

# OLMSTED TOWNSHIP BOARD OF APPEALS

Regular Meeting  
December 15, 2004  
7:30PM

## Building Commissioner Comments

It is my suggestion that the public meetings for each variance is limited to fifteen (15) minutes maximum, and all present be informed of this at the opening of the meeting. This will ensure a fair and reasonable time limit for all appeals being heard.

### Application # 20044497

Cheryl West, (Owner) requesting a variance from Section 210.08 b Table #2 (a) note (O.T.Z.R.) of 65 sq. ft. from the allowable 1% of lot area in a residential district.

Calculated @  $(220' \times 75' = 16,500 \text{ sq. ft.} \times 1\% = 165)$  allowing the maximum combined square footage of all accessory buildings built on this lot to be 165 sq. ft. If the board grants this variance for a second accessory building on this lot, it would make the combined total of 230 sq. ft. This being 150 sq. ft. for the existing shed and 80 sq. ft. for the new one, which will make it 86 sq. ft. beyond the permitted size per O.T.Z.R. Construction of a second accessory bldg.

### Application # 20044496

Jane M. Kossin, (Owner) requesting a variance from Section 210.08 b Table #2 (O.T.Z. R.) of 96 sq. ft. from the allowable 1% of lot area in a residential district. Construction of an accessory bldg. 240 sq. ft.

Calculated @  $(180' \times 80' = 14,400 \text{ sq. ft.} \times 1\% = 144)$  allowing the maximum square footage of an accessory building built on this lot to be 144 sq. ft. If the board grants this variance for an accessory building on this lot, it would make the accessory building 96 sq. ft. beyond the permitted size per O.T.Z. R. This being the accessory building @ 240 sq. ft.  $(240 - 144 = 96)$

This applicant should be questioned if they are using the proposed "shed" to store motor vehicles, if so additional permits are required for a hard surface driveway. (310.12) a

### Application # 200444504

Mark & Holly Cook (owner) requesting a variance from section 210.08 b, Table #1 (O.T.Z. R.) of 405 sq. ft. from the maximum 875 sq. ft., for a detached garage in a residential district. Calculated @  $1280 - 875 = 405$

By definition in the O.T.Z. R. this proposed accessory building is a garage. If the board grants this variance, the garage on this residential lot will be 405 sq. ft. beyond the permitted size per O.T.Z. R. Also, this detached garage requires a hard surface driveway per section 310.12 of the O.T.Z. R. and a building permit is required to be issued.

Application # 20044539

Donauschwaben German-American Cultural Center (owner) requesting a conditional use permit to sell Christmas trees in an R-B District. It is my opinion that the Donauschwaben German-American Cultural Center is (Section 250.03 d Entertainment/Recreation use category. This use category is a conditional use, therefore requiring Board approval. Christmas trees are being displayed outside (outdoor merchandise, section 250.03 b Retail/Services), and they have installed temporary signs.

#### History

The Donauschwaben German-American Cultural Center's representative Joe Holzer came to the building department November 3, 2004, to see what was needed to sell Christmas trees at their facility. I informed him that this is a conditional use and must be approved by the Board of Appeals, and that he missed the deadline for the December 15, 2004 meeting agenda. On December 3, 2004 a complaint inspection revealed the owner selling Christmas trees. Per section 540.01 gave them right to appeal, and these notices were filed. The Building Department has done no further action, pending the board's decision.

#### **OLMSTED TOWNSHIP BUILDING CODE APPEAL**

Application # 20044478

Tri-County Excavating requesting a variance from section 1303.01, requiring anyone to obtain a permit prior to issuance of a permit. **Tri-County has been in business since 1970 (35 years)**. They are well aware that permits are needed before starting work. It is their responsibility, and they aware of this. Tri-County may settle with their employer Pulte Homes to recover their costs. Olmsted Township has acted within the rights of the law.

**I recommend denial of this variance with no monetary refund. If the Board grants this variance, it will set precedence** and allow all contractors that get stopped to appear before the board. If approved, reoccurring variances will only increase in volume from this day forward.

Respectfully submitted,



Keith Foulkes  
Building Commissioner