

Bainbridge Township, Ohio
Board of Zoning Appeals
December 20, 2018

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:09 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in.

Application 2018-57 by Ivan Nassif for property at 7170 Chagrin Road

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

Dr. Ivan Nassif was present to represent this application.

Dr. Nassif testified that he would like to put this sign up in front of his building, a post and panel sign, double sided, a little over 36" in total height and 48" wide so being a residential building he needs a variance and also for the sign type. He said he brought a picture of the lighting fixture because he would like to illuminate the sign with that and he knows the board was discussing the sign for S. Franklin and talked about shrouding the light so it doesn't give any scatter so he tried to find a light that looks like it might be appropriate, it has a maximum of a 50 watt bulb.

Mr. Lamanna asked what kind of base does this have.

Dr. Nassif said it will be 4 x 4 post and panel. He said next to him is Boardwalk, it is not a post, their posts are a stone monument and down the street, Lyndall Insurance also has a post and panel like he would like and also there is an office building next to Lyndall Insurance that has a similar sign.

Ms. Karen Endres, Zoning Inspector showed the aerial view of the area properties and the signs.

Mr. DeWater said so the sign is similar size.

Dr. Nassif said yes, he went out and measured but theirs might be slightly larger and he thinks Lyndall Insurance, down the other way, is similar, it might be taller but a little narrower. He said he would like to do a 4 x 4 post and panel with a little decorative cap or finial on top like what Boardwalk has. He said also he has to talk to the people who own the wells about painting the caps and cutting down the meter there, there are two posts that stick up on the meters and he will see if he can clean it up a little bit.

Mr. Lamanna asked if the setback is okay.

Ms. Endres testified that what Dr. Nassif has is a substitution of a non-conforming use and the signage chapter fails to specifically address the setbacks, size and height for signs for a substitution of a non-conforming use in a residential zoning district. She said it makes sense to apply the conditional use regulations and what she copied in the staff letter, she is providing the requirements for a conditional use, what would be required for that.

Mr. Lewis said so that is the phrase, about 12' from the street right-of-way and 25' from adjacent properties.

Ms. Endres said right that is what would be applied for a conditional use and this is kind of different to, it has got that road right-of-way that is wider there because of the work that was done a number of years ago in this area when they repositioned Chagrin Road.

Mr. Lewis said you have got a big tree lawn.

Ms. Endres said it has less to do with what the actual setbacks are.

Mr. Lewis referred to the site plan and said there is the roadway and then there is a sliver of land and asked if that is where the sign is going to be located. He said the road used to be here but they relocated it so he was always kind of unclear as to actually who owns that land.

Dr. Nassif said it comes up as owned by the Geauga County Commissioners and he was told it was actually just part of the right-of-way.

Mr. Lewis asked if that is considered part of the right-of-way.

Mr. Lamanna asked how wide the right-of-way is.

Mr. Gutoskey said it varies because when they did the road and the grading it is probably wider than 60'.

Ms. Endres said it shows 75' at that point but the right-of-way varies.

Mr. Gutoskey said because it is in that curve.

Mr. Lamanna said if we assume it is a 60' right-of-way, it would be 30' on one side and asked if it is a 12' lane there.

Ms. Endres said yes.

Mr. Gutoskey said he doesn't think the pavement is to scale, it is probably 24' – 26' wide and it is going to be pretty far off of the pavement.

Dr. Nassif said he put on there, that utility stuff, he measured about 5' in from there and then he measured from the center of the road, it is 48' from the center of the roadway, he stuck a measuring tape on the yellow line and measured so it is 48' from there.

Mr. Lamanna said 48' from the center of the roadway so it is 18' rather than 12' so you are already 6' farther away so that is fine.

Mr. Murphy asked if it is similar to the neighbor's sign, is it about the same distance as theirs.

Dr. Nassif said yes because if you look where the utilities are and then you can see on the map, you can see where that utility stuff is.

Mr. Lamanna said as long as it is 30' from the centerline plus 12' so 42' from the centerline of the road.

Dr. Nassif said he measured 48'.

Mr. Lamanna said and as long as you are on your own property.

Mr. Gutoskey said he doesn't think it will be obstructing the vision, that would be for people pulling out.

Dr. Nassif said his neighbors are here, the Goldhamers, that is what they were wondering too, they wanted to make sure it doesn't obstruct them pulling out. He said they can hold up a piece of wood or board just to make sure it works for them when they are pulling out.

Mr. Gutoskey said there are curves so they can see down the road a little.

Mr. Murphy said the square footage you are saying should not exceed 25'.

Ms. Endres said right, that is what would be permitted for a conditional use.

Mr. Murphy said on either side of the sign, 25 on one side and 25 on the other side.

Ms. Endres said that is how she calculated it and it would be unreasonable to say they have 12-1/2 sq. ft. because of the sign calculation so she would calculate it as 25 sq. ft. per sign face.

Mr. Murphy said the 48" is to the peak, it doesn't really take a full 48" but the 6'3" is inaccurate at the bottom, if it is 80", it is 6.7 or 6-2/3, it actually comes out to being 6.7 and 4 so it is out to 26 or 27 sq. ft.

Ms. Endres said with the extra topper.

Mr. Murphy said that topper doesn't count.

Mr. Lewis asked if he is just looking at the width.

Mr. Murphy said yes.

Ms. Endres said she thinks she got a different interpretation, they are allowed to have an address sign and again since there is a variance involved if the board wants to say the sign is permitted to be 6'.

Mr. Lamanna asked if there is any reason, you had 173.11 here, would that also apply in this case.

Ms. Endres said in other cases where we have had home occupations that came up, those are special provisions for non-residential district signs, that is something you might want to take into consideration, this is a residential district sign, it is in a residentially zone district but if the sign were in a commercial or industrial district these provisions wouldn't apply. She said that she noted for reference that the property is in a residential district.

Mr. Gutoskey said should it need the masonry you can do that, fake veneer or whatever on the column.

Mr. Lewis said the sign across the street has a masonry façade on the base.

Mr. Gutoskey said if you read this it is just the base.

Ms. Endres asked if he was looking at the ground sign bases.

Mr. Gutoskey said yes.

Ms. Endres said the way she interpreted that is the ground sign bases are supposed to have a decorative brick or stone appearance and they have to be at least 12" high so the sign looks like it is on top of a stone monument and then the sides of the sign cannot protrude over the base.

Mr. Lewis said and in this case he is going to sink two 4 x 4s.

Dr. Nassif said correct.

Mr. Lewis said and put a panel in between them, the two face sign so he doesn't really know if there is a base per say.

Mr. Gutoskey said that would be considered the base post.

Mr. Lewis asked if they have to be trimmed out.

Mr. Gutoskey said if it was in a non-residential district you would but when you go back and look at the aerial and look at what the uses are around it, it is kind of mixed because you have got the office complex across the street, the roller rink.

Mr. Lamanna said part of the aspect of this is that in theory you would not have a commercial sign in a residential district period, the only people who could have signs are home occupations or specially permitted uses in a residential district.

Mr. Gutoskey asked what the square footage is on home occupation signs, and said those are small.

Mr. Lamanna said that is right they are very small and those signs are otherwise regulated in different ways.

Mr. Gutoskey said and this is a bigger sign, this is not like a residential type, it is more of a business.

Ms. Endres said she didn't think it would make sense to apply the home occupation regulations to this business, it makes more sense to apply the conditional use regulations.

Mr. Lewis said right, 80" is 6.7', not 6.3'.

Mr. Murphy said he doesn't have any problem with this.

Mr. Lewis said as far as dressing it up, Dr. Nassif said he was going to plant some flowers.

Mr. Lamanna said definitely the landscaping, we definitely want the landscaping requirements to apply. He said as far as the sign goes he has got residential on each side.

Mr. Gutoskey said you have got Boardwalk and the Eagles club.

Mr. Lewis said the bar, the roller rink, there is a lot in that area.

Mr. Lamanna said as far as all of the other base of requirements and since this not like it is a continuous commercial district where you want some kind of consistency among the signs, here he thinks it is less of an issue and maybe it makes more sense to have less of a massive looking structure, masonry ground signs look nice but they are also a big robust structure or maybe that is not really wanted in a residential district.

Ms. Endres said she is not suggesting that you should do that, she is just trying to provide all of the regulations applicable to signs that are not residential in nature.

Mr. Lamanna said that is very helpful.

Mr. Lewis said as far as illumination goes, you included in the packet, it looks like a couple of small ground spots so your sign is not an illuminating sign internally, you are going to use a couple of small lights.

Dr. Nassif said correct.

Mr. Lewis said and it looks like 50 watts.

Dr. Nassif said correct.

Mr. Lewis said just stick one in the ground on each side of it. He asked if it is going to be put on a timer.

Dr. Nassif said yes.

Mr. Lewis asked Dr. Nassif if he was going to plan to illuminate from midnight to 6:00 AM or is he going to turn it off during the night.

Dr. Nassif said it will be off around 8:00 or 7:00.

Mr. Murphy said he likes that.

Mr. Gutoskey asked if there are any neighbors here who are interested in this.

Mrs. Debbie Goldhamer testified that she and her husband are neighbors and they agree with what he is doing.

Mr. Lewis asked Ms. Endres, with this particular property and the previous applications, have all of the board's rulings and requirements been satisfied.

Ms. Endres said she hasn't been out there for a couple of weeks so Dr. Nassif might have to fill in the blanks but she knows that the side door to the rear building is now in so there is now a separate access to the rear building. She said the last time she was out there, the driveway and sidewalk had not been installed, the pavement has been removed that was supposed to be removed between the properties so there should be 4' of space now between the property lines, 2' on each side of the property line and the last time she was out the neighbors had not finished their fence yet so that was not constructed yet.

Dr. Nassif said the driveway isn't done yet, he said with weather permitting and he thought it would have been nice today but, the widening.

Mr. Lewis said wasn't some of it in the front was to be extended so you would have the proper amount of parking spaces and then the stuff to the right as you are looking at that side, we've covered it for you so you can make it bigger if you need to but he doesn't think it was a startup requirement.

Dr. Nassif said correct yes.

Mr. Lewis asked Dr. Nassif when he sees the paving happening now.

Dr. Nassif said he said he could do it, he was just waiting for the weather so he was hoping it was going to get done this week but he needs to call tomorrow. He added that he is just doing crushed concrete base and reground asphalt so it doesn't matter, it shouldn't.

Ms. Endres said it will probably need to be restriped once the driveway is completely done.

Dr. Nassif said it is faded but he will wait until he is done, it won't take long.

Mr. Lewis asked when we decided that, about six months ago.

Ms. Endres said she thinks so.

Mr. Lewis said so back to you Dr. Nassif, delay, delay, delay, we've had good weather for months even though it was chilly. He asked what the holdup is of getting this done.

Dr. Nassif said when he was here last month he told you he said he was ready to go when he got the permit, he got the permit but it has been wet weather and he said he didn't want to do it when it was wet because the stuff is going to sink in the ground so he felt it was almost dry enough to him this past week.

Mr. Lewis said so if you would, would you please communicate with and talk to your contractor and see if you can get on his book for a couple of dates of course weather permitting and then maybe get back to Ms. Endres and let the township know so that as we grant more things it is nice to see the things we have already talked about completed.

Dr. Nassif said sure.

Ms. Endres told Dr. Nassif to give the contractor her number and she can give him some encouragement too.

Mr. Lewis said perfect, thank you. He asked Dr. Nassif how he is going to get power out to his sign.

Dr. Nassif said he will have an electrician trench and put a line out there, there is an outlet on the front of the building, just have him tap off of that.

Mr. Lewis said the spotlight is low wattage and no bleed. He asked Dr. Nassif if his sign is white.

Dr. Nassif said the bulk of it is a tan color.

Mr. Lewis said it is a lighter color.

Dr. Nassif said lighter but it is not super bright white.

Mr. Lewis said good, very little light on a predominantly light background sign is going to light up very easily.

Dr. Nassif said that is what he figured.

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

Motion BZA 2018-57 – 7170 Chagrin Road

Mr. Lamanna moved to grant the applicant the following variances for signage for a substitution of a non-conforming use.

1. A variance to allow the applicant to construct approximately a 24 sq. ft. two-face sign in accordance with the size and design submitted by the applicant in the application noting also that the sign is supported on the outside by 4 x 4 posts with the same dimensions and maximum height of 72" as shown on the application.
2. With respect to the location, because of the unusual road right-of-way here, the applicant can place the sign within at least 42' from the center of the roadway. The caveat that it also be actually on his property.

Motion BZA 2018-57 – 7170 Chagrin Road - Continued

3. The applicant will provide a reasonable amount of landscaping around the sign.
4. The illumination on the sign will be intensity and beam spread as the type of light that was submitted by the applicant and the lighting will be on a timer and will be turned off by 10:00 P.M. in the evening so as not to disturb the neighboring property owners.

Based on the following findings of fact:

1. This is a non-conforming commercial use in a residential district and as such the application of the signage provisions is a little murky and the board believes this sign is consistent and appropriate given the nature of the use and the fact that there are residential properties on each side.
2. In addition, the landscaping and other requirements will provide an appropriate sign for this use within a residential district.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye.

Application 2018-58 by Discount Drug Mart for property at 8459 E. Washington Street

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

Mr. David Boodjeh was present to represent this application.

Mr. Lamanna stated that this is for signage and there is a side issue here on potential sales of propane and water from machines.

Mr. Gutoskey asked if you know when they took this new building, tore the whole front off and put a new façade on, is it taller than the old Sears building. He said he is wondering if the façade is taller than the old Sears building.

Mr. Lamanna said he thinks it might actually be higher.

Mr. Gutoskey said he thinks it is higher to hide the roof units.

Mr. Lamanna said in the past the façade ended at the roofline.

Mr. Gutoskey said the sign looks like it is centered but it looks right. He said he doesn't see it as a problem because they raised the building to hide the roof units and it sits back farther than the site now they are on so he doesn't have a problem with it.

Mr. Lamanna said he doesn't either.

Mr. Lewis said it sits proportionately in that feature.

Mr. Lamanna asked didn't we have some discussions about the propane and the water.

Mr. Gutoskey said yes with the Shell station almost next door.

Mr. Lamanna said he thought they were going to put them in the alcove there.

Ms. Karen Endres, Zoning Inspector testified that she doesn't think it was discussed with Drug Mart.

Mr. Gutoskey said there was some discussion that they would be hidden in the alcove.

Ms. Endres said she mentioned it in one of her briefings that this could be coming up and was wondering if this was something that the board wanted to review during the signage hearing because technically it is not inside the building.

Mr. Gutoskey said the problem is it is outside display in front of the building.

Mr. Lamanna asked if these porticos stick out at all.

Mr. Boodjeh testified that that is what they have currently.

Mr. Lewis said it is a lot of signage, like an acre of it. He said he was looking at the building print and a couple of them are hanging out over the side and asked on the new building are they under the porch.

Mr. Boodjeh said yes.

Mr. Lewis said it seemed like you had them fairly far down on the left.

Mr. Boodjeh said they are as far as they can go.

Mr. Lewis said they are under cover and it looks like they are actually up against the building.

Mr. Boodjeh said there is no parking in front of them either, that is just access to the sidewalk and that is an island there with landscaping in front of it that Mr. Murphy had asked for.

Mr. Gutoskey asked if that is landscaping between the parking lot and the building.

Mr. Boodjeh referred to the overhead view and said there is landscaping right here and then the parking starts after that.

Mr. Lewis said they are kind of self-serve so you can't hide them and by the time you get down to that grade level and the street is up here as you are coming down, the line of site from the street, you are going to see their marquee sign and maybe the other ones up high on the face, he doesn't think you are going to see anything that is down on the sidewalk level of the entrance until you actually drive down into the property. He said he doesn't have any real issues on where they are located and they are shoved back.

Mr. Lamanna asked if every one of the propane cases needs to have a sign.

Mr. Lewis said that is where he is at with signage. He added that they were kind enough to give the board a few photos and asked how much signage they have left.

Mr. Gutoskey said 10 sq. ft.

Ms. Endres said they have around 10 sq. ft. left to play with.

The board discussed leaving the safety signs.

Mr. Lewis said leave the one product sign on the center cage, he doesn't think it is needed on the side. He said the other one is trickier, the water one because it looks like the whole thing is wrapped.

Mr. Boodjeh said it is a skin that they put on it.

Mr. Lamanna said he is less offended by that because it is mostly graphic and it is kind of generic.

Ms. Endres asked if they are going to have Redbox or anything else there and no pop machines.

Mr. Boodjeh said no, there is nothing else, everything else is in the store.

Ms. Endres said she just wanted to make sure we accounted for all of the other miscellaneous items.

Mr. Lewis said he has 10 sq. ft. in the kitty.

Mr. Gutoskey said it has to come out of the 10 sq. ft.

Mr. Lewis said he doesn't know how we calculate this, if we are going to forgive the water one and told Mr. Boodjeh that it is his 10 sq. ft. to use up.

Mr. Boodjeh said they would like to keep the pricing of it out there so they see how much it is, just on one of them.

Mr. Lewis said he doesn't think you are exceeding 10 sq. ft., he is trying to get an idea of how big that is.

Ms. Endres said the big ones are roughly 3 x 3, the front ones, the big Blue Rhino and the toppers are maybe 8" high x 3' to 4'.

Mr. Lewis said so we are pretty much using up the 10 sq. ft.

Ms. Endres said typically she does not count construction signs and safety signs toward their allowance.

Mr. Lewis said we have 9 on the front panel and what do we have on the top.

Mr. Murphy said 1-1/2 so there is 10-1/2 on one typical face.

The board discussed the warning signs.

Mr. Gutoskey said what if you took the sign on the side and used it on the front.

Mr. Lamanna said if you don't count the warning it is probably fine, it is probably only 6 sq. ft. He said he didn't think we should count the warning so he thinks certainly 10 sq. ft. is going to cover the top and one of the bottom ones there. He said we won't count the warning part but so just one cage will have the sign on it and he thinks 10 sq. ft. has got you covered on that.

Mr. Lewis asked Mr. Boodjeh if he is okay with that.

Mr. Boodjeh said they can live with that.

Mr. Lewis said the good news is that the customers, because of the mesh fronts, can see the contents of these cages.

Mr. Lamanna said we won't count the water one because it is generic and it is inside.

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

Motion BZA 2018-58 – 8459 E. Washington Street (Discount Drug Mart)

Mr. Lamanna moved to grant the applicant a variance for the purposes of installing a wall sign.

1. A variance from the maximum allowed height above the finished grade from 22' to 25' for a variance of 3'.

Based on the following findings of fact:

1. Given the overall size and structure of this building where the sign is placed, it is below the roof of the building and it is in an architecturally appropriate place.
2. In addition this building is down from the street and set back a significant distance from the street so a sign at that height will not be intrusive or out of character.
3. Also with respect to the propane and water machines that the applicant is going to have in the alcoves, the board has decided that the water machine signage as shown in the application is generic enough that it will not be counted.
4. In addition, the applicant will reduce the signage on the propane cages to signage on a single cage with respect to the commercial business providing it.
5. Also the board will not count the actual warning signs identifying the hazardous nature of the propane tanks as part of the signage with respect to the propane cages.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye.

Application 2018-59 by Kyle Lawrence and Anthony Pfenning for properties at 8158 and 8162 Chagrin Road

The applicants are requesting area variance(s) for the purpose of a lot split and consolidation. The properties are located in a R-3A District.

Mr. Kyle Lawrence of 8158 Chagrin road and Mr. Anthony Pfenning of 8162 Chagrin Road were present to represent this application.

Mr. Lamanna noted that this application is for a lot split and consolidation of non-conforming lots to correct encroachments.

Mr. Kyle Lawrence testified that he bought his property a little over year ago and they are neighbors, Mr. Pfenning's house is in front of theirs and the property line situation really is not good, a lot of his driveway is on his property. He said his house is very close to that property line, there is a shed that was built on Mr. Pfenning's property that he knows about so we really just want to correct the property line so that it makes more sense to both of them. He submitted a GIS map to Ms. Endres that shows the proposed split and it is equal size acreage that they will be trading so no lot size change there, just an even swap.

Mr. Lewis said and some other considerations, it creates some area variances.

Mr. Pfenning asked if they are talking about the area of the lot.

Mr. Lewis said no, setbacks, when you change property lines it may leave a structure too close to a lot line and we have to look at all of those. He asked Mr. Lawrence where his driveway is.

Mr. Lawrence referred to the aerial map and said his driveway is right here and this is the property line for him to get back to his house so whoever built the house back in the sixties didn't follow the property lines so the driveway is not currently on it but we have easements to get back to my property.

Mr. Pfenning referred to the aerial map and testified that this is his house up here, his property line curves and comes right through there within 10' of his house and the driveway is there so what they are hoping to do is to square away something that should have been looked at fifty years ago whenever the houses were built and just trade this .192 acres, Mr. Lawrence would get this and he would trade this strip along the edge of the property that he would get and that would give him so he wouldn't own his driveway basically and the shed that is now on my property was built by two property owners ago on Mr. Lawrence's property, they built a shed there and currently that is on my property as well so this would kind of just clear up something. He said it is not hurting anybody right now.

Mr. Lamanna asked if the back lot will no longer have any frontage.

Mr. Gutoskey said it had 10' of frontage.

Mr. Lamanna said the skinny part is staying.

Mr. Pfenning said yes.

Mr. Lawrence said it will go from 30' to 10'.

Mr. Murphy said so if the Hatfields and McCoys come back here in ten years and you guys are gone and the guy in the front doesn't want to let the guy in back have a driveway.

Mr. Lawrence said there is an easement.

Mr. Pfenning said there are existing easements already on the driveway.

Mr. Lawrence said the driveway doesn't even follow the property line.

Mr. Gutoskey asked if three houses share the same drive.

Mr. Pfenning said the two primary do, he can use his as well, but the house on the top here does and then it goes back to Mr. Lawrence's house in the back. He said his drive actually comes into from here and it curves back and he doesn't normally use it, there is a cut-through there and he can but normally he doesn't use that lower drive but the people in that house do and then Mr. Lawrence does to get to the back. He said this is just an accommodation kind of agreement that they are trying to do without making the lot sizes any smaller or anything like that, we tried to do this trade that seemed like it was the easiest and cleanest thing to do, he would keep the same square footage on the lot and he would be much closer to being in compliance on everything.

Mr. Lawrence said they are basically trying to take a bad situation and make it better. We realize it is not going to be perfect but doing this is a whole lot better.

Mr. Lamanna asked who has responsibility for maintaining this driveway.

Mr. Lawrence said as far as plowing, he and Kathy split it.

Mr. Lamanna said we don't have the easement in front of us, does the easement set up any procedures for how this driveway will be maintained, who has to pay for it and what condition it has to be maintained in.

Mr. Lawrence said he thinks it is just for access.

Mr. Lamanna said the problem we have with people not having their own driveway is that we want to make sure that they will in fact have a driveway and you can't come to loggerheads with the easement grantor so that they can effectively prevent you from having a driveway either because they refuse to pay for maintenance or refuse to do whatever because now it becomes your only way in and out.

Mr. Pfenning said nothing is really changing, he has lived there for 46 years and there has been no problem, we are really just trying to straighten out a problem.

Mr. Lamanna said if we are going to straighten out a problem what we don't want to do, we want to make sure that we also don't have another future problem.

Mr. Gutoskey said the problem is if that easement goes away and you only have a 10' strip to try to get a driveway in there.

Mr. Lamanna asked if they can actually get a driveway through that piece of property.

Mr. Gutoskey asked if there is a topography problem because the driveway is where it is.

Mr. Lawrence said the driveway was done in 1963 and he is guessing the operator was drinking beer and not paying attention to anything, it doesn't make any sense where they put it but it was well before his time and there is nothing he can do about that. He said we are just trying to fix the back issue.

Mr. Lamanna said his guess is for some reason just looking at the way it is there he bets that there was some reason that they didn't want to go down through where that goes, either it goes downhill or something.

Mr. Lawrence said it is pretty flat through there.

Mr. Gutoskey asked if the back lot is about four acres.

Mr. Lawrence said yes, just shy of five acres.

Mr. Lamanna asked if the other property that is sharing the driveway had some connection with this property, did he own it, did he have any relationship with those parcels in the back.

Mr. Pfenning said the one Mr. Lawrence is in now, he thinks it was built by George Kuhnle originally and he has been there for 46 years and again without opening Pandora's box and legal fees, we are just trying to straighten this out.

Mr. Lewis said he doesn't think there are really any issues that we are concerned with that he has seen as far as the land swap because it is even-stein, it doesn't really change the size of your lots, yes we will have to deal with the shed or whatever because there are side yard variance issues because of where it is located, those are probably minor housekeeping issues.

Mr. Lamanna said his concern is that your access is dependent upon coming over some third party's property or sharing with some third party. He said if you have an absolute right to do whatever you want and put in a driveway that is fine, we just want to make sure that either the owner of the property that needs the access has the sole right to build and maintain that road, his driveway or that he has a place where he can go put it, what we don't want is one of these shared driveway things where two people have an agreement to share a driveway and easement etc. and then they get into an argument and nobody wants to pay to maintain the driveway and the next thing you know we have got a driveway that you can't drive a firetruck back there, you can't drive an EMT vehicle back there because the driveway hasn't been maintained because you have got two feuding owners so we want to make sure that either we have got an agreement that is enforceable in a way to compel the maintenance of an adequate driveway or that the guy who needs that for his access has a unilateral right to make sure that he has a driveway or has another option here if there is not a big ravine in the middle of that so that is impossible to build a driveway.

Mr. Lawrence said it is all flat.

Mr. Lamanna said it is all flat so you would have a place that if everyone went to loggerheads over this you would still have a way to cut a driveway through on your property and get to the road, that is what we want to make sure.

Mr. Lewis said that is where it is sort of tricky because the long slice that you guys are going to trade, you are going to leave yourself with only 10' on your side of the property line between the neighbor to the up and to the party that you traded to, to Mr. Pfenning, and if you get stuck you have boxed yourself in, now you have a 10' slice, you don't have enough room to put your own driveway in.

Mr. Lawrence said firetrucks only need 10'.

Mr. Lewis said the 10' leaves you your emergency out, your plan B, if what Mr. Lamanna is talking about, if the easement blows up.

Mr. Lawrence asked how the easement would blow up.

Mr. Lamanna said it depends on what the easement says, he doesn't know without seeing the easement, if the easement clearly says you can come over the property and do whatever you need to do that is fine but what happens is you get some of these joint driveway easements and neither party has a unilateral right to do anything, everything has to be done by joint agreement and unless there is some way to say if the parties come to an impasse then there is an absolute obligation to maintain a certain level of service and if they are in an impasse then they have to send it to some third party who decides what will be done and they have to pay for it.

Mr. Pfenning said what they are looking at, in a simplistic way is if we make this trade and it is going to be better than it is now and the other thing, that has existed for 50 or 60 years, it has not been a problem and if we open that up we are going to start with more legal fees and everything which might make the whole thing impractical to do because we are opening Pandora's box.

Mr. Lamanna said in this case it looks like he has an alternate route there, we don't have to get into that.

Mr. Lawrence said he is going to maintain the driveway.

Mr. Lamanna said there is an alternative.

Mr. Lewis said if you run your 10' driveway on your own property, you can get an escape plan if you need one.

Mr. Lawrence said he can still access his house.

Mr. Lamanna said that is what we want to make sure.

Mr. Lawrence said that is why they left it 10' because that is enough room for a firetruck.

Mr. Lamanna said if there is a problem we get a driveway that doesn't get maintained, it is the township that has the problem when somebody calls and says their house is on fire or somebody just had a heart attack and they are trying to get in there and they get a vehicle stuck in there or damaged or whatever and then it is a real problem for everybody.

Mr. Lewis asked about the proposed variances.

Mr. Lawrence said Ms. Endres knows the variances very well.

Ms. Karen Endres, Zoning Inspector testified that it is on her staff letter but she can't give the board absolute numbers without a survey.

Mr. Lawrence said the idea was to get the approval now and once he got the approval he would then pay for the surveyor but wasn't going to pay the money first.

Mr. Lewis said it is hard for us to grant area variances if we don't know where your lot lines are exactly, which is a survey.

Mr. Lawrence said he would like approval for the idea.

Mr. Lewis said he doesn't know how far your shed is off the new lot line exactly.

Mr. Lawrence said 10'.

Mr. Lewis said and you based it on the survey, you had it pinned.

Mr. Lawrence said no, from the GIS.

Mr. Lewis said GIS is not accurate, it is like plus or minus a mile.

Mr. Lawrence said it is within a couple of feet.

Mr. Lewis said it is not adequate for what we do.

Mr. Gutoskey said it is a good planning tool.

Mr. Lewis said it is within plus or minus 2' of the 10' and if it comes back at 8' we can talk again but he would like general approval on this concept so he is not spending a lot of money on a survey and then you guys say no.

Mr. Gutoskey asked Mr. Lawrence if when he bought the property if he got a mortgage ID survey because from there you can half-way figure out where the shed is.

Mr. Lawrence said no.

Mr. Gutoskey said so you didn't get a mortgage survey when you bought the house.

Mr. Lawrence said no, no survey when he bought the house.

Mr. Lewis asked Ms. Endres if she requested a survey.

Ms. Endres said they talked about the survey and like Mr. Pfenning mentioned they are reluctant to spend the money on a survey until there is some kind of an approval of the concept.

Mr. Lewis said so unless we say yes, you are not going to do a survey so we are not going to have what we are looking for.

Mr. Lawrence said it is many thousands of dollars.

Mr. Lamanna said here is what will happen, we can go ahead and approve this but it is going to be on the not to exceed basis or not less than basis when it comes out and if it comes out different you are going to have to come back here.

Mr. Lawrence said that is exactly what he wanted and then we will revisit it.

Mr. Lamanna said as long as the survey confirms whatever the distance on the shed is, whatever the lot coverage is, it is not going to be any greater than this number.

Mr. Lawrence said that is what they were looking for, approval pending the survey if it doesn't uncover something wacky.

Ms. Endres said without the survey work she can't really evaluate setbacks or tell the board what variances are needed relevant to the structures. She said she gave the board some general information relative to the lot width, size and frontage which is kind of what she summarized on page two.

Mr. Lamanna said when we are all said and done with this the shed is not going to be conforming with the side yard setbacks, the road frontage is non-conforming now and it is just going to become more non-conforming.

Mr. Lewis said but the west side of the house will go from non-conforming to conforming because right now it is 25' off the lot line and if he adds the 51' of the new land we are up to 76 so he is above 50.

Mr. Lamanna said the lot coverage is going to stay basically the same, it is not going to change the lot coverage.

Ms. Endres said she thinks that will change a little bit too. She said the lot coverage at 8162 will become more conforming because the shed that is right now on the lot will go away. She said it gets kind of complicated but she did the best she could.

Mr. Lewis said that is a deduct from Mr. Pfenning's property and it is an add to Mr. Lawrence's property, the shed.

Mr. DeWater said he has a feeling that the board is going to approve this, why don't we just have you get the survey, get everything positioned where it is supposed to be accurately on your survey maps and come back and we will approve it, it is the easiest approach for the board and the most accurate.

Mr. Lamanna said the board will approve going ahead with the swap pending a full survey and then we will look at individual issues and if there is something that raises an individual issue such as if the shed is really close, you might have to look at moving the shed farther away.

Ms. Endres said the survey will answer a lot of questions because the survey will have to have the driveway, the house, the shed, everything will be located on the survey map.

Mr. Gutoskey said he was going to suggest to show the easement at the driveway.

Ms. Endres said there will be a lot of information coming out of that survey that would be very useful here.

Mr. DeWater said it clears everything up.

Mr. Lewis said he doesn't see any issues with the land swap, that is the easiest piece of this whole project.

Mr. Lawrence said they thought it was going to be an easy thing.

Mr. Pfenning said the irony of this thing is it has existed forever and has not created a problem except, he has lived there for 46 years and people get all worried at first about the easement and then they move in and everything is fine, nobody has a problem with it until somebody goes to sell a piece of property.

Mr. Lamanna said he thinks the only potential issue here is the shed setback.

Mr. Pfenning said that is relatively minor when you consider that his property line is within 10' of his house.

Mr. Lawrence said he can't even pull his car up against the garage without it being on his property, it makes no sense so even if the shed is only 8' instead of 10' it is still way better than the situation is currently.

Mr. Lewis said it is a minor element.

Mr. Pfenning said the guy that built it a few years ago, he built it first and then told him about it, he didn't even notice it.

Mr. Gutoskey asked Mr. Pfenning if he pays taxes on that shed.

Mr. Pfenning said he doesn't think so.

Mr. Lewis said he is sure there is no building permit on it.

Mr. Lamanna asked how big the shed is.

Mr. Lawrence said it is 12' x 10' maybe.

Mr. Pfenning said he built it primarily for firewood.

Mr. Lawrence said he put firewood on the back side, he had some little shanty with tarps that he tore down and made it a lot nicer.

Mr. Lamanna said that certainly helps.

Ms. Endres said it is 14' x 16' roughly.

Mr. Gutoskey said there are probably some overhangs on it too. He added that he thinks that is the best way to proceed.

Mr. Murphy said if you are going to have surveyors there they would have some idea of what you are trying to do, is there any reason why you couldn't try to keep 15' of the driveway access.

Mr. Lawrence said then the property splits would not be equal acreage and there is no other way, he has looked at it 100 times, the GIS guys looked at it and it is the only way we can have an equal swap.

Mr. Lamanna said there is not that much intersecting property, there is not that much adjacent property.

Mr. Lawrence said that is the only way to do it and they were under the impression that it is much easier to get approved if it is an equal swap then that way when Mr. Pfenning goes to sell he still gets to list it for the same amount of acreage, if I ever sell mine, it is the same amount.

Mr. Pfenning said that Ms. Endres has mentioned and he didn't even realize it that his property as it stands now must be a variance from the minimum lot size in that area so if they didn't do the equal swap his property would become a little bit smaller.

Mr. Lewis said it would be more non-complying and we don't want to go backwards on the lot size. He said equal acreage is the cleanest way.

Mr. Lawrence said the bottom line is we both agree on it.

Mr. Pfenning said it is acceptable to both of us and it just clears up sort of an awkward situation because his property goes up so close to his house back there and his drive.

Mr. Lawrence said a tree not too long ago fell from Mr. Pfenning's property on his driveway and it almost hit his car, that should be his property, it is right there and even little things like that will be cleared up, if the trees fall from his property it should be his insurance it is going through.

Mr. Lamanna said the responsibility is where it ends up.

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

BZA Motion 2018-59 – 8158 and 8162 Chagrin Road

Mr. Lamanna moved to tentatively approve an even acreage lot split as has been posed by the applicant.

1. This is subject to the applicant actually having a complete survey done and coming back when that survey is completed so that the board can assure that all of the appropriate variances are granted to the right numbers and accurately reflects what the situation on the ground is on these lots.
2. Knowing generally that this approval is based on those results coming back substantially the same as shown on the application and workup by the zoning inspector with respect to the application, otherwise if that is not the case then the board will have to address any issues that might raise in the subsequent hearing when we will render final approval of this and make the actual final area variances to implement the specific setback and lot coverage as the results of this and whatever parameters the zoning inspector may need.
3. This application will be continued to the February 21, 2019 meeting.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye.

Application 2018-60 by Constance Hecker for properties at 8300 – 8326 E. Washington Street

The applicant is requesting a renewal of an existing conditional use permit. The properties are located in a CB District.

Ms. Lisa Biondolillo was present to represent this application.

Mr. Lewis asked what LAB management is.

Ms. Biondolillo testified that LAB management manages commercial properties so she is here on behalf of Mrs. Connie Hecker because she lives out of state.

Mr. Lamanna said so at this point in time we have got nothing from the corner house.

Ms. Biondolillo said the first floor is vacant and the second floor is residential.

Mr. DeWater asked if the metal building in the back is vacant right now.

Ms. Biondolillo said yes.

Mr. Lewis asked what is going on with that, does that have tenants in it.

Ms. Biondolillo asked right now.

Mr. Lamanna asked within the last two or three years.

Mr. Lewis asked if there have been tenants there.

Ms. Biondolillo said yes.

Mr. Lewis asked what kind of business were they in.

Ms. Biondolillo said she started managing the property in April so she doesn't know what happened prior to April, the most recent was a sports facility, baseball practice, catching practice.

Mr. Lamanna said going forward the issue is it is a CB District and there are defined uses in the CB District and if you are not a defined use you have to get a variance or you can't do it so as long as we have that understanding.

Ms. Biondolillo said she is not in charge of leasing, Mrs. Hecker does that.

Mr. Lewis said we have the wrong representative here.

Mr. James Gibson testified that he is a tenant at the third property, 8326, Hungry Bee, and asked how that affects him as a tenant, he is leasing there and she is applying for a variance to have multiple operations on one commercial property or doesn't it.

Mr. Lamanna said he doesn't think it affects you, Mr. Gibson, at all, you are a conforming use.

Mr. Lewis said you are fine.

Mr. Lamanna said our only question is if you are running this thing you have to understand that whatever goes in there has to be a conforming use in the district and you have to come in and get approval from us to put something in that is not conforming so since this is a conditional use and there has been an issue in the past with some questions about whether things were in there that may or may not be allowed, that is one of the things that a conditional use gives us the ability do is to say we don't want this happening and if we don't think we are getting adequate assurances, it is not going to happen, you will get renewed for two years and will have to come back in two years and we will see whether or not that is going on. He said unfortunately you are here and you are not actually the person who does this and that kind of presents a problem for the board and unfortunately you (Ms. Biondolillo) don't have the ability to make a response to our issue even though you are authorized to represent the owner and bind the owner you can't answer the questions that we have and not really in a position to say so it leaves us with one or two things, the owner is going to have to come in and talk to us or we will renew this for two years.

Mr. Lamanna continued by saying the same restrictions still apply but we will see what happens over the next two years on whether we have any further issues with what the tenants are doing.

Ms. Karen Endres, Zoning Inspector testified that Mrs. Hecker needs to understand that she shouldn't be signing leases with anybody until she is cleared through zoning, the tenant needs to get a zoning permit before they can use the property and Mrs. Hecker needs to be sure that whoever she is leasing that property to is being done in compliance with zoning.

Mr. Lewis asked what the difference is between the property manager and the leasing agent. He said as the property owner she is the one that is bringing in the tenant.

Ms. Biondolillo said she has a real estate agent, she just got one a couple of months ago.

Mr. Lewis said but this is her property, right.

Ms. Biondolillo said yes.

Mr. Lewis said so she signs the tenant and then property management does what.

Ms. Biondolillo said take care of tenant issues, collect the rent.

Mr. Lamanna said take care of the property, whatever has to be done.

Mr. Lewis said get the grass cut, get the snow plowed.

Ms. Biondolillo said yes.

Mr. Gutoskey said the parking lot, roofs fixed.

Mr. Lewis said so you (Ms. Biondolillo) have no involvement with bringing in a tenant.

Ms. Biondolillo said correct.

Mr. Lewis said so you are the property manager and there was one other thing that was brought up.

Mr. DeWater said potholes in the parking lot.

Mr. Lewis said also, the driveway that has expanded which increases the lot coverage so maybe we can talk about that a little bit.

Ms. Endres said when she was out there, this area is the existing gravel drive, she referred to the aerial photo, next to the house, that looks like it has been enlarged so the driveway curves all the way around now.

Ms. Biondolillo said that was done prior to her being involved.

Mr. Lewis said so now we are back to the property owner again who has exceeded lot coverage or made a change without permission. He said it would be nice to talk to the property owner.

Mr. Lamanna said so lot coverage has been added to this parcel and he assumes they are probably at maximum or are they over.

Ms. Endres said she has to review that again but based on the last sign plan if they added additional driveway are they are probably over at this point.

The board discussed the lot coverage.

Ms. Endres said they did add a landscape area in the middle that bisected the parking lot so she doesn't know if that should be counted as greenspace at this point so that may offset this section here but she doesn't have a site plan showing the detail yet.

Mr. Gutoskey said we have to see what we approved.

Ms. Endres said she has a general site plan showing the landscaping.

Mr. Lamanna said we are going to approve this but the condition is going to be that somebody comes back within 30 days to the zoning inspector with the details on how that driveway was expanded.

Ms. Endres said she has a plan showing the landscape area and she can show it on Pictometry.

Mr. Gutoskey referred to the last approval and said future improvements go back to the BZA, no new lighting, use permits to be addressed separately and all other standards required.

Mr. Lamanna said adding a driveway is a future improvement.

Ms. Endres said you can see the driveway here and actually see landscaping so they offset each other.

Mr. Lamanna said the board will make a note of it with a condition that the applicant provide the details of the expansion of that driveway to the zoning inspector within 30 days to determine whether or not the lot coverage has been offset and if not we are going to have to make arrangements to make it offset so that the lot coverage stays the same.

Ms. Biondolillo said that drawing is from 12 years ago.

Ms. Endres said it looks like it was there but when the surveyor put together the lot split he only indicated that being a gravel driveway that seemed to end right here.

Mr. Lamanna said the owner should have said something, you can't submit your surveyor's drawing and then come back later.

Mr. Gutoskey said if you look in the back you can see how the grass is growing into the gravel.

Ms. Endres asked 2018.

Mr. Gutoskey said yes, the grass is growing on the gravel because it is not being used.

Ms. Endres said when she went out to do her inspection it had her attention that the site plan she has looked like the driveway didn't curve all the way through from the front area all the way to the back building.

Mr. Lamanna said when you submit a site plan you are stuck with your site plan, if you didn't like it you should have said something.

Mr. Gutoskey referred to the aerial photo and said it looks like there is more gravel around the building and behind it off the property.

Ms. Biondolillo said it is grass but there is gravel that wasn't purposely put there, you can see that that does get cut with the lawn mower.

Ms. Endres said also the broken fencing is fixed, that had her attention, but that has been corrected.

Mr. Lewis said he guesses we shouldn't concern ourselves with potholes in the pavement because if the tenants and their customers are okay with it, it is between tenant and landlord.

Ms. Endres said this is a conditional use permit.

Mr. Gibson said he is not here to be a sour tenant however he needs to be able to plan for his future of his business. He said he will say that working with Ms. Biondolillo has been a pleasure over the past few months and he only has nice things to say about her and he understands that she is limited to the funds that Mrs. Hecker can provide to her. He said they have done some provisions to the parking lot where concrete was poured for parking alongside the building however when they ripped up the middle of the medium there is no concrete berm and all of the gravel or the pad is ripping apart and at this point right now most of the parking lot has nothing on top so when it is freezing the asphalt is breaking in small little chunks and going all over the place, it is a hazard and people roll their ankles, he has had at least a half dozen tires changed at Highway Garage over the last three years and it is difficult to want to stay there if nothing is going to be done about the parking lot.

Mr. Lewis asked when the last time it was seal coated.

Mr. Gibson said he couldn't tell you.

Ms. Biondolillo said that is recycled asphalt it is not pavement. She said she did have some asphalt patching done for some potholes and so forth on the part that wasn't concrete.

Mr. Lewis asked Ms. Endres when she took these pictures.

Ms. Endres said a week or so ago.

Mr. Gutoskey said December 12th.

Mr. Lewis said you must have done your pothole filling before.

Mr. Gibson said he understands that she is limited to funds that Mrs. Hecker will provide but his gripe is he has been here for going on his fourth year and not disclosing financials but he paid in rent over the last four years and the amount of work he has seen going into the building versus the house which has been completely repainted and they are working on the inside, the roof was redone, all the landscaping for buildings who don't have tenants was done but his parking lot is constantly a mess and if he is going to stay and re-sign he needs to know that something is going to be done.

Mr. Lewis asked when his lease is up.

Mr. Gibson said 2-1/2 years and the reason why he came is that Ms. Endres said it was a five year and if it was a five year, he is half in the middle.

Mr. Lewis said he doesn't think he is inclined to work on a five year conditional use renewal, there are too many loose ends and the owner of the property is not here and there are cars and airplanes and it is their property and he understands they live in Virginia but if somebody owns a piece of property, and he appreciates you, Ms. Biondolillo on behalf of but he would say the board and the township's issues are not with the management company, they are with the property owner.

Mr. Lamanna said we really don't want to get into the business of trying to regulate people's parking lots because it is a lot of time but certainly when it evolves into a potential safety issue and the condition is bad enough that we are getting damage to property and injuries to people using the parking lot then at that point in time then it reaches a level where it is a concern.

Mr. Gibson said his other concern is the drainage because it runs down north and where it pools up is in that back corner, if you look at the picture it is the bottom right corner where all of that water puddles and when the concrete was poured they did an awesome job funneling everything down but right where it hits the grass and gravel there is nothing there to let the water drop and run down. He said he has a few pictures on his phone that he can forward to Ms. Endres that she can share with the board but when it rains it is just standing water and when there is all that standing water and it is freezing at some point it is going to break all of that concrete up if there is not proper drainage for all the water in that lot.

Mr. Lamanna asked where could it go, is there a way to swale it somewhere where it can escape or not.

Mr. Robert Biondolillo referred to the aerial photo and testified that they paved with concrete, they removed it, cut 12" out, there is 6" of base and 6" of concrete and this entire lot was flowing right into this guy's building, there are no sewers there. He said this grassy area drains to a drainage ditch that runs back in through here. He said he put a valley in this so that we could send approximately this much of this water to the front where it does break and go out with the rest of the pavement. He said this is valleyed and he has gotten to this point right here where there was always water sitting and with his excavator he sort of swaled this out but without putting a catch basin in, to drain into that ditch, which he didn't want to go there until we are sure we could do that, that would solve the problem in the future when this lot is completely paved and that day will probably come. He said he is right, there is a puddle there and he doesn't think it is as bad as it was before we put that concrete in.

Mr. Gibson said he appreciates everything that they have done.

Mr. Biondolillo said the swale will be needed to get that water to drain. He said that is something we need to come in here and talk about but he could easily just cut through the grass to alleviate the water, he cut a swale to here but it needs to be cut all the way. He said stage one is set so this whole lot can be drained properly if we continue on.

Mr. Lewis asked if any of these buildings have gutters and downspouts or is it just all flushing out into the parking lot at the same time.

Mr. Gibson said they are on the south side.

Ms. Biondolillo said the corner lot has gutters but she is not sure about the steel building.

Mr. Biondolillo said he thinks it does have gutters on it. He said it looks like it is a paved parking lot but it is not and somewhere around this town when they did some milling, she had that stuff brought there, put down and compacted and there was new asphalt patching on that.

Mr. Lewis said it is semi-porous so all of the water goes in it, you get freezing and thawing and it crumbles.

Mr. Biondolillo said Mrs. Hecker knows that there are things that need to be done there, he doesn't think she ever had the right guidance being out of state and probably never felt she had someone she could trust to do it right.

Mr. Gibson said he will say that the difference between his first term that ended and July 2017 and maybe October of 2017 and in the second it has been a thousand percent different and better having Ms. Lisa Biondolillo as a property manager because she follows through on things and has people out there who are qualified. He said the concrete work that was done on the side of the building, he couldn't thank the guys enough really because of the amount of water it saved from coming towards the building. He said he knows it is not going to be done in one fell swoop because he knows it is a pricey thing however he needs to know that some provision is going to be put in place that she needs to do something about it, it is in Bainbridge Township but it is probably the second or third most traveled street, we have traffic that backs up to our lot if not all the way down to University Hospitals from 3:00 to 5:30 every single day and as a tenant it is difficult to get people to come in when they don't want to get out of the car because they might roll an ankle or something is going to fly up and hit their car so they are not going to drive in there because it is a deterrent to tenants and he thinks that as a property owner in Bainbridge you should make it as accessible for your tenants and other people to come in and support commerce in the township.

Mr. Lewis said it appears your hands are tied because you don't control the funding and the property owner has the checkbook and you must be present to win so the property owner totally is going to need to make a guest appearance sooner or later, if nothing else to retain her current tenant because otherwise conditions can deteriorate, it sounds like he is wonderfully pleased but he would like the property to be a little bit better maintained and that is a funding issue.

Mr. Lamanna said this gets back to doing a two year renewal on this because we are going to look at the issue of the kind of tenancy and secondly the board wants you to maintain that parking lot that it is reasonably safe for the people using it. He said the drainage issue is we will look at that, it is tough for us because it is not affecting somebody else, it is only affecting the property but it may be exacerbating the deterioration of the parking lot if it is creating another hazard for the people using it but he thinks it is something that probably should be addressed but he doesn't think we have any specific demands on that at this point in time, maybe we will look at it again in two years but he thinks we will make a specific requirement that the parking lot be maintained in a safe condition and again in two years we will look back and look at the leasing practices and we expect the property is going to be leased in compliance with the zoning requirements, either permitted or you get a variance for it.

Mr. Lewis asked if we need an updated site plan.

Mr. Lamanna said yes, that also holds from before as well, the updates.

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

Motion BZA 2018-60 – 8300 – 8326 E. Washington Street

Mr. Lamanna moved to grant the applicant the renewal of the conditional use zoning certificate for a period of two years to October 1, 2020.

Based on the following findings of fact:

1. With respect to only granting a two year extension, the board is doing this so that it can review, and at the end of that period of time, the maintenance of the parking lot as well as whether there has been compliance with the leasing only to tenants who have a permitted use because in the past there have been some question about tenants who have been occupying the premises with uses that are not permitted in this district.

With the following conditions:

1. The board also notes that as a conditional use it is required that all of the tenants be permitted uses within this zoning district or obtain a variance from this board.
2. With respect to the parking lot there have been some issues regarding the safety of the parking lot and the board will specifically add a condition that this parking lot be maintained so that it is safe for use by patrons and employees.

Motion BZA 2018-60 – 8300 – 8326 E. Washington Street - Continued

3. A further condition is that the applicant will within 30 days provide to the zoning inspector a site plan showing the amount and extent of the extension of the driveway from the previous site plan next to the house so that it can be compared to the plans with respect to the landscaping area that was added to assure that there has not been an increase in lot coverage and if there has been such an increase the applicant will need to submit plans for how that increase will be eliminated.

Mr. DeWater seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye.

Since there was no further testimony, the public hearing was closed at 9:00 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: January 17, 2019

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
December 20, 2018

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the November 15, 2018 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye.

APPLICATIONS FOR NEXT MONTH

Application 2018-50 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

The applicants are requesting a review, renewal and expansion of an existing conditional use permit to include an existing patio. The property is located in a R-3A District.

Application 2018-51 by Luigi (Gino) Oppedisano for property at 8575 Washington Street
- Continuance

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

Application 2019-1 by Fast Signs of Bedford Hts., c/o Earl DiMalanta for Craig Lyndall for property at 7227 Chagrin Road

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

Application 2019-2 by New Wembley LLC for property at 8345 Woodberry Boulevard

The applicant is requesting a review and renewal of an existing conditional use permit and approval for an addition of a new 32,000 sq. ft. building. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for January 17, 2019 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy

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

Date: January 17, 2019