

The Olmsted Township Board of Appeals meeting of April 21, 1999 was called to order at 8:01 pm. Present were chairman James Bolander, Alla Workman and Edward Lege. Also present were Zoning Inspector Michael Moir and secretary Tammy Tabor. The Pledge of Alliegence was said. The secretary read the minutes from the meeting of March 16, 1998. Mrs. Workman moved to approve as submitted. Seconded by Mr. Lege. Roll call, all approved.

The secretary read the legal notification for application 99-5595. This application, initiated by John Riolo, seeks to construct an oversized barn at 27328 Schady Road. The placement of the structure on the lot does not conform to the Olmsted Township Zoning Resolution. Mr. Riolo was sworn in. Mr. Bolander questioned Mr. Riolo about industrial equipment on his property. Mr. Riolo stated that he has an excavating company and the equipment may possibly be kept in the new structure, however the structure would be used to house 2 boats and a collectors car. Mrs. Workman was concerned that a business was being run from Mr. Riolo's residence. Mr. Riolo stated that the equipment may be stored in the proposed structure during the winter. His office is in his home. Mr. Bolander asked why the structure could not be placed behind the pond at the rear of his property, placing it directly behind his home. Mr. Riolo stated that he felt that it was a far distance from his home and that the new structure would be built on the site of an already existing structure that was to be demolished.

Mrs. Workman moved to deny application 99-5595 until Mr. Riolo has applied for conditional use for a home occupation and has come into conformity under the zoning resolution. Seconded by Mr. Lege. Roll call, all approved.

The secretary read the legal description for application # 99-5494. This application initiated by Gregory and Angela Thompson, 27026 Glenside Lane seeks a variance for a driveway that was placed too close to the property lines. Mr. Thompson was sworn in. Mr. Thompson explained that the driveway was in place when they purchased their home from Shore West Construction. The original plans submitted and approved by the Olmsted Township Zoning Department are not the plans that were constructed for that property. The original plans provided for a front entry garage and the home was constructed with a side entry garage. A final inspection was never done on that home. In December of 1998 Zoning Inspector Michael Moir notified the Thompson's that the driveway was under violation Section 200.07 of the Olmsted Township Zoning Resolution. Mr. Thompson stated that the driveway is only 3 inches from the property line. Zoning regulations require driveways to be at least five feet from the property line.

Mrs. Workman asked what has been done to remedy the situation. Mr. Thompson stated that he requested The builder, Mr. Bower, Shore West Construction Co., fix the driveway to bring it into conformity. Mr. Thompson stated that there is litigation pending in Common Pleas Court and Mr. Bower has stated that Olmsted Township has no regulations concerning setbacks and building codes.

Krista and Tony Skinner Glenside Lane, reside in the home directly next the Thompson's. They have requested that the driveway be corrected before the home was sold to the Thompson's. Shore West had told them that they would create a cement curb at the portion of the driveway closest to the Skinner's home. After numerous requests to Shore West to fix the driveway, a parking lot barrier was placed on the Thompson's driveway to prevent a car from backing into the Skinner's home. Mr. Bolander asked if Mr. Thompson knew that the house was under violation.

Mr. Thompson stated he was not aware of any violations.

John Wheeler, Attorney for Shore West, requested that this matter be tabled until the civil litigation was concluded.

Mrs. Skinner questioned Shore West about the distance between her home and the Thompson's. She stated that Shore West told her that the situation would be corrected before the home was sold. After that, Shore West placed the parking lot curb on the Thompson's driveway.

Mrs. Workman moved to deny application # 99-5594. Seconded by Mr. Lege. Roll call. All approved.

Mr. Bolander stated that the applicant may appeal to the Court of Common Pleas.

Mr. Bolander stated that we have several outstanding home occupancy permits that have expired.

Mrs. Tabor stated that Mr. Pickersgill was notified again and there was no response. Mr.

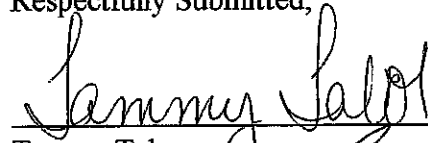
Bolander stated that Mark Laubscher's was expired in 1998. Tabor's will be up in July for renewal and Mr. Dooley said that he was not reapplying this year. Frank Bercan's permit expired on 2/8/99 and John Durisek on 3/18/99. Dugan's is also expired. The secretary stated that Mr. Moir had spoken to Dugan's and they would be applying for rezoning in the near future. Mullins on Schady Road expires in July and should be notified that he is up for renewal.

Mr. Bolander stated that a new chairman and vice chair need to be elected. Mr. Lege nominated Mr. Bolander for chairman. Seconded by Mrs. Workman. Roll call, all approved. Mrs. Workman nominated Mr. Lege for vice chairman. Seconded by Mr. Bolander. Roll call, all approved.

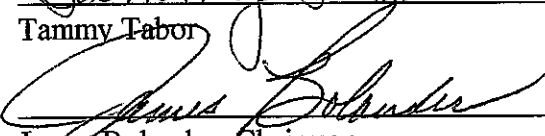
The board is concerned that we still have two vacancies on the board of appeals. It has been suggested that we contact the Board of Trustees as to when they plan on appointing new members to the board of appeals.

Mr. Lege moved to adjourn. Seconded by Mrs. Workman. Roll call, all approved.

Respectfully Submitted,



Tammy Tabor



James Bolander, Chairman

The May 19, 1999 meeting of the Olmsted Township Board of Appeals was called to order at 8:01 p.m. The pledge of allegiance was said. Mr. Bolander introduced the members. Present were Chairman James Bolander, Edward Lege and Alla Workman. Also, present were secretary Tammy Tabor and Zoning Inspector Mike Moir. Mr. Bolander instructed the audience on the procedures of the Board of Appeals. The minutes from the March 16, 1999 meeting were held until the next regularly scheduled meeting.

Appeal #99-5615- Thomas Levy

The Secretary read the legal notice for appeal # 99-5615.

Mr. Thomas Levy was sworn in. He stated that he had built a larger porch onto the front of his house to accommodate his mother-in law. EMS was to the home several times and were unable to easily negotiate on the smaller porch. Mrs. Workman asked if Mr. Levy's mother-in-law lived with him. Mr. Levy replied yes. Mr. Bolander asked if the porch was planned to have a wheelchair ramp. Mr. Levy replied that if his mother-in law was totally invalid that he would want to add a wheelchair ramp. Mr. Levy stated that he was unaware that the porch was too large until Zoning Inspector Moir brought it to his attention. Mr. Bolander asked if there were any neighbors or anyone in the audience that would like to comment on this appeal. Mr. Levy stated that his neighbors did not seem to object to the porch. Mrs. Workman moved to approve appeal # 99-5615 as submitted. Mr. Lege seconded that motion. Roll call. All approved.

Mrs. Workman commented that if it was not for Mr. Levy's mother-in-law's condition she would not have approved this appeal. Mr. Bolander stated that in the future Mr. Levy should be approved by the zoning inspector before starting a project.

Appeal # 99-5650 Brett Johnston

Mr. Johnston was sworn in. Mr. Johnson seeks a variance to approve an oversized shed that has already been constructed on his lot. Mr. Bolander stated that the shed is only five feet off the property line. The shed must be placed within the sight line of the house. Also, the zoning requires a maximum of 1% of the land may be used for accessory structures. Mr. Johnston's shed is 28 *square feet* feet too large. Mr. Johnston stated that he was told that the shed could be five feet off the property line. He said he came to town hall and asked about removing the existing metal shed and replacing it with a new structure. He was told that he could remove the existing structure and to come back and apply when he was ready to replace the structure. Mr. Johnston stated that he did not do that. In the code of The Villages of Lakeside homeowners association, it is stated that sheds should be five feet off the property line. Mr. Johnston stated that he could move the shed. Mr. Bolander stated that the structure would still be oversized. Mrs. Workman moved to deny appeal #99-5650. Seconded by Mr. Bolander. Roll call. All approved.

Mr. Bolander stated that Mr. Johnston has two options, wait for the new zoning regulations regarding the placement of the shed, however the size would still be too large. He could move the shed and reduce the size. This appeal may also be appealed in the Court of Common Pleas. Mr. Bolander stated that he should speak with Mr. Moir to find out what his best course of action should be. Mr. Johnston pointed out that the resident notices contained a typing error and was concerned that it may have made a difference,

Appeal # 99-5606

The secretary read the legal notice for appeal # 99-5606. Mr. Cvitovitch was sworn in. Mr. Cvitovitch seeks a variance to approve a shed that is too close to the property line. He stated that the homeowner's association told him that the structure had to remain five feet off the property line. Mr. Cvitovich presented pictures of his lot showing a swale on one side of the shed and a drain pipe in the other side. He is on a corner lot and did not want the shed to be on the street side of the property. The structure is placed on a cement slab and is unable to move the slab. Mr. Bolander stated that the structure is oversized approximately 2 feet and too close to the property line. The Board discussed the possibilities of moving and downsizing the structure. Mr. Bolander asked for comments from the audience. Mr. Lege moved to approve the structure due to the fact that the contour of the yard and the swail on the property did not leave an option for moving the structure. Seconded by Mrs. Workman. Roll call, Mr. Lege-yes, Mrs. Workman-yes, Mr. Bolander-no.

Appeal # 99- 5624

Mr. Mark Brookins was sworn in. Mr. Brookins explained that a home he had built on Cook Road does not allow for a detached garage that would comply with zoning regulations. The garage would be off the side property line enough. However, zoning regulations call for detached structures to be placed behind the main dwelling. Mr. Brookins stated that since the septic tank was placed behind the home, the garage could not be placed behind the house. Mr. Brookins was unaware that all detached structures need to be placed behind the house. When Mr. Brookins first applied for the building permits, they had not decided to place a garage on the lot. Mr. Bolander asked if the driveway was more narrow it would be possible to place the garage behind the house without disturbing the septic tank. Mr. Bolander stated that Mr. Brookins has other options, create a smaller garage, move it over or attach the garage to the house. Mrs. Workman made a motion to deny appeal #99-5624. Seconded by Mr. Bolander. Roll call. All approved.

Appeal # 99-5651

Kathryn Underhill was sworn in. The Underhill's would like to build a home on a nonconforming lot. The Underhill's currently own a parcel with road frontage of 100.15. The adjacent property, where the proposed home would be built, has a road frontage of 52.8 feet. Olmsted Township Zoning Regulations require a minimum 70 foot frontage and must allow for 100 feet at the building line for R1-40 districts. It was suggested that the property line be changed to allow at least 70 foot frontage on both properties. That would create two conforming lots. Mr. Bolander described how changing the property line would allow both properties to conform and also remain with 100 feet at the building line for the current home and the proposed home. Mrs. Workman moved to deny appeal # 99-5651 as submitted. Seconded by Mr. Lege. Roll call, all approved. Mr. Bolander stated that the reason for denial was so that both lots would be conforming. Mr. Bolander stated that once the lot change had been recorded that the Underhill's would need only to apply for regular building permits for construction on that property.

A resident asked questions about a pole barn on his property and what regulations were regarding constructing garages and accessory structures on his property. Mr. Bolander told him to contact

Zoning Inspector Moir about what would be allowed on his property.

Mr. Lege stated that he would be out of town the last two weeks of June. Mrs. Workman asked if we did not have all three members attending, what is the procedure. Mrs. Tabor explained that if a minimum of three members were not present, the meeting would be postponed and all residents in attendance would be notified. Mr. Lege questioned the possibility of notifying residents that this is a zoned community and permits are required for all structures in the Township. Mr. Lege asked if the Board of Appeals or the Board of Trustees have the authority to apply penalties to residents in violation? Mr. Bolander stated that once the violators have been through the Board of Appeals and denied, the next course of action would be to appeal the decision in the Court of Common Pleas. The Board requests that the secretary prepare a letter to the trustees asking if we could provide some notification to residents of the required zoning regulations.

Mrs. Workman moved to adjourn, Seconded by Mr. Lege. Roll call, all approved.

Respectfully submitted,

Tammy Tabor, Secretary

James Bolander, Chairman

Date

The June 16, 1999 meeting of the Olmsted Township Board of Appeals was called to Order at 8:00 p.m. The Pledge of Alliegence was said. Mr. Bolander introduced the members of the Board of Appeals. Present were Chairman James Bolander, Alla Workman and Edward Lege. Also, present were Zoning Inspector Michael Moir and Secretary Tammy Tabor. The Secretary read the minutes from the meeting of April 21, 1999. Corrections to spelling first paragraph, alliegence. Mrs. Workman moved to approve as corrected. Seconded by Mr. Lege. Roll call. All approved

The secretary read the legal notice for appeal # 99-5680. This appeal initiated by KDR Holdings, seeks a variance to build a home on John Road on a parcel that does not conform to the Olmsted Township Zoning Resolution. There was no one present representing KDR Holdings. Mrs. Joanne Winkler was sworn in. Mrs. Winkler is representing the previous owner, Michael Sauter, of the property in question. Mrs. Winkler stated that KDR Holdings was purchasing the property from Mr. Sauter. Circumstances have changed and KDR Holdings is no longer involved with this purchase. Michael Sauter was sworn in. Mr. Sauter would like to sell this property however he needs to know if it will be possible to construct a home on that lot. Mr. Sauter produced a deed for that property that had been signed over to KDR Holdings. However, the legality of this document was questioned by the Board since it was never filed with the county. Because KDR Holdings is not present, and the application was submitted under that name, the appeal could not be heard.

Jerry Phalen is the person who would like to have a home built on that property. Mr. Bolander asked Mr. Jerry Phalen if he would like to hear the history behind this parcel of land. Mr. Bolander stated that in 1992 the Board of Appeals denied a request to split this lot into a non-conforming lot. The owner of the property ignored the decision of the board and created this lot. Mr. Phalen stated that the residents on John Road were very receptive to a home being on that vacant lot.

Mrs. Workman moved to deny appeal #99-5680. Seconded by Mr. Lege. Roll call. All approved.


Appeal #99-5669

The secretary read the legal notice for appeal #99-5669. Mr. Chris Stuhm was sworn in. Chris and Debbie Stuhm would like to construct an oversized structure on his property. Mr. Stuhm stated that he would like to built the structure with a roof line to match the surrounding structures and keep the look country. The size of the trusses needed would cause the height of the structure to be over the zoning regulations. The square footage of the structure would be 396 square feet. The proposed structure would include a covered porch. Mrs. Workman is concerned about the height of the structure. Mr. Bolander questioned the size of the trusses, if they are standard or custom order. MR. Stuhm stated that they are standard order. Mr. Ray Kling owns the property across the street from Mr. Stuhm. Mr. Kling has no objection to the proposed structure. Mr. Paul Murphy lives next to Mr. Stuhm. He has an accessory structure on his property with a height of 20'. Mr. Murphy also has no objection to the size or height of the proposed structure.

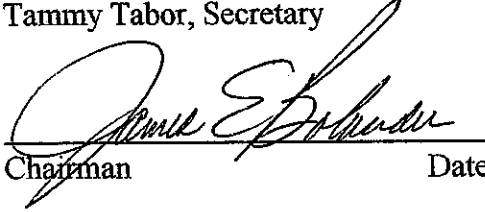
Mr. Lege moved to approve as submitted. Seconded by Mrs. Workman. Roll call. Mr. Lege-yes. Mrs. Workman-no, Mr. Bolander-No.

Mr. Lege moved to adjourn. Seconded by Mr. Bolander Roll call. All approved.

Respectfully Submitted,



Tammy Tabor, Secretary



8/18/99

Chairman

Date

The July 21, 1999 meeting of the Olmsted Township Board of Appeals was called to order. Present were Chairman James Bolander, Larry Maser and Edward Lege. Also, present were secretary Tammy Tabor and Zoning Inspector Michael Moir. The Secretary read the minutes for the May 19, 1999 meeting of the Board of Appeals.

Mr. Lege moved to approve as amended. Seconded by Mr. Bolander. Roll call. Mr. Bolander-yes, Mr. Lege- yes, Mr. Maser-abstain.

The Secretary read the minutes for the June 19, 1999 meeting of the Board of Appeals, ~~were read~~. Changes and corrections The application number for Chris Stuhm was incorrectly marked, it should be application 99-5669.

Mr. Bolander moved to approve as corrected. Seconded by Mr. Lege. Roll call. Mr. Lege-yes, Mr. Bolander-yes.

The secretary read the legal notice for application # 99-5699. This appeal initiated by Dan and Sally Wright seek a variance to construct an oversized pole barn on their property. Mr. and Mrs. Wright were sworn in. Mr. Wright explained that he would like to build a structure to house cattle and various farm animals. Mr. Wright stated that he was under the impression that the lots had been combined to create one tax statement for both lots. The board examined the plat maps and found it to be that the lots were not consolidated and filed with the county recorder. Mr. Wright stated that he would like to have room for livestock, as well as storage for feed and equipment. Mr. Wright presented a petition signed by neighbors stating that they had no objection to the proposed structure.

~~the animals~~. Mr. Bolander stated that in order for any structure to be placed on that property, the lot would need to be consolidated, since the width of each parcel is only 60 feet wide. Mr. Wright asked if he had the lots combined would he be allowed to build this structure? Mr. Bolander stated that the board could still hear this case contingent on both parcels being combined.

Mr. Bolander asked why the Wright's wanted the structure to be that large. Mr. Wright stated that he wanted a 1500 square foot structure and downsized when he discovered that the structure was too large for his property. Mr. Bolander asked how far from the back of the house would the structure be located? Mr. Wright stated that the structure could be placed 100 feet from the rear of the garage. Mr. Bolander asked what height would the structure be? Mr. Wright would like the height to be 17-18 feet to allow for a loft area for storage for hay and feed. The Board members discussed different sized structures that would better accommodate The Wright's needs and the lot size and surrounding property. The board also discussed if a roof or porch-like overhang would be considered in the square footage of the building. Zoning Inspector Moir stated that, in the zoning regulations it talks of aggregate floor space and that point could be interpreted either way.

Mr. and Mrs. Wright agreed to amend their application to built a 30 foot x 30 foot structure with a maximum height of 20 feet.

Mr. Lege moved to approve the application as amended to construct a 30 x 30 foot structure, not to exceed 20 feet in height, and being 25 feet from side property lines, upon completion of a lot consolidation of the two-contiguous parcels owned by Mr. and Mrs. Wright. Seconded by Mr. Maser . Roll Call. All approved.

A resident in attendance asked why there was a problem with the structure. Mr. Bolander stated that 1% of the total land may be occupied by an accessory structure.

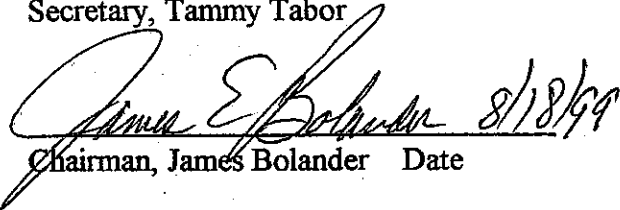
The secretary stated that Mr. Laubscher has not responded to the request for renewal on his conditional use permit. Zoning Inspector Moir said that he would contact Mr. Laubscher to find out if he is still operating a tree service from his home.

Mr. Lege moved to adjourn. Seconded by Mr. Maser. Roll call. All approved.

Respectfully Submitted,



Secretary, Tammy Tabor



Chairman, James Bolander Date

The August 18, 1999 meeting of the Olmsted Township Board of Appeals was called to order at 8:05 p.m.. The pledge of alliegence was said. The Chairman introduced the Board members. Present were Chairman James Bolander, Edward Lege, Alla Workman and Larry Maser. Also present were Secretary Tammy Tabor and Zoning Inspector Michael Moir. The secretary read the minutes from the July 21, 1999. Mr. Maser moved to approve as read. Seconded by Mr. Lege. Roll call, Mr. Maser- yes, Mr. Lege-yes, Mr. Bolander-yes.

Correspondence

The secretary received notice of a zoning workshop to be held in October. Board members received registration and itinerary information.

The secretary presented a draft letter directed to the trustees regarding public signs be posted stating that this is a zoned community.

Appeal # 99-5729

The secretary read the legal notice for application # 99-5729. This appeal was initiated by Shari Dean, Executrix for the estate of Claudia Strickland. Mrs. Dean was sworn in. She stated that her late mother was the property owner. Mrs. Dean would like to consolidate ~~and 3~~ separate parcels, that are contiguous, and create 2 parcels.. One of the two proposed parcels would be non conforming according to zoning regulations. Mrs. Dean stated that her estate attorney recommended that the three lots be combined into two parcels. She also stated that the properties must be sold and two lots would be easier to sell. Mrs. Dean also said that another alternative would be to combine all three lots and sell the three acres as one lot. The properties are located in an R-40 district. Zoning regulations state that the minimum lot width should be 100 feet. The minimum lot depth should be 400 feet, the proposed changes would create a lot 287 feet deep by 200 feet wide and a lot 181.96 feet wide and 399.41 feet deep.

The board discussed options of purchasing surrounding property that would allow additional depth to the proposed non-conforming lot.

Mr. Bolander stated that the purchaser of the property would not be guaranteed a variance to build on a non conforming lot. Mrs. Workman stated that the variance today is for only a lot split/consolidation and not for building.

Mrs. Dean stated that the lot would have more than enough square footage, although the shape is irregular. The home is in disrepair and the sale of the second lot would help to defray the cost of those repairs.

Ray Kling lives directly across the street from Mrs. Dean's property. He would like to see a home built on that property. His home is located on a lot similar to the proposed irregular shape lot.

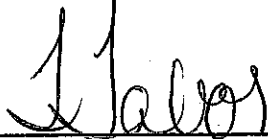
A resident stated that a larger lot could be very desirable to a buyer. He is also concerned of putting an additional septic system in the area. He went through a lot of trouble to have a septic system installed on his property due to lack of drainage.

Mrs. Workman moved to disapprove #99-5729 as submitted.

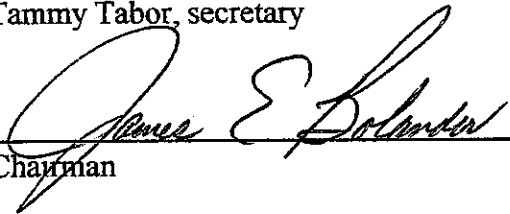
Mrs. Dean asked why a variance was approved in 1989 and what had changed since then. Mr. Bolander stated that he did not know why it had been approved in the past and why Mrs. Strickland did not split the lot at that time. The board reviewed the minutes from the 1989 appeal for the same proposed split/consolidation. The minutes showed that the appeal was denied in 1987 and approved in 1989.

On Mrs. Workman's motion, Mr. Maser seconded. Roll call. All approved.
Mr. Maser moved to adjourn. Seconded by Mr. Lege. Roll call. All approved.

Respectfully submitted,



Tammy Tabor, secretary



Chairman

9/15/99
Date