

Meeting Minutes – Olmsted Township Board of Zoning Appeals

Date: February 17, 2016

Attendance: David Gareau, Cindy Kelly, Gregory Paradis, Ken Barbarino
Kristin Hopkins, Interim Zoning Commissioner
Tammy Tabor, Acting Secretary

Meeting was called to order at 7:02 PM

Ken Barbarino accepted the Oath of Office as a member of the Board of Appeals.

Pledge of Allegiance and Roll call

Mr. Gareau asked for comments or questions regarding the minutes of January 20, 2016, Mr. Gareau stated that the document named him as Dave and David. Mr. Gareau asked that the minutes reflect his legal name David, throughout the document. Motion to approve minutes as corrected of January 20, 2016. Second by Mr. Paradis. Roll call: Kelly-yes, Paradis-yes-, Barbarino abstain, Gareau-yes.

New Business

Application No. 20160068, 8563 Stearns Rd.

George Darwish - accessory structure variance request

George Darwish was sworn in.

Mr. Darwish: I moved from Cleveland to this house. While moving equipment and materials to fix the carpet, trim, etc., I discovered that the garage roof caved in. I moved my belongings to the house and proceeded to repair the garage. I was unaware of that a permit was required. I also installed a historic 1800's bell tower. I went ahead with construction. The house has no storage area so I built a loft in the garage to give walking height. I was unaware that there is a height issue. The garage is approximately 16 ½ feet high and the bell tower is approximately 7 feet higher than that. If I am made to remove this it would financially destroy my family. Storage is needed. The inspector came by eight months after I began working on the garage. He put a stop work order on the job. There was a misunderstanding with the building department personnel. I was loud because I am a passionate guy. The Building Inspector was very unprofessional and I called the police when I got home.

Mr. Gareau: You did more than fix the roof.

Mr. Darwish: I added more height, basically a loft with floor space underneath for my tractor. The inspector saw it, it's still pretty much a mess in there. My neighbors like the bell, it is historic to the Township. The previous owner was a hoarder. I had 2 40 foot dumpsters to remove the stuff.

Mr. Barbarino: How often do you intend to ring the bell?

Mr. Darwish: Never, I only rang it once when it was on a pole. The building/barn was used as a school house.

Mr. Gareau: Ms. Hopkins, can you explain the items on your review?

Ms. Hopkins: There are three items noted in my review. Maximum height, garage area if the attached shed in the back is considered part of the garage and the addition to the structure is 3feet from the property line.

Mr. Darwish: That is a barn or a shed.

Ms. Hopkins: Do you park vehicles in it.

Mr. Darwish: Yes

Ms. Hopkins: Then it falls under the definition of a garage, it is under the interpretation of the Board if they want to view it as part of the garage.

Mr. Darwish: I have an acre of land. People behind me have houses on top of each other.

Mr. Gareau: How does that pertain to your request? The Board is asked to

Mr. Darwish; I only want to use 5% of my land

Mr. Gareau: Ms. Hopkins, can you give an analysis of the zoning resolution.

Ms. Hopkins: The existing garage is three feet from the property line; that makes the garage non-conforming.

Mr. Darwish: That's grandfathered.

Ms. Hopkins: Yes- the garage needs to be in conformance to expand. That makes the expansion of the garage non-conforming.

Mr. Darwish: Can my neighbor write a letter and say it's OK?

Ms. Hopkins: No. I write my review based on the code. The Board then

Mr. Gareau: There seems to be 3 issues. The height, the area of the garage/shed and the addition to a non-conforming structure.

Mr. Darwish: Can we get them all fixed tonight?

Ms. Hopkins: The code does further allow for an accessory structure to be no more than 1% of the total lot size. If the Board interprets that as an accessory structure, then it would comply.

Mr. Gareau: Do you have access through the garage?

Mr. Darwish: Yes, it is open there is no door, it has a dirt floor and a furnace. It used to be a school house.

Mr. Gareau: You are the owner?

Mr. Darwish: Yes, I bought it from probate court. I am the trustee for my son.

Mr. Gareau to Ms. Hopkins: How high above the allowable height?

Ms. Hopkins: Approximately one foot two inches.

Mr. Gareau: How high is the bell tower?

Mr. Darwish: Approximately seven feet. I will remove that if necessary.

William King was sworn in.

Mr. King: I own the properties north of this one. Since he purchased the property he has fixed it up. Mr. And Mrs. Flanagan became a recluse. I have no problem with the bell tower. The improvements to the property have helped our property values to go up.

Ms. Hopkins: The zoning code allows for chimneys and appurtenant structures to be higher on a principle structure. I don't know if the board would consider the bell tower an appurtenant structure on an accessory building to be a similar issue.

Mr. Darwish: The house had a one car attached garage that I turned into a three season room, i sleep there. It was built in 1952, there are no easements on the property, the mounds do not exceed street level and they stop cars.

Mr. Paradis: The report from Ms. Hopkins states that the building plan had insufficient information and building permits could not be issued.

Mr. Darwish: I have spoken to him and i plan to make it stronger.

Mr. Gareau: Has he applied for a building permit?

Ms. Hopkins: In December when this was submitted, a building review and a zoning review were done. The building plan reviewer stated that if the zoning was approved, Mr. Darwish would need to provide additional information for building permits to be approved.

Mr. Paradis: Would that be a caveat to allow a variance?

Mr. Darwish: That is part of the building plan. I have talked to the plan reviewer and am ready to re-submit.

Kb: Are you trusses pre-built?

Mr. Darwish: Yes, I purchased them from west end lumber.

Mr. Gareau: Any questions?

Mr. Gareau: You were very critical of the building department staff. I am very familiar with the staff and feel that they are very competent and know there jobs well. It is the responsibility of the property owner to conform to the law. It is not the township's fault if a property owner does not know permits are required. The township is tasked with making sure residents are in conformance with the law.

Mr. Darwish: I tried to apologize to McReynolds and he was argumentative and threatening. I was nothing but professional.

Mr. Gareau: We will vote on each item separately. Height, garage area, addition to a non conforming structure.

Mr. Paradis: Motion to approve a variance to the height of the bell tower.

Second: Mr. Gareau. Roll call: Ms. Kelly-yes, kb-yes, Mr. Paradis-yes, Mr. Gareau-no.

Mr. Paradis: Motion to approve a variance of 1 ½ feet above the garage height.

Second: Mr. Gareau. Roll call: all approved.

Mr. Paradis: Motion to approve the garage area.

Second: Mr. Gareau. Roll call: all approved.

Mr. Paradis: Motion to approve a variance from section 340.02b of the Olmsted Township Zoning Resolution to allow an addition to a non-conforming structure.

Second: Mr. Gareau. Roll call: all approved.

Mr. Gareau: Your variances have been approved. Please obtain building permits before continuing.

Mr. Gareau: Any additional items to consider. Hearing none, Mr. Gareau moved to adjourn at 7:43 pm.

Second: Ms. Kelly. Roll call: all approved.