

The regular meeting of the Olmsted Township Board of Zoning Appeals was called to order May 17, 2012 at 7:23 p.m. Present were Brian McElroy, Herbert McTaggart and James Prosek. Also present was Secretary, Tammy Tabor.

Pledge of Allegiance

Hogan Variance #20120443

Tom and Jeanine Hogan were sworn in as the applicants. Mr. Hogan stated that the shed has been there for a couple years. Mr. Hogan stated that he placed the shed from the measurement of the neighboring fence. The neighbor's fence is not on the property line. Mr. McElroy asked when the shed was built. Mr. Hogan stated 4 years. Mr. McElroy asked if permits were obtained prior to constructing the shed. Mr. Hogan stated that he did not obtain the permits. Mr. Hogan stated that he had blueprints for the shed, however, they were damaged when his basement flooded.

Mr. McElroy asked if a contractor was used. Mr. Hogan stated that he built the shed himself. Mr. McElroy asked if a variance is required for the rear yard setback. Mr. Hogan stated that the shed is too close to the side yard line, the rear yard setback complies.

Mr. Prosek asked if the shed is on a concrete pad. Mr. Hogan stated that the shed is built on 4x4 posts that are sunk into the ground.

Mr. Prosek asked why there were no permits obtained. Mr. Hogan stated that he was not aware that permits were required. Mr. Hogan stated that he measured five feet from the fence, he did not realize that the fence was 1 ½ feet into the neighbors yard.

Cheryl Falardeau Dobrowski was sworn in. Mrs. Falardeau Dobrowski stated that the shed is causing rainwater to flood her property. Mrs. Falardeau Dobrowski stated that when it rains there is a lake in her yard. Mrs. Falardeau Dobrowski said that she has a sewer in her yard and the lake is around the drain.

Mr. Prosek stated that additional information that is not part of the variance request states that water is being shed from Mr. Hogans sidewalk onto Mrs. Falardeau Dobrowski's yard. Mr. Prosek suggested that Mr. Hogan look into that claim.

Mr. Prosek stated that he is assuming that the reason for approval would be a practical difficulty. The fact that the shed is existing and would not be able to be moved. Mr. Prosek asked if the yard is always wet. Mrs. Falardeau Dobrowski stated that the yard has only been wet since the shed was built. Mrs. Falardeau Dobrowski said that things were not done right and she has water in her basement. Mrs. Falardeau Dobrowski stated that her tree will no longer grow from all of the water.

Mr. Hogan stated that the property slopes into drains. The area around the drains has eroded and the drain is elevated. Mr. Hogan stated that the yards have always been wet, before the shed was built.

Mr. McElroy asked if there is gravel under the shed.

Peg Baker was sworn in. Ms. Baker stated that she lives down the street and they have no water problems.

Bob Baker was sworn in. Mr. Baker stated that the properties were built to slope toward the drainage. Mr. Baker stated that the properties have been soggy with the torrential rains last year.

Mr. Hogan stated that the type of tree or plant that is planted makes a difference as to how it will grow.

Mr. Dobrowski was sworn in. Mr. Dobrowski stated that the shed was built without permits. Mr. Dobrowski stated that there is a violation and has the neighbor has been foul to his wife. The shed has disrupted the natural flow of water. Mr. Dobrowski stated that the deficiencies caused by the neighbor should be remedied. Mr. Dobrowski stated that the water has brought termites to her property.

Mr. McTaggart stated that the shed should have provided a drainage plan according to Section 1331.04 of the Township Building Resolution.

Mr. Dobrowski stated that the neighbors upstream shed water onto Mrs. Falardeau Dobrowski's property causing water to pond on his property.

Mr. McTaggart asked where the water would flow if the shed was not there.

Mrs. Tabor stated that most of the homes in the area of Timber Lane were designed with swales between the homes and across the back that the drained to catch basins. Mrs. Tabor stated that over time, landscaping, silt and other factors change that drainage and property owners are not aware of the consequences.

Mary, a neighbor, was sworn in. Mary stated that the Township is just looking to get money. The shed is visible from the street.


Mr. Hogan stated that he had a metal shed previously and had no complaints. Mrs. Falardeau Dobrowski had termites before then.

Brian Hogan was sworn in. Mr. Hogan stated that he has lived next to Mrs. Falardeau for years and even done yard work for her. Mr Hogan stated that the conditions in the yard have not changed.


Mr. McElroy asked for any further questions. Hearing none; Mr. Prosek moved to approve Application #20120443 as submitted provided the project complies with all applicable codes. Seconded by Mr. McTaggart. Roll call: Prosek:no, McTaggart:yes, McElroy:yes.

Mr. McTaggart moved to adjourn. Seconded by Mr. Prosek. Roll call: all approved.

Respectfully submitted,



Tammy Tabor Date



Brian McElroy Date

6-21-12