

Bainbridge Township, Ohio
Board of Zoning Appeals
April 18, 2024

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:14 P.M. by Mr. Todd Lewis, Vice Chair. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; Ms. Devon Gamble, Alternate and Mr. Emeil Soryal. Mr. Joesph Gutoskey and Mr. Michael Lamanna were absent. Mr. David Dietrich, Planning and Zoning Coordinator/Assistant Zoning Inspector was present for Mr. Steven Averill, Zoning Inspector who was absent.

Mr. Brent Barr, Alternate joined the board for consideration of the following applications in Mr. Gutoskey's absence.

Mr. Lewis welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals and explained the public hearing process.

Mr. Lewis swore in Mr. David Dietrich, Planning and Zoning Coordinator/Assistant Zoning Inspector and he let the record reflect that Mr. Dietrich was duly sworn.

Mr. Lewis swore in everyone who intended to testify and he let the record reflect that everyone was duly sworn.

Mr. Lewis stated that the applications will not be taken in order of the agenda tonight.

Application 2024-8 by 7-Eleven, Inc. for property at 17644 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a CB District.

Mr. Lewis said he understands that there were some matters that were addressed.

Mr. Hal Coffey from the law firm Clark Hill and Ms. Heidi Winslow were present to represent this application.

Mr. Lewis noted for the record that Mr. Hal Coffey and Ms. Heidi Winslow were previously sworn in.

Mr. Coffey testified that he is in Pittsburgh, PA but for what it's worth he is licensed in Ohio and here also representing 7 Eleven is Ms. Heidi Winslow.

Ms. Heidi Winslow testified that she is a wholesale business consultant for the Wholesale Fuels Division of 7-Eleven and she resides in PA.

Mr. Coffey said when he usually went before a zoning board, one of the first things they tell him is they don't want to hear from him as the attorney because it's just not as interesting and he doesn't take offense, but we did have a review of the property by your zoning inspector by Mr. Averill and he did put together a list of items that he wanted to see dealt with for the property, he thinks it's in the file, a number of pictures before and after, but from our application he would also bet that Mr. Averill also included a few others. He said again the better person to talk about it here is Ms. Winslow and she'll talk a little bit about the process of her overview and her own list that she had that she put together before getting Mr. Averill's information, and lo and behold, it matched, it pretty much was what Mr. Averill's issues were with the property. He said the main ones he had talked about with us, were dealing with the wall sign, the ground sign, weeds, mulch and shrubs, fencing surrounding the trash and dumpster, some broken curbing, missing canopy shingles, the north side of the building, the ice cooler area and the brick facade and repairs to those. He said the pictures he thinks speak to it to an extent but Ms. Winslow, if maybe if we go through those points that Mr. Averill had for the issues and also we're seeking approval for dealing with the new sign that you see on the screen now and that is the ground sign that Mr. Averill had mentioned in his comments.

Ms. Winslow mentioned the building.

Mr. Lewis said that was before with the missing fascia.

Mr. Coffey said we'll talk about that here in a second, so just to kind of go through that list with Ms. Winslow here, so the wall sign issue of it was originally 7-Eleven.

Ms. Winslow said it was 7-Eleven and when it went to the retail to our wholesale division, the maintenance crew we told them they have to remove the 7-Eleven well they did, but they left all the paint, they didn't touch up the paint like we asked them to and then the dealer, he put the Bainbridge Mini Mart sign up. She said we, along with BP, are in the process of doing a reimage and the one picture shows the proposal, she thinks it has already been approved by our contracting team with the fix the price sign because that was where the 7-Eleven was and then the second part about it, she will bring this up to you is the front of the building is what it looks like now and this is what the contracting company is going to be coming, so "to go" is similar to the Get Go across the street where it has "Get Go" on the front of the building, that will be a small sign very similar to this "to go".

Mr. Lewis said that is substantial.

Ms. Winslow said when she first came to the site, she pulled in and she had never been to that site before and said are you kidding me.

Mr. Lewis asked Ms. Winslow when they are planning on changing that sign out front.

Ms. Winslow said we just got the drawings, we were waiting for the company which works with BP and they are the same company that she does with different contracts, it is up in the upper right hand corner and she thinks it's Total Image so they have already come to the Township and got the approval for the price sign, the ground sign and they were waiting for the drawings to come in. She said they just came in yesterday so they will be doing their applications for the approval of that and the element proofs.

Mr. Barr said well, no pressure but when people come to Bainbridge, when they get off the exit, you're the first thing they see.

Ms. Winslow said she knows.

Mr. Barr said and for the last couple of years, as you were aware when you pulled in it has been not good.

Ms. Winslow said yes, when she pulled in and saw the brick coming off and she knew and then she found out from the retail team that they were aware of it and just didn't do anything so her job from the wholesale division and she works with BP as well because the brands have mystery shops and when it was under the retail 7-Eleven and she was telling how this was for the two almost three years prior, they failed every single mystery shop work fine significantly. She said when it came over to her division, which is the wholesale, we have the independent operator on their first mystery shop score was 95% in the past you have to be over 85 and they even scored 100 and they got an end of the year bonus last year for all their work, so the improvements since the wholesale division taking over from retail has been tremendous and we're still working on things, but she is hoping that the community has seen the difference since it's gone over from retail to wholesale.

Mr. Coffey said and for the ground sign as Ms. Winslow was just mentioning there and he thinks that was one of the earliest images that we had.

Ms. Winslow referred to the displayed photos and said these are all my pictures and she thinks it was one of the first ones, the price sign.

Mr. Coffey said the one on the right obviously is what the new sign would be like with the approval, it's the current one that is blocking out the signage that had 7-Eleven on there. He said the new one will have a brighter larger signage and that "to go" is for perspective, that is the signage that will be above the entrance and replacing the current Bainbridge Mini Mart sign so it has the same concept to it. He said that is the ground sign, the weeds, the mulch and the shrubs Ms. Winslow just mentioned.

Ms. Winslow referred to the displayed photos and said they were there, one was retail and that was also on her list and actually they replaced it with a brand new machine so you can see the difference was there. She said there was a big brown one on the left-hand side, it was just rusted out and did not look good from a consumer perspective. She said the next photo here, the left-hand side, that was the condition of the shed when it was retail 7-Eleven and since we've taken over, you can see we fixed the doors, the roof is painted so they are going to discuss that. She said there is a landscaping company that came in, they trimmed back all the shrubs, they went through the mulch, we just had some rain so there are some weeds that they have sprayed. She said they were cutting grass and lawn crews were there today when she stopped through. She said on the left-hand side, our environmental team on the retail side, for some reason they had the containment barrels chained to a perimeter light pole and she thinks from what she understands, it has been that way for years.

Mr. Lewis said and that's been remedied.

Ms. Winslow said it has been remedied, they are now stored in this container, however they are currently to the right of the trash. She said she spoke with Mr. Averill six weeks ago and called Dallas and they were supposed to relocate it closer to the shed and when she pulled in this morning she went, that hasn't been moved yet, but they are in the process she believes when Mr. Averill comes back from vacation next week they are going to have a discussion. She said there were improperly stored totes by the ice machine, there was brick facade coming off that has all been repaired and the curbing. She said they cut back and trimmed everything and she thinks that was behind the McDonald's and you can see where the difference is where they did that.

Mr. Barr asked did you clean the concrete there too or is it just a bad picture.

Ms. Winslow said that was dirty, yes, everything has been power washed, they restriped everything.

Mr. Barr said okay.

Ms. Winslow said the tanker trucks, when they pull in, sometimes those trucks come in and the plows and they hit the curb and they will crumble because those trucks are very heavy when it's with fuel, but they have patched all the curbs that there was damage to.

Mr. Lewis asked was that the employee ashtray out there as well.

Ms. Winslow said apparently from the retail team, yes.

Mr. Lewis asked so you have a new designated area for your employee smokers.

Ms. Winslow said a lot of them weren't even any employees, they were customers, people don't have respect. She said she took a better picture today, but the actual handicap sign has been replaced, the old one was rusty, it is brand new and of course, they did all the restriping and painting and you can see where the brick was repaired, the CO2 for beverages inside has been removed and the crates have been removed, the brick has been repaired.

Mr. Lewis said and of course, he thinks the only outdoor storage you're permitted is ice and the propane tank cage.

Ms. Winslow said yes.

Mr. Lewis said everything else.

Ms. Winslow said is inside, yes.

Mr. Lewis said nothing like mini kiosks out on the pump islands.

Ms. Winslow said right.

Mr. Coffey said just the repainting.

Ms. Winslow said actually on her original list when she showed Mr. Averill, he's like, oh, you have things that he didn't have and they fixed those.

Mr. Coffey said he thinks the two that weren't shown by this were the broken curbing and the missing canopy shingles, and we went just over there before coming here and did a walk through the canopy, he didn't see any shingles that were missing anymore and the broken curbing has been fixed, the concrete has been refitted.

Mr. Barr said if you go back 20 years, this BP was the gem right there and everybody went there and the gas station across the street was an old Sunoco, and it was basically about to go out of business.

Ms. Winslow said she knows the other gentleman that used to own it, he has the other BP in Chagrin Falls.

Mr. Barr said and then it became the "Getgo" so he would love to see this come back to where it was 20 years ago, people used to wait in line to get gas over here now that place is empty.

Ms. Winslow said right, yes.

Mr. Barr said again he thinks part of you cleaning it up will help your customers respect it more too and those go hand in hand.

Mr. Coffey said it is good for the community too.

Mr. Barr said just like you know you just said there is no respect with people for the cigarettes but if it looks great, they are not going to throw it there but if you are cigarette butt number 499 you don't care.

Ms. Winslow said exactly, obviously whoever is running it doesn't care, why should we care.

Mr. Barr said exactly so we are on your side hoping that this stays turned around and then hopefully your business then picks up as well.

Ms. Winslow said right.

Mr. Coffey said they will go in for questions from the board and from the public for the conditional use renewal.

Mr. Lewis said based on your joint refresh list between you and with Mr. Averill and our zoning, what do you have left to do. He said the sign package will be forthcoming, we will see you at a later date for that part.

Ms. Winslow said actually it will be on Total Image, they take care of all the permitting and whatnot and at that same time the crews will be coming through and they will be refreshing all the paint under the canopy, which means they will touch up the canopy poles, the islands, everything will have a fresh coat of paint in that respective so when they do the whole image, the crews come in, they power wash, they paint and make it look clean and fresh the way it should be.

Mr. Soryal said help me understand this and it may be obvious to everybody else, is it still 7-Eleven, but there is a different department of 7-Eleven.

Ms. Winslow yes so there is the retail division which she refers to as the Slurpee division so they have the 7-Eleven on the sign, and they have Slurpees inside, the wholesale fuel division, which is her division, we work with the independent gas station owner as well as sites that came over from retail, like the one down the street, and then comes over to her division and we put an operator in there so we still maintain everything but we remove the 7-Eleven signage, it goes to an independently operated what we call commission site so 7-Eleven we pay the operator commission on the gas, they have to maintain everything inside and we are still involved in it environmentally, so it's our responsibility to maintain the environmental compliance, her job as their sales rep is making sure from a consumer's perspective the BP image perspective, as well as environmental that everything is compliant.

Ms. Winslow continued by saying she also has Dave's BP, Dave Spicer right down on Washington, right in Chagrin Falls, actually, we're getting ready to refresh that entire site, get imaging and everything that's a little bit different type of an operation there, we call it a company owned dealer operated and then we have all the independent gas station owners so like with Chesterland or Hudson. She said there is a BP right in Chesterland, you would have no idea that 7-Eleven has anything to do with that. She said we supply their fuel and we work with every major brand that is out there so in this area hers is mainly BP's and Marathon, her portfolio has Sunoco and Gulf.

Mr. Soryal said thank you, he has an idea.

Ms. Winslow said absolutely, good question.

Mr. Lewis asked if there is anybody in the audience that wants to comment on this. He said it sounds good and we will close the public hearing part of the meeting for questions.

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

Motion BZA 2024-8 – 17644 Chillicothe Road (7-Eleven)

Mr. Lewis moved to renew the conditional use permit for this property for a period of five years, commencing next month, when the minutes of this meeting are approved. He also noted that he will refer to the motion from 2017 which was for five years and carry those conditions forward.

Based on the following findings of fact:

1. The criteria on that would be that the applicant continue now to maintain the property to the new set of standards, to the best of its ability.
2. If there is a delay in the performance of any of it, be in touch with our zoning department, communicate with them so they know typically if there is an item and it has got a lead time.

With the following pre-existing conditions.

1. The applicant will review the signage situation and make the appropriate application for any permits that are required to cover the existing signage.
2. The applicant will also store the crates and bins in the storage building and will also no longer have outside storage of materials for sale. The board will note that it doesn't apply to the ice machine or the propane tank cage because they are special situations and not with the intent of that part of the ordinance so there is no conflict there. The applicant does have them off to the side of the building, so that's also good for safety so that if somebody is a little heavy on the gas pedal they are protected.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Additional comments:

Mr. Lewis stated that it was a nice job in straightening it up a little.

Ms. Winslow said thank you and she hopes the community will enjoy the BP when it comes back to its full potential.

Mr. Lewis said as you are making progress communicate with our zoning department when your sign package gets put together, these things have a lead time and we understand that. He said he thinks you guys are as anxious to give the property a refresh and a new image as the Township is so that should be good business for everybody.

Mr. Coffey and Ms. Winslow thanked the board for their time.

Ms. Winslow stated that Mr. Averill has been wonderful to work with and she knows he is not here today, but he has been very helpful.

Application 2024-10 by Michele Baskette for St. Luke the Evangelist Antiochian Orthodox Church for property at 18060 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-3A District.

Ms. Michele Baskette was present for this application and was previously sworn in.

Mr. Lewis asked if the zoning department is aware of any outstanding violations or issues.

Mr. Dave Dietrich, Planning and Zoning Coordinator/Assistant Zoning Inspector testified by saying Mr. Chairman, no, there have been no complaints written complaints or otherwise, nothing in the file with regards to anything.

Mr. Lewis said terrific. He asked if there are any changes in the use of the property.

Ms. Michele Baskette testified by saying no, everything is status quo.

Mr. Lewis asked if any of the board members have any questions about this renewal and the board replied no. He asked if there is anyone else that has any comments on it.

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

Motion BZA 2024-10 – 18060 Chillicothe Road (St. Luke the Evangelist Antiochian Orthodox Church)

Mr. Lewis moved to renew the conditional use permit for this property for a period of five years, commencing next month, when the minutes of this meeting are approved.

Based on the following finding of fact.

1. There are no special conditions applicable to this property that were applied at the time of the original application.
2. With all conditional uses the board notes that general provisions with respect to conditional uses apply and will continue to apply to this property, so that what we are doing is we are bringing forward what was already in place because there are no changes.
3. The property is a continuation of an existing use that goes back for over 20 years and there have not been any complaints with respect to the property and there are no current complaints.
4. The conditional use will be granted for a period of five years from the date the board's decision becomes final.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Application 2024-9 by Daniel and Cheryl Akers for property at 8057 Chagrin Road

The applicants are requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-5A District.

Mr. Daniel Akers was present to represent this application and was previously sworn in.

Mr. Lewis stated that the applicant is looking to construct a 1200 square foot detached garage on a non-conforming lot outside of Canyon Lakes and you are not subject to the HOA or any of that.

Mr. Akers testified by saying right. He said he has a brief history and his name is Dan Akers and his wife is Cheryl. He said they presently live in Twinsburg, but they are going to make the move back to Bainbridge. He said his mom and dad built that house back in the sixties and he grew up there but they need more space to accommodate what they want to do there, they also have a log splitter, ATV and they have a couple of vehicles and they really need to put them under cover where they have security out of the way so nobody has to look at them or anything like that. He said the house being built in the sixties, sixty-four actually, we're lucky the infrastructure is good, the plumbing is good, the electrical is good but dimensionally the house needs a little updating.

Mr. Akers continued by saying the present garage, the door is only 15 feet wide and has headers less than 70 inches so actually the vehicles we are driving today if there is any snow in the driveway at all, we can't get the Acadia in the garage so it just makes a lot of sense for what we want to do to be able to do that. He said they also want to put it in an area where they have a close proximity to the house and garage, they want to be able to facilitate doing any modifications to the house and store items in that garage, plus when they make the move from Twinsburg to Bainbridge to help us facilitate that as well. He said general security as he mentioned getting all implements, vehicles or whatever out of site. He said they have a practical difficulty in that which he never dreamed would happen actually, he never really considered that as a corner lot, the layout, they can't really attach any structure to the existing house and they really can't put it in any other position because of the setbacks, because of water, topography and the hills you see from the pictures they present so we are asking basically for a variance which is almost about 10 feet from the far corner of the structure that would encroach on the set back to Canyon Lakes Drive. He said also, it's going to extend out from what he calls the back of the house, but current zoning would consider that the front of the house just the way the house was built, the front door is actually on the driveway side. He said the backyard didn't exist actually, we didn't plant grass back there for years, there was no zoning back then, at least that he was aware of.

Mr. Barr said when you were there, there was no road there either.

Mr. Akers said he is getting into that, the land in that area has been in the Akers family for probably about 120 years, his grandfather built the stone house down below this on the river, they had a coal company in Cleveland that went bankrupt during the Great Depression, so to cover liabilities, he had to sell that. He said he was also a horse racer, he raced sulkies so the house above us on the northwest side was a stable and that was converted to a barn/residence and which is still there, it's not a barn anymore, and then there was land going all the way around. He said when his grandparents passed away, the northwest home was sold, of course, but they retained 30 some acres. He said his dad was friends with a guy by the name of Art Merriman, who was one of the contractors for Canyon Lakes and he wasn't old enough to really know or give you a date or anything but they came up to him and they asked him if he would sell them the far end of the lot down there, which is now Canyon Lakes Drive and his dad agreed it was good money apparently and so the road was planned out, it was platted, but the development as you probably know didn't take place for many years because there was a lot of problems with gas and water and sewer and what have you and he would work with an Edwards and Edwards became an acquaintance of my dad as well so that they coordinated but again, that's what he said he never really thought that was a corner lot with five acres, whatever there so when we proposed building this garage he was surprised talking to Mr. Averill that we were actually imposing on all these setbacks. He said he has a drawing and they basically don't have any place to build on the lot because of the setbacks and of course the road was put in, the lines are drawn and that was prior to any setbacks out there.

Mr. Lewis said the board has the drawing.

Mr. Akers said that is basically the story and his dad passed away in 2004 and his mother passed away in 2022, she died in that house, so we are going to assume it and his son wants to take it over when he dies.

Mr. Barr said that might give you 200 years of Akers.

Mr. Akers said well, it might be, so we have a history and a lot of pride in Bainbridge, it was a great place to grow up and we have some plans, nothing major, but we are going to make some improvements such as what he is proposing to you tonight. He asked if there are any questions.

Mr. Lewis said yes, tell me about the 30' between the house and the corner of this new structure, how did you come up with a 30' gap, he was looking at your site plan and asked is that 30' across or is that 30' in between.

Mr. Akers said no, it is 12' between the structure and the house, 30' deep, 30 by 40, or 1,200 sq. ft.

Mr. Lewis said the 12 is good, he was looking to see if we could shift it closer would it reduce the side yard variance. He said if it was at 30' as a push but if you are at 12' to move it 2' is not going to have anything of any significance.

Mr. Akers said not enough to get it in there and even if we did get it to the 100' mark, we are still actually ahead of the house or whatever the terminology is where we exceed the front plane so we need a variance no matter what so that's why he didn't play with that too much. He said they did eliminate the canopy and we were going to do a carport but talking with Mr. Averill we talked it over and decided we didn't really need that.

Mr. Soryal said there was one there before, the carport.

Mr. Akers said no.

Mr. Lewis said it is curious that your address is actually Chagrin Road but your house faces Canyon Lakes Drive, one side of the house faces it.

Mr. Barr said it has to be a Chagrin Road address because Canyon Lakes Drive wasn't there when the house was built.

Mr. Akers said right and those are the reasons we are having all this difficulty.

Mr. Soryal asked is that driveway this shape already, currently, it ends right there where you are going to build a garage or are you extending the driveway over.

Mr. Akers said no, we shouldn't have to extend the driveway at all, let me look particularly at what you are asking.

Mr. Lewis said you are going to come in through the backside, this part of the driveway.

Mr. Akers said we are just going to pull in and go this way or into the back of the garage.

Mr. Soryal said so that prevents you from having the garage more squared up to allow for more space.

Mr. Akers said they would lose their parking, but we would still be out beyond the face of the house and we still need a variance anyway and at 10' he doesn't think it is an excessive request. He said probably one of your next questions is he took a couple pictures from Canyon Lakes Drive and then also from the neighbors above and you can see there is no question of having to put any landscape or anything, you are not going to even see the garage, he doesn't think it will be visible really to anybody.

Mr. Lewis said you are heavily wooded.

Mr. Akers said yes.

Mr. Barr said and the elevation makes it harder too.

Mr. Akers said yes, the topo was really tough and you can see that is looking from our neighbor up above and you won't even be able to see it and that is looking from Canyon Lakes Drive.

Mr. Soryal said and that is in the winter before you have all the leaves on the trees.

Mr. Akers said right and they are very blessed that we have a lot of water, but at the same time, we have a lot to deal with as far as the riparian, the creek. He said if you look at the plot plan, actually the proposed garage is almost dead center in the plat.

Mr. Soryal said yes.

Mr. Lewis asked if there is anybody else that would like to speak to this application and asked the board if it had any more questions, comments or observations for the applicant.

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

Motion BZA 2024-9 – 8057 Chagrin Road

Mr. Lewis moved to grant the applicant a setback variance on the southeast property line from 100 feet to 89' 4" for a variance of 10' 6".

Based on the following findings of fact.

1. The reason for granting this is it is a pre-existing lot of record and it is an unusual shape because it is long and narrow and hence doesn't leave a lot of distance from the house to either of the side yard boundaries.
2. The property does enter and is addressed off Chagrin Road but it really faces Canyon Lakes Drive.
3. The lot is exceptionally heavily wooded and with its elevation there is no visibility from the neighbor across the street, nor the one behind or in front so there is no adverse effect on any of the adjacent property owners.
4. Due to the narrowness of the lot, there is not a lot of choices on where to put this. The applicant has chosen to locate it 12' away from the house, but off of a continuation of their existing driveway and parking pad so there is no impact there.
5. Also, with this is just a gentle reminder that with accessory structures there is no business to be run out of there and no living quarters there, it is for storage as proposed.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Ms. Devon Gamble, Alternate joined the board for consideration of the following applications in Mr. Lamanna's absence.

Application 2024-6 by Pacific Bells, LLC c/o EA Architects for Taco Bell for property at 7125 Aurora Road

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

Mr. Russell Arbuckle with EA Architecture and Design was present to represent this application and was previously sworn in.

Mr. Lewis stated that we have two applications, we have wall signs and we have the drive through sign so we are going to take them separately because there are two different applications and we are going to continue to proceed without our chair tonight. He stated that the applicant is permitted two wall signs and is asking for three.

Mr. Russell Arbuckle testified that he is an architect with EA Architecture and Design and he is here on behalf of Pacific Bells, the franchisee that will be owning and operating this store. He said the Taco Bell standard is to have a tower parapet area we call the tower, it is not really a tower, but it is meant to resemble a tower on the corner and the Taco Bell standard is to have their bell and channel letters on the two sides of that quote unquote tower, and then have a single bell over the main entrance from the parking lot so that is what we are requesting. He said they feel that in this neighborhood there are other facilities that have similar signage, multiple signs in addition to the required or amount required or allowed and being as far set back from Aurora Road we feel it a little bit necessary as you come from the other parking lot to be able to identify buildings and so you don't think that it is a significant ask or that it is a detriment to the neighborhood or to the adjoining businesses.

Mr. Lewis said so the third sign you are looking at is actually your logo sign or the emblem.

Mr. Arbuckle said it is the emblem, the bell and the channel letters, the two that were allowed are the two on the street faces so the third one would be the second side of the tower, which would be the drive-thru side.

Mr. Lewis said you are also on a ground sign, there is a marquee.

Mr. Arbuckle said there is an existing marquee for the whole complex. He said he sees two businesses on there, he doesn't recall, the monument sign that's already there but he thinks that's in addition to the wall signs, that is allowed in addition to the wall signs.

Mr. Lewis said so that is facing Aurora Road.

Mr. Arbuckle said that is facing the entrance to the mall.

Mr. Lewis said okay, the boulevard coming in.

Mr. Soryal said across from Kohl's, right.

Mr. Barr said yes, Bob Evans.

Mr. Lewis said okay, the tower will be on that side.

Mr. Arbuckle said that would be the sign on the front, it is on the tower and if you go to the other next page and look that is the other side, that is the one we are asking for and then it has that same sign on the front. He said the tower just looks odd without it, we have had those towers and have had issues in other municipalities similar.

Mr. Lewis said he thinks Starbucks has three.

Mr. Arbuckle said yes, Starbucks does have three.

Mr. Lewis said a lot of these are like directional signs or like your mobile pickup is almost like a portable sign.

Mr. Arbuckle said yes we have that but we were told we can't have those so our proposal is to paint on the pavements

Mr. Lewis said that is good, we kind of got that out of the way.

Mr. Arbuckle said yes, those two signs are out of the way so the only other sign besides the other one here would be the ADA signs for the two ADA parking spots. He said there is an exit sign as you come out of the drive-thru, the directional sign says "Exit" and "Do Not Enter", it normally says "Do Not Enter" and "Thank You" but apparently "Thank You" wasn't acceptable, not a directional.

Mr. Lewis said he was trying to get an idea on your wall sign sizes so the one you want to add, your tower sign, he is looking to locate the actual dimensions of that.

Mr. Arbuckle said Mr. Averill had it on the approval he thought.

The board discussed the size of the signs.

Mr. Arbuckle said that Mr. Averill had written up what we complied with and what we did not.

Mr. Lewis said it is 27-1/2 sq. ft.

Mr. Arbuckle said he thought he saw it up on the screen earlier, it gives the square footage of it.

Mr. Lewis asked if that would be the only sign on that side of the building, so you have one facing Aurora Road.

Mr. Arbuckle said the other one faces the access road and this one is on the drive-thru side.

Mr. Lewis said okay and asked if they will illuminate with LED's behind it.

Mr. Arbuckle said all the signs are LED now and the typical Taco Bell prototype has LED strip lights above all that purple, we eliminated that, we didn't even ask for that.

Mr. Lewis said thank you. He asked on the wall signs, does anybody else have any questions.

Mr. Soryal said it makes sense that the tower is designed for two signs.

Mr. Barr said and it is consistent with other variances that we have made for the neighbors.

Mr. Lewis said actually because it's on the drive through lane and it faces the boulevard in and out, there is a substantial gap between that and anything near it so he will try to bake all that into a motion. He asked if there are any more questions or comments. He asked is there anybody in the audience that would like to comment on this application.

Mr. Ted Seliga said he is glad to see Taco Bell coming up here so he doesn't have to drive to Streetsboro anymore.

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

Motion BZA 2024-6 – 7125 Aurora Road – Taco Bell (Wall Signs)

Mr. Lewis moved to grant the applicant a variance, permitting a third wall sign on their building.

Based on the following findings of fact.

1. This particular property is in a retail area heavily populated with other businesses.
2. There are no adjacent residential properties that would be affected.
3. This particular parcel abuts the boulevard in and out of the shopping center and there is nothing close to it with any other structures.
4. There is no presumed practical difficulty other than a long blank wall along that entranceway and the applicant would like to identify their signature architecture and put a logo signage and their name on it so that it is easily identifiable as people are coming in and out of the shopping center.
5. The proposed third sign measures out to be approximately 27-1/2 square feet, 6' 6" tall, 4' 3" wide.
6. The signage is also consistent with the other properties in the area, particularly the Starbucks that also carries three wall signs.
7. This is not an oversized sign, it's more of an identifier and a corporate logo so that people can recognize the business on their way in.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Ms. Gamble, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Application 2024-7 by Pacific Bells, LLC c/o EA Architects for Taco Bell for property at 7125 Aurora Road

The applicant is requesting area variance(s) for the purpose of installing a menu board. The property is located in the MUP District.

Mr. Russell Arbuckle with EA Architecture and Design was present to represent this application and was previously sworn in.

Mr. Lewis stated that the Township zoning resolution requires that the menu board be no more than 10' from the building and the signage that was 75' set back from the southeast property line so share what your plan is please.

Mr. Russell Arbuckle testified that from the order point Taco Bell has done, he is told, corporate has done studies to determine what is the best distance most numbers of cars in the queue from the quarter point to the window, the most highest efficiency and we are told it's the fifth car but we have actually proposed it as the 6th car because the queue in Bainbridge is 11 cars deep where their normal standard queue is only eight cars deep so five to six cars is the sweet spot, according to Taco Bell corporate as where the menu board should be with the size of our building, that puts us more than 10' away from it to be at the 5th or the 6th car. He said that is the rationale for the location, any closer and orders are given too fast for people to be quickly made and helping other people that are sitting and waiting, any farther, there's an empty spot just before somebody can pull up so that is what we are told so that is again, that is the rationale. He said his understanding in talking to Mr. Averill, this is actually the entire order point that is being addressed here, which is the menu board and canopy and speaker post made up of three separate elements. He said again, as we've discussed, every site is individually reviewed, but there is precedent for this as well, in the neighborhood, the Starbucks order point is more than approximately seems the same distance away from the building or at least the same distance away. He said their building might be slightly bigger than ours actually, but they are actually the same distance away from the property line so they will be in line with one another.

Mr. Lewis said so you have drawn a correlation between the distance from the menu board to the pickup window, that distance also relates to the order processing time that it takes.

Mr. Arbuckle said according to corporate he didn't do that.

Mr. Lewis said so just reviewing your request our code calls for 10', you are at 50' 5-1/4" and as far as the distance from the property line, rather than 75', you are requesting 17'. He said he just wanted to be sure we are accurate with the site plan.

Mr. Arbuckle said he believes that is right, in the rear part of that again, that is from the side property line the 17', not the rear.

Mr. Lewis said on the south property line you are compliant, the code is 75' and you are at 111'.

Mr. Arbuckle said right, the Starbucks side, that's the one he is understanding.

Mr. Barr said he wanted to look at the lights on the canopy.

Mr. Arbuckle said there are no lights on the canopy. He said there is an optional light for the canopy and Pacific Bells does not put it in, it is an up light that shines on the underside of the canopy to make the canopy glow so to speak and they do not put it in.

Mr. Barr said so the only lighting would just be the backlighting on the board.

Mr. Arbuckle said and the menu board, so no lighting up there.

Mr. Lewis said there is no impact on anybody.

Mr. Barr said the original thing was these two buildings were going to be connected with the building in between.

Mr. Arbuckle asked if it was a Ruby Tuesdays.

Mr. Barr said there was a Ruby Tuesdays but when it originally came to us it was going to be two restaurants with an office space in between, there were going to be three tenants but that disappeared and they came back with just Starbucks individually and then now you are in so basically your drive-thru was going to be somebody else's office space which he doesn't know who would want an office between Starbucks and Taco Bell.

Mr. Lewis asked if there are any more comments on this one.

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

Motion BZA 2024-7 – 7125 Aurora Road (Taco Bell) – Menu Board

Mr. Lewis moved to grant the applicant the following variances for the menu board.

1. A variance for the menu board distance from the building, which would be the pickup point from 10' to 50' (the order point) 50' 5.25" , for a variance of 40' 5.25".
2. A variance from the southeast property line from 75' to 17', which would be a 58' variance.

Based on the following findings of fact.

1. The reason for granting these variances is that again, we have a very long, narrow lot and a long narrow building on it with a pick-up window where you circle around the building.
2. The practical difficulty in locating the menu board, which is the order point 50' or so away from the pick-up window is the need to provide the restaurant processing time to produce the order and have it ready at the window when the customer arrives there.
3. Again, where the cars stack is adjacent to a Starbucks building, it is a narrow passageway, they each have their own driveways and access points so with the menu board being 50' away even the microphone and the sound has no impact on any of the adjacent retail businesses.

Mr. Barr seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Ms. Gamble, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Since there was no further testimony, the public hearing was closed at 8:25 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Devon Gamble, Alternate
Joseph Gutoskey
Michael Lamanna, Chair
Todd Lewis, Vice Chair
Emeil Soryal

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

Date: May 16, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
April 18, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:25 P.M. by Mr. Todd Lewis, Vice Chair. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; Ms. Devon Gamble, Alternate and Mr. Emeil Soryal. Mr. Joe Gutoskey and Mr. Michael Lamanna were absent. Mr. David Dietrich, Planning and Zoning Coordinator/Assistant Zoning Inspector was present for Mr. Steven Averill, Zoning Inspector who was absent.

MINUTES

Mr. Barr moved to adopt the minutes of the March 21, 2024 meeting as written.

Mr. DeWater seconded the motion.

Vote: Mr. Barr, aye; Mr. DeWater, aye; Ms. Gamble, aye; Mr. Lewis, aye; Mr. Soryal, aye.

PUBLIC COMMENTS

Mr. Ted Seliga, resident, met with the board to discuss the proposed renovations of the meeting room.

APPLICATIONS FOR NEXT MONTH

Application 2024-11 by Halle Properties, LLC for Discount Tire for property at 7025 Aurora Road

The applicant is requesting a review and renewal of an existing conditional use. The property is located in the MUP District.

Application 2024-12 by Joseph and Jessica DeCaro for property at 7565 Bainbridge Road

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

Application 2024-13 by Emeil Soryal for property at 16544 Snyder Road

The applicant is requesting area variance(s) for the purpose of constructing a front porch addition. The property is located in a R-5A District.

Since there was no further business, the meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Devon Gamble, Alternate
Joseph Gutoskey
Michael Lamanna, Chair
Todd Lewis, Vice Chair
Emeil Soryal

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

Date: May 16, 2024