

The regular meeting of the Olmsted Township Board of Appeals was called to order October 20, 2010 at 7:00 PM. Present were Chairman Brian McElroy, Lawrence Maser, Herbert McTaggart and Louise Veverka. James Prosek was absent. Also present was Secretary Tammy Tabor.

Pledge of Allegiance

Mr. McElroy stated that the variance request for Disanto Enterprises was withdrawn from the agenda. Mrs. Tabor stated that the application was heard by the Board of Trustees. The Board of Trustees approved a one year extension and the refund of application fees.

Old Business

Cantley 6573 Fitch Rd.

Mr. McElroy stated that Ms. Cantley is present with a revision to her previously denied request. Mr. McElroy asked if a public notice was published. Mrs. Tabor stated that a public notice was not made. Mr. McElroy stated that this application was heard at the September 15, 2010 meeting. Mr. McElroy stated that at the previous meeting Mr. Prosek commented that he would consider additional information regarding this application. Mr. McElroy stated that the application will be considered as old business.

Cynthia Cantley was sworn in. Ms. Cantley stated that she has amended the application to attach the garage to the house. The garage would still encroach into the setback by four feet. Ms. Cantley stated that the county marked the right of way lines. Ms. Cantley stated that Building Commissioner Anthony Bumbalis and Tammy Tabor measured the current locations of the house.

Mr. McElroy asked if Mrs. Tabor was familiar with this case. Mrs. Tabor stated yes. Mrs. Tabor stated that the Cuyahoga County Engineer marked the Fitch Road right of way at Mrs. Cantley's property. Mrs. Tabor stated that the house currently sits 65 feet from the right of way. The required setback for county roads is 60 feet. The proposed garage would encroach 5 feet into the front setback.

Mrs. Cantley stated that the garage would encroach 4 feet into the setback.

Ms. Veverka stated that the site plan is showing the garage 8 feet in front of the house. Mrs. Cantley stated that due to the window location, the contractor has advised her that the garage cannot be setback that far. Mr. Maser asked if the window is on the house behind the proposed location. Ms. Cantley stated that the window is the reason that the garage cannot go directly next to the house. Ms. Cantley stated that the window is the only window in that bedroom.

Ms. Veverka stated that the garage could be placed behind the window.

Ms. Cantley stated that the property has a swale behind the driveway. The property is also heavily wooded. Placing the garage further back would not allow for maintenance equipment to access the property. Ms. Veverka stated that equipment could still access the property.

Ms. Cantley stated that the plantings would be difficult to move. Ms. Veverka stated that the plantings and swale could be moved.

Mr. McTaggart asked what Ms. Cantley considered in response to item #1. Ms. Cantley stated that the peculiarity of the property to the land or structure is the design of the house. Ms. Cantley stated that the original 20 by 20 foot house was built with the kitchen in the front. An addition was done and three bedrooms were added to the house. Ms. Cantley stated that no consideration was made at that time for a garage. Ms. Cantley stated that the house does not have a side or rear door. Ms. Cantley stated that you would have to walk from behind the house around the front and across the front yard to enter the house from the garage.

Mr. McTaggart stated that convenience is not a good reason for the garage in front. Ms. Cantley asked what a peculiarity would be.

Mr. McElroy stated that a stream in the front yard would be considered peculiarity.

Ms. Veverka stated that a severe drop off or cliff in the yard. A tree planter is not a peculiarity.

Ms. Cantley stated that swale is a peculiarity. Ms. Veverka stated that the yard could be regarded. Ms. Cantley stated that the house will have less value without a garage. Ms. Veverka stated that any garage would increase the property value, regardless of the location on the property.

Mr. McElroy asked for any further questions or comments. Hearing none, Mr. Maser moved to approve the application as re-submitted. Seconded by Ms. Veverka. Ayes- McElroy. Nays- Maser, McTaggart, Veverka.

Karen Poor --#20100734- Fence Variance

Karen Poor was sworn in. Ms. Poor stated that she applied to the home owners association and hired a contractor to install a fence on her property. Ms. Poor stated that the contractor registered with the Township and obtained the permit. The contractor installed the fence. Ms. Poor stated when the inspection was done, it was determined that the fence did not comply with the required 25% open space.

Mr. McElroy asked if Mrs. Tabor was familiar with this application. Ms. Tabor stated yes. Ms. Tabor was sworn in. Mrs. Tabor stated that the contractor obtained all of the required permits and registration. Mrs. Tabor stated that when the final inspection was completed, it was determined that the size of the boards used and the open space did not comply with the required open space for fencing.

Mr. McElroy asked where the fencing material was purchased. Ms. Poor said she did not know. Mr. McElroy asked who the contractor was. Ms. Poor stated J & M Painting & Construction. Ms. Poor stated that the contractor has not returned her calls. Mr. McElroy asked if she had estimates regarding the cost to repair the fence. Ms. Poor stated approximately \$2000.00.

Mr. Maser stated that the contract reads that he spacing would be ½ -1 inch between pickets but does not specify the size of the pickets.

Ms. Veverka stated that the fence appears to be well made. Ms. Veverka believes that the contractor did not intentionally construct the fence wrong, it would have been less expensive for him to use less wood.

Mr. McElroy asked for any comments or questions. Hearing none, Mr. McTaggart moved to approve the application as submitted. Seconded by Mr. Maser. Roll call: all approved.

Frangella – setback variance #20100736

Kris Frangella and Brian Smith were sworn in. Ms. Frangella stated that her house was built in the Westfield Park subdivision. The home is located 1 ½ feet from the building line. Ms. Frangella stated that the steps that are currently on the back of her house are very steep. Ms. Frangella stated that they previously had a patio installed and do not have a good way out the patio door to the patio. The deck would allow an exit from the house and down the steps.

Mr. McElroy asked if the current steps meet the building code. Ms. Frangella stated she does not know.

Ms. Veverka asked if there is a sliding door at the back of the house. Mr. McElroy stated that a 36" landing is required for a door to open.

Mr. Maser asked if there will be handrails. Mr. Smith stated yes.

Mr. McElroy stated that the deck and landing would encroach into the setback.

Mr. McTaggart asked if there was another solution. Mr. Smith stated that he did not know of another way that would be less into the setback.

Ms. Frangella stated that they do not want the stairs to cover the patio by much.

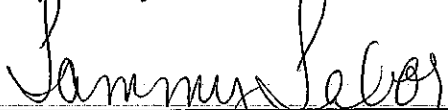
Mr. McTaggart asked if the material would be wood or vinyl. Mr. Smith stated that the decking is wood the rails are vinyl.

Mr. McElroy asked for any further questions. Hearing none, Mr. Maser moved to approve application #20100736 as submitted. Seconded by Ms. Veverka. Roll call: all approved.

Discussion

The Board discussed possible updates in the Zoning Resolution.

Respectfully Submitted,



Tammy Tabor Secretary



Brian McElroy, Chairman Date

1-17-10