. Fritz for property at 8505 Rockspring Drive

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

Application 2003-48 by James Skerlec for property at 18512 Haskins 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.

Application 2003-49 by Bainbridge Associates, Ltd. for property at 8564 E. Washington Street

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

Application 2003-50 by Bainbridge Associates, Ltd. for property at 8465 E. Washington Street

The applicant is requesting a conditional use permit with variances for the purpose of establishing a restaurant/outside eating area. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for October 16, 2003 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:47 P.M.

Respectfully submitted,

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

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

Date: October 16, 2003