

Meeting Minutes – Olmsted Township Board of Zoning Appeals

Date: July 20, 2016

Attendance: Chairman Thomas Cole, John Phillips, Cindy Kelly, David Gareau
Steve Vogel, Building Official
Tammy Tabor, Acting Secretary

Meeting was called to order at 7:00 PM

Pledge of Allegiance and Roll call

The minutes from June 15, 2016 will be held for approval. A quorum of members attending that meeting are not in attendance.

Application no.20160582 9612 Grand Oaks Tr. side yard setback

Eric Pawlak, Rock Bottom Landscaping was sworn in.

Tom Cole: Please state your case.

Eric Pawlak: Ask for consideration for an outdoor fireplace that was installed.

Tom Cole: What is the reason, there needs to be a hard ship.

Eric Pawlak: There is a 5 ft. easement, it takes up 2 ½ foot into the 5 foot easement.

Mr. Cole: Can it be placed somewhere else on the lot?

Eric Pawlak: To achieve what they wanted to achieve, I'd say no.

Eric Pawlak: Used to heat the outdoor patio that extends past the home. It is the only place for it.

Tom Cole: Why is that, is the ground not level in the back yard.

Eric Pawlak: There are windows and a threshold doorway

Tom Cole: 17 foot by 11 foot patio?

Eric Pawlak: yes

Mr. Cole: How wide is the fireplace?

Eric Pawlak: If we put it on the other side it would have blocked the windows

Tom Cole: If the patio is 17 feet wide there would be plenty of room to get a round fireplace

Eric Pawlak: Windows are located in the rear of the house

Tom Cole: Windows on the back of the house. What is the hardship of relocating the fireplace?

Eric Pawlak: Blocking the view and not being able to use the door.

Tom Cole: Is this an enclosed patio?

Eric Pawlak: It is enclosed on two sides.

Mr. Cole: If the fireplace is on the back how would that impede the door?

Jason Frazier was sworn in.

Jason Frazier: I am the homeowner and the reason the covered patio was built when the home was built was so that a fireplace could be placed there and also aesthetically I wanted to walk out and see the fireplace there. Also, block my neighbors. On this side, there is a playroom there, it would block the window. On the other side, walk out on the patio and the fireplace is on your right. It did not make sense to place it there.

Tom Cole: Aesthetics as a hardship are not grounds for granting the fireplace location. The zoning laws state a five foot setback. Because it would look better here, is not criteria for granting a variance.

Eric Pawlak: Steps off the patio needs to be taken into account. There are steps on the back.

Tom Cole: Who installed the fireplace?

Eric Pawlak: We did. The setback was missed on the original topo, I am here to make it right.

David Gareau: Was the fireplace constructed at the same time as the patio?

Eric Pawlak: The builder did the structure.

Mr. Gareau How long ago?

Jason Frazier: The house is about 3 years old.

David Gareau: So the patio was part of the original construction of the house? Patio was existing, you did not built it.

Eric Pawlak: Fireplace was built about 2 ½ years ago.

John Phillips: Have you worked in the Township previously?

Eric Pawlak: Yes, we did not find any regulations on the Township website for fireplaces. We didn't believe that permits were necessary.

David Gareau: Was the neighboring house build⁺ at the time the fireplace was built?

Jason Frazier: No that house was built this year.

David Gareau: Has your company built other fireplaces in the Township?

Eric Pawlak: No we have not.

David Gareau: The cost to construct was approximately \$11,000, is that correct.

Cindy Kelly: How far from the house should the fireplace be for the height not to be an issue?

Tom Cole: That's a building code issue. It would have to comply with the building code. Were just looking at zoning at this point.

Tom Cole: Any comments from Steve Vogel?

Steve Vogel: For the building code, this would not be approved as built. The plan has been submitted, additional information would be needed before approval could be granted. The variance requested today is just for setback

Larry Abbott 9636 Grand Oaks was sworn in. I live 3 doors down. The fireplace that was built is beautiful. Works well where it is located. Apparently there is a 5 foot waterway between houses. I have never seen any water between the houses.

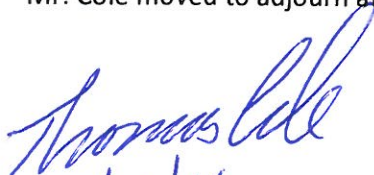
David Gareau: I am speaking as one person, I don't speak for the entire Board. One of the issues this Board sees is people constructing in violation of our laws, repeatedly. That does not alleviate the person before us from the responsibility of proving a hardship that is necessary for a variance. Sometimes that there are reasons that a hardship can be proven. I am not speaking to your application, we have not ruled yet. You may be working in this Township again. If we do not enforce laws and have people coming in to obtain permits and follow the laws in advance we might as well go do something else. It is a problem. It is getting better. With the personnel in the Township, it is getting better. If you have any questions or doubt, call the building department and get the answers. I wanted to say that not only in the context of this hearing, but for anyone who wants to build in the Township.

Tom Cole asked for any further comments or questions.

David Gareau moved to approve the variance as submitted. Seconded by Mr. Cole.

Roll Call: Gareau: no, Cole: no, Kelly: no, Phillips: no

Mr. Cole moved to adjourn at 7:19 PM. Seconded by Ms. Kelly. Roll call: all approved.


9/21/16