

The Olmsted Township Board of Zoning Appeals

Called to order October 21, 2015 at 7:03 PM

Roll Call: Chairman Tom Cole, Ron White, David Gareau, Greg Paradis and John Phillips

Approval of minutes: September 16, 2015

Tom Cole moved to table the minutes. Seconded by Mr. Gareau. Roll call: all approved.

NEW BUSINESS

Sincerney 9391 Evan Miller Tr. Setback Variance

Mr. Gareau: The Board received comments from the Home Owners Association. The homeowner's association rules have no affect over the decision of the board.

Mr. Sincerney was sworn in.

Tom Cole: Can you give us details of your request?

Mr. Sincerney: I constructed a shed without a permit, it is against the zoning code. I wasn't trying to circumvent the system. The grade in my yard is very steep, all neighbors drain into my yard. My house is situated so I cannot put it in the rear yard or it would be seen from the street.

Tom Cole to Mr. Sincerney: Were you aware of the zoning resolutions?

Mr. Sincerney: I applied to the building department and was turned down. I have an ATV, a lot of things.

Tom Cole: I looked at the property I did not think it's low, so much that it could have gone in the rear yard I don't see why it would be flooded.

Mr. Sincerney: My yard has flooded three times.

Ron White to Mr. McReynolds: Can they construct an easement?

John Phillips to Mr. McReynolds: Did he start construction without your approval?

Mr. Sincerney: It was framed, it was not complete.

Mr. White: Is it on skids?

Mr. Sincerney: yes

Ron White: So it can be moved.

Mr. Sincerney: It was an Amish gentleman, there was no date given for construction.

David Gareau: Did you ask contractor to get the permits?

Mr. Sincerney: He said I would need a variance.

Tom Cole: Who was to obtain the permits?

Mr. Sincerney: He was to apply for the permits.

Tom Cole: Did he apply?

James McReynolds: No, Mr. Sincerney inquired about a permit and was denied. The permit was applied for after violation notices had been sent.

Tom Cole: Contractor was aware and you were advised by zoning and you went ahead anyway?

Mr. Sincerney: Yes he was aware.

David Gareau: Was there any discussion that a variance was needed for size?

Mr. Sincerney: Yes, I was notified by Tammy Tabor (Building Department). I got the idea while talking to my neighbor.

Tom Cole: Was it applied for after it was built? What made you go in for the permit?

Mr. Sincerney: Mr. McReynolds came to the house and said he upholds the code.

David Gareau: Have there been complaints about he shed?

James McReynolds: Yes. The code also provides for variances and penalty fees.

John Phillips: How far back could you place the shed?

Mrs. Sincerney: It would look ridiculous. You don't picture a shed in the rear yard. I don't understand why a neighbor would complain.

Tom Cole: What if the neighbor moves?

Mrs. Sincerney.: Why would they complain?

Ron White: If the neighbor wanted to put up a shed but was denied.

Mr. Bostwick was sworn in: To place the shed in the rear yard, it would be in the middle of the yard.

Mr. Sincerney: I never built a house before. I had no idea how big the easement was.

Mr. Bostwick: He would have no back yard.

Tom Cole: He could place it in the rear yard. It may not be perfect, but it is the Code. Aesthetics is not a hardship.

Ron White: The shed is five feet off the back and five feet off the side.

Tom Cole: Five feet off the property line can still be done in the rear yard.

Mrs. Sincerney: Why is this a rule?

Ron White: The community has adopted a standard.

Mr. Bostwick: You can't see it while driving.

Mrs. Sincerney: I do plan to landscape the shed. I plan to put up a mound of dirt.

Tom Cole: I would check with the building department first.

Board discussion

David Gareau: The burden is on the applicant to show hardship.

Mr. Boroski: Aesthetics affect property values. A buyer would not want to buy it with the shed in the rear yard.

Mr. Sincerney: The drop off is extreme. It would have to be leveled off 18 inches.

Mr. Boroski: Explained the drainage.

Mr. Sincerney to Mr. McReynolds: Everyone has drainage issues.

David Gareau: Is there also a hardship for size?

Mr. Sincerney: I have a lot of stuff.

Tom Cole: You have a 3 car garage. Where did you put equipment before?

Greg Paradis: What is the oversized amount?

Tom Cole: 35 square feet.

Tom Cole: Motion to permit the existing shed to be placed in the rear yard and a variance for additional 35 square feet in accordance with section 210.08 of the Olmsted Township Zoning Resolution.

Ron White: Second

Roll call: Gareau, Paradis, Phillips, Cole, White All approved.

Mr. Sincerney: I don't know if it can be moved.

Mrs. S.: What if the HOA says something else?

Tom Cole: They may still have you change it.

Mr. Sincerney: I would rather cut it down than move it.

WEST SIDE IRISH AMERICAN CLUB 8559 Jennings Road Conditional Use Expansion

David Gareau recused himself.

Jason Galdun was sworn in as the agent /architect for the Irish American Club. The club has a banquet hall, the entrance is causing traffic issues.

Tom Cole: The entrance in the back?

Jason Galdun: Yes. It will be a timber design to match the existing façade.

Ron White:

Tom Cole: I see no concerns. Any objection Mr. McReynolds?

James McReynolds: No objections from the Building Department.

Greg Paradis; How far does the overhang come out?

Jason Galdun: Ten feet, it will have gutters.

Paradis? Will it have automatic doors?

Jason Galdun: No, not required.

Tom Cole: Any further questions?

Ron White: Motion to approve as submitted.

Tom Cole: Second

Roll call: Paradis, Phillips, Cole, White, all approved. Gareau abstained.

Ron White will be on a six month absence from the Board due to work repositibility.

Adjourned at 8:05 PM.

Respectfully submitted

 James McReynolds, Building Commissioner	 Date
 Thomas Cole, Chariman	 Date