

The March 20, 2002 regular meeting of the Olmsted Township Board of Zoning Appeals was called to order at 8:00 PM. Present were Chairman James Bolander, Edward Lege, Larry Maser, and Greg Engelking. Alla Workman was absent. Also, present were Secretary Tammy Tabor and Assistant Zoning Inspector Ronald Campanalie.

Mr. Bolander asked the audience to stand for the Pledge of Allegiance. Mr. Maser moved to approve the minutes of the December 19, 2001 meeting as submitted. Roll call, all approved

Correspondence

The secretary reported that a request was submitted by Gross Builders to extend the variance granted to them March 21, 2001. Mr. Bolander moved to extend the variances granted to Gross Builders March 21, 2001, to expire March 21, 2003. Seconded by Mr. Maser. Roll call, all approved.

Stineman variance #02-6335

Barbara Stineman was sworn in. Ms. Stineman stated that due to the length of her proposed driveway, it would be a financial hardship to pave the entire length. Ms. Stineman is proposing to build a home at approximately 850 feet north of Cook Road. Ms. Stineman currently owns the property to the west of the proposed construction site. Ms. Stineman stated that the homes currently along Cook Road are set back approximately 225 feet from Cook Road.

Ms. Stineman stated that the financial hardship of paving the entire length of the driveway would prevent her from building on the property at this time. Ms. Stineman stated that the building or driveway would not devalue the surrounding properties. Mrs. Stineman asked if a compromise could be made regarding the driveway.

Mr. Bolander asked what type of compromise is Ms. Stineman proposing. Ms. Stineman asked if paving a portion of the driveway or requiring paving over time would be an option. Mr. Engelking asked how deep the adjacent properties are. Ms. Stineman stated that all of the properties extend to the North Olmsted City Line, approximately 1000 feet.

Tracy Rinas, Sharp Road, asked if this is this an existing home? Ms. Stineman stated that the property is vacant and she is proposing to build at the rear of the lot.

The Board members discussed options for approving this variance.

Mr. Bolander moved to approve application #02-6335 as modified, the driveway must be paved from Cook Road to a distance of 275 feet north of Cook Road prior to the completion of the proposed dwelling. In addition, the remainder of the driveway must be paved at least 100 feet Every 2 years until driveway is completely paved from the street to the garage. Seconded by Mr. Maser. Roll call, all approved.

Borovich Variance # 02-6348

Mike and Nancy Borovich were sworn in. Mr. Bolander asked if the garage was attached to the house. Mr. Borovich stated that the garage will be attached to the existing home. Mr. Bolander stated that a variance was not necessary since the garage will be considered part of the main dwelling.

Assistant Zoning Inspector Ron Campanalie stated that he was unclear of the regulations for attached garages. Mr. Campanalie stated that the Borovich's do not have a paved driveway. Mr. Campanalie stated that the driveway has a severe slope and requiring a paved surface may cause a safety hazard. Mrs. Borovich showed photos of the lot and the driveway. Mrs. Borovich stated

that she has documentation that paving over tree roots can cause the trees to die. Since the driveway is heavily wooded around the driveway, it could be dangerous to the trees to pave the driveway. Mrs. Borovich amended the application to include a variance for a paved driveway.

Mr. Maser moved to approve application #02-6348 with the provision that the Borovich's be required only to pave the portion of the driveway that is in front of the garage to the point where the drive slopes downward. Seconded by Mr. Lege. Roll call, all approved.

Morgenstein Variance #02-6337

The secretary read the public notice for application #02-6337. John Morgenstein was sworn in. Mr. Morgenstein is requesting a variance to construct an addition to his home. The property has a frontage of 98.9 feet. Mr. Lege asked if all setback regulations were being met. Mr. Morgenstein stated yes. Mr. Engelking asked what will be done with the existing garage. Mr. Morgenstein stated that he will remove the existing garage.

Mr. Lege moved to approve application # 02-6337 as submitted with the provision that the existing garage be removed. Seconded by Mr. Maser. Roll call, all approved.

Mr. Bolander moved to adjourn at 9:50PM. Seconded by Mr. Maser. Roll call, all approved.

Respectfully submitted,

Tammy Tabor

Tammy Tabor, secretary

James E. Bolander 4/17/02

James Bolander, Chairman

The April 17, 2002 meeting of the Olmsted Township Board of Zoning Appeals was called to order at 8:01 p.m. Present were Chairman James Bolander, Alla Workman and Edward Lege. Also present were secretary Tammy Tabor and Assistant Zoning Inspector Ronald Campanalie. Board members Larry Maser and Gregory Engelking were absent.

Mr. Bolander asked the audience to stand for the Pledge of Allegiance.

Minutes

Mr. Lege moved to approve the minutes of the meeting of March 20, 2002 as read. Seconded by Mr. Bolander. Roll call, all approved.

Zifcheck Variance

Mr. Zifcheck was sworn in. Mr. Zifcheck is requesting permission to erect an accessory structure and allow an existing accessory structure on his property. Mr. Bolander stated that there is an accessory building currently existing on the property. Mr. Bolander asked what the height of the existing structure is. Mr. Zifcheck stated 15 feet high. Mr. Bolander asked how far from the property line is the structure. Mr. Zifcheck stated approximately 10 feet. Mr. Bolander asked what the building is currently used for. Mr. Zifcheck stated that he uses the building as a wood workshop.

Mr. Lege asked how long ago was the structure built. Mr. Zifcheck stated 8 years. Mr. Bolander asked who built the structure. Mr. Zifcheck stated that he had someone build it and wasn't aware that a permit was necessary.

Mrs. Workman asked if the wood shop is a business or hobby. Mr. Zifcheck stated that it is a hobby.

Mr. Bolander asked if Mr. Zifcheck has considered adding to the garage instead of an accessory structure. Mr. Zifcheck stated that the workshop is approximately 15 feet from the garage. Mr. Bolander stated that the request for an additional structure is 100% over the allowable square footage for accessory structures.

Mr. Zifcheck stated that he does not have a basement and the garage is used for storage of yard equipment. Mr. Bolander stated that the workshop has 180 square feet that could be used for storage.

Mr. Bolander asked if adding to the garage be an alternative. Mr. Zifcheck stated that he has not considered it yet. Mr. Zifcheck stated that he has already put stone down in preparation for a new shed.

Mr. Bolander stated that Mr. Zifcheck currently has 180 square feet and proposing another 120 square feet. Mr. Zifcheck's property is permitted 150 square feet for accessory buildings. Mr. Bolander stated that if storage is really a problem the workshop could be used for storage. Ron Campanalie stated that he received a call from a neighbor that was concerned about 2 accessory structures on the property.

JoAnne Svihlik, 26923 Adele Lane, is a neighbor and is concerned about placing a structure at the rear of the property that would affect the drainage of water.

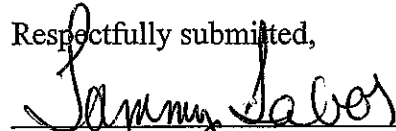
The Board discussed the options available to Mr. Zifcheck. Mr. Bolander suggested that an addition to the garage would allow for more storage area and would not require a variance. Mr. Zifcheck amended his application to omit the request for an additional structure and to allow a

variance for the existing structure. Mr. Bolander asked Mrs. Svihlik if she had an objection to the current building. Mrs. Svihlik stated no.

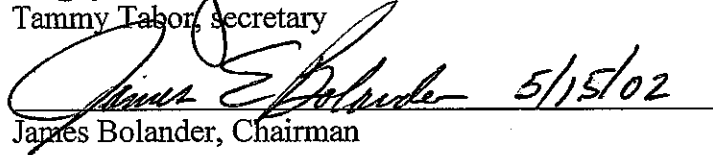
Mr. Lege moved to approve ^{the} application to permit the existing accessory structure of 10 feet by 18 feet and disapprove any additional structures to the property, Seconded by Mrs. Workman. Roll call, all approved.

There being no further business, Mrs. Workman moved to adjourn. Seconded by Mr. Bolander. Roll call, all approved.

Respectfully submitted,



Tammy Tabor, secretary



James Bolander, Chairman

The regular meeting of the Olmsted Township Board of Zoning Appeals was called to order Wednesday May 15, 2002 at 8:00 PM. Present were Chairman James Bolander, Alla Workman, Larry Maser, Edward Lege and Gregory Engelking. Also, present were secretary Tammy Tabor and Building Commissioner Daniel Gargas and Assistant Zoning Inspector Campanalie. The secretary read the minutes of April 17, 2002. Mrs. Workman moved to approve the minutes as read. Seconded by Mr. Lege. Roll call, all approved.

State Farm- Sign Variance

Jared Swank representing State Farm was sworn in. Mr. Bolander asked if this would be a new sign. Mr. Swank stated that the sign has been up for approximately 3 years. Mr. Bolander asked why Mr. Swank is requesting a variance now. Mr. Swank stated that Mr. Campanalie has told him that he was in violation and would be subject to penalties and possible court action if he did not receive a variance or remove the sign. Mr. Swank stated that Mr. Campanalie has told him that the sign is too large. Mr. Campanalie stated that under the previous code the sign was conforming. Mr. Bolander asked why Mr. Campanalie was pursuing this matter now. Mr. Campanalie stated that it was a file review. Several business owners have been notified of non-compliant signs. Tom Gable, Center Properties, was sworn in. Mr. Gable stated that when the plaza was constructed all tenants received permits for their signs. Mr. Gable stated when new tenants moved in, they were told by previous Zoning Inspector Fred Maurer that reapplication was not necessary, as long as the size of the signs were not changed.

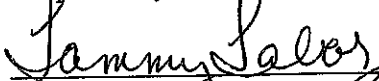
Mr. Engelking asked if a change of use was ever issued. Mrs. Tabor stated that the Zoning Office has not issued change of use permits since she has worked in the office. Mr. Campanalie stated that the Zoning Commission may consider issuing change of use permits as they review the Resolution.

Mr. Bolander asked what the hardship would be to change the sign. Mr. Swank stated that there would be a great financial hardship to remove the sign and replace it with a new one. The approximate cost for a new sign is \$6000.00.

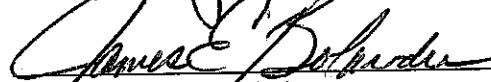
Mr. Lege moved to approve application # 02-6401 as submitted. Seconded by Mr. Maser. Roll call, all approved.

Being no further business, Mr. Lege moved to adjourn. Seconded by Mr. Bolander. Roll call, all approved.

Respectfully submitted,



Tammy Tabor, Secretary



James Bolander, Chairman

The Olmsted Township Board of Zoning Appeals was called to order Wednesday June 19, 2002 at 8:00 PM. Present was Chairman James Bolander, Edward Lege, Larry Maser and Gregory Engleking. Also present was Secretary Tammy Tabor and Building Commissioner Daniel Gargas. Mr. Bolander asked everyone to stand for the pledge of allegiance. Mr. Maser moved to approve the minutes of May, 15, 2002 as submitted. Seconded by Mr. Engleking. Roll call all approved.

The secretary stated that The Links Golf Course has requested not to request an appeal at this time.

Rados Variance # 02-6437

The secretary read the legal notice for application #02-6437 Mr. Norm Rados and David Dickinson, architect for Mr. Rados, were sworn in. Mr. Dickinson stated that do to the current configuration of the buildings and driveway on Mr. Rados' property an addition to the home would not be possible to the front or side of the existing home. Mr. Dickinson stated that the proposed addition would not allow for a fifty foot rear yard setback. Mr. Bolander asked what is directly behind Mr. Rados' property. Mr. Rados stated that the property is surrounded by property recently annexed to Berea. Directly behind his home is a tree line and vacant land owned by his cousin. Mr. Bolander asked if there are any residences from behind his property. Mr. Rados stated no. Being no further questions Mr. Bolander asked for a motion. Mr. Engelking moved to approve application # 02-6437 as submitted. Seconded by Mr. Maser. Roll call, all approved.

Toth Variance # 02-6447

The secretary read the legal notice for application # 02-6447. John Toth was sworn in. Mr. Bolander stated that the required setback for the lot at Stearns and Schady Road is required to be 60 feet from the right of way. Mr. Toth presented plans for a home to be placed on the lot which would allow for a 48 foot set back from Schady Road. Mr. Toth stated that he would like to place his house facing Schady Road and the garage would be encroaching the required sixty foot setback. Mr. Engelking moved to approve application # 02-6447 as submitted. Seconded by Mr. Bolander. Roll call, all approved.

Chipka Variance #02-6441

Mr. Bolander stated that this is a new home and the proposed driveway extension is currently three feet from the property line. Mr. Chipka stated that further back from the street it is three feet from the property line and near the street it would be approximately six inches from the property line. Mr. Bolander asked why Mr. Chipka wants the driveway to be widened. Mr. Chipka stated that he has a truck that does not fit in the garage and takes up a lot of the driveway space. Mr. Lege asked what kind of truck is it. Mr. Chipka stated that the truck is a ½ ton pick up. Mr. Bolander asked why Mr. Chipka would want to extend the driveway all the way to the street. Mr. Chipka stated that he felt that the driveway would look better if it was widened all the way to the street. Mr. Bolander asked if the neighbors had a problem with the driveway. There was no response from the audience.

The Board discussed possible compromises to Mr. Chipka' s application. Mr. Bolander moved to approve application # 02-6441 as revised in revision # 1, to keep the driveway further back from the road. Seconded by Mr. Maser Roll call, Mr. Engelking, abstain, Mr. Bolander -yes, Mr. Laser-yes, Mr. Lege-yes.

Olmsted Falls Board of Education

The Secretary read the public notice. Tim Atkinson and Mr. Greg Ludwig representing the Olmsted Falls Board of Education were sworn in. Dennis Petrosky representing Sommers Mobile Leasing was sworn in.

Mr. Atkinson stated that the mobile units were to be used as classrooms at the Olmsted Falls High School.

Mr. Bolander stated that if approved, the conditional use would need to be renewed on a yearly basis according to section 530 of the Olmsted Township Zoning Resolution. Mr. Bolander asked the audience for any comments or questions. Hearing no comments Mr. Bolander asked for a motion.

Mr. Engelking moved to approve application # 02-6462 as submitted. Seconded by Mr. Bolander. Roll call, all approved.

Slabaugh / Levy Variance 02-6460

The secretary read the public notice for application 02-6460. Jerry Slabaugh and Brian Levy were sworn in. Mr. Slabaugh owns 2 non conforming lots on Bagley Road in Olmsted Township. Mr. Slabaugh is requesting to build on one lot and sell the adjoining lot to Mr. Levy. The lots are contiguous and both lack the required road frontage for building. Mr. Bolander stated that there is a 30 % shortage of frontage for these lots to be build able. Mr. Slabaugh stated that he purchased the lots approximately 2 years ago and demolished a house that was on one of the lots.

Mr. Levy stated that he would like to purchase one of the lots and place a modular home there. Mr. Bolander asked of the house would have a foundation and a garage. Mr. Levy stated that there would be a foundation and a garage on the lot.

Warren Mathew, 27362 Bagley Road. Mr. Mathew was sworn in. Mr. Mathey lives across from the properties in question. Mr. Mathey would like to know what is proposed for the drainage ditch that is on the property. Mr. Slabaugh stated that he would clear some of the land on the property and clean the ditch to allow water to flow properly.

Mr. Bolander asked if Mr. Slabaugh considered combining the lots and selling it as one. Mr. Slabaugh stated that he felt that it would be more property than one person would want to buy if they were combined.

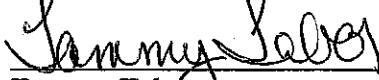
Mr. Bolander stated that according to the Olmsted township Zoning Resolution , contiguous non conforming lots, under one ownership, must be combined prior to development of those lots. The Resolution states that the Board of Zoning Appeals may grant a variance in such cases but not allow a reduction in frontage requirements by more than 10%. Mr. Bolander stated that according to the Olmsted Township Zoning Resolution, the Board would not be able to grant a variance that would allow those lots to be developed.

Mr. Gargas stated that the best thing to do at this point would be to ask for a recommendation from the prosecutor's office. Mr. Bolander stated that Mr. Slabaugh should have his attorney request a recommendation from the Cuyahoga County Prosecutor. Mr. Gargas stated that if a request is received from the applicant , the Board would like it reviewed by the County Prosecutor.

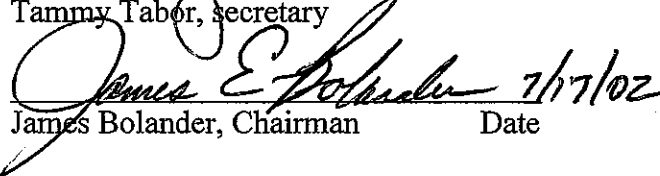
Mr. Bolander motioned to table application # 02-6459 and 02-6460 until the next regular meeting of the Board of Zoning Appeals on July 19, 2002 at 8:00 PM. Seconded by Mr. Lege. Roll call, all approved.

Mr. Bolander asked for any further discussion. Mrs. Tabor stated that the Zoning Commission will have discussion on proposed changes to the Zoning Resolution at there meeting on June 26,2002 at 7:30 pm. if the Appeals Board members would like to attend or offer comments.

Respectfully submitted,



Tammy Tabor, secretary



James Bolander, Chairman

Date

The Olmsted Township Board of Zoning Appeals was called to order Wednesday June 19, 2002 at 8:00 PM. Present was Chairman James Bolander, Edward Lege, Larry Maser and Gregory Engleking. Also present was Secretary Tammy Tabor and Building Commissioner Daniel Gargas. Mr. Bolander asked everyone to stand for the pledge of allegiance. Mr. Maser moved to approve the minutes of May, 15, 2002 as submitted. Seconded by Mr. Engleking. Roll call all approved.

The secretary stated that The Links Golf Course has requested not to request an appeal at this time.

Rados Variance # 02-6437

The secretary read the legal notice for application #02-6437 Mr. Norm Rados and David Dickinson, architect for Mr. Rados, were sworn in. Mr. Dickinson stated that do to the current configuration of the buildings and driveway on Mr. Rados' property an addition to the home would not be possible to the front or side of the existing home. Mr. Dickinson stated that the proposed addition would not allow for a fifty foot rear yard setback. Mr. Bolander asked what is directly behind Mr. Rados' property. Mr. Rados stated that the property is surrounded by property recently annexed to Berea. Directly behind his home is a tree line and vacant land owned by his cousin. Mr. Bolander asked if there are any residences from behind his property. Mr. Rados stated no. Being no further questions Mr. Bolander asked for a motion.

Mr. Engelking moved to approve application # 02-6437 as submitted. Seconded by Mr. Maser. Roll call, all approved.

Toth Variance # 02-6447

The secretary read the legal notice for application # 02-6447. John Toth was sworn in. Mr. Bolander stated that the required setback for the lot at Stearns and Schady Road is required to be 60 feet from the right of way. Mr. Toth presented plans for a home to be placed on the lot which would allow for a 48 foot set back from Schady Road.

Mr. Toth stated that he would like to place his house facing Schady Road and the garage would be encroaching the required sixty foot setback.

Mr. Engelking moved to approve application # 02-6447 as submitted. Seconded by Mr. Bolander. Roll call, all approved.

Chipka Variance #02-6441

Mr. Bolander stated that this is a new home and the proposed driveway extension is currently three feet from the property line. Mr. Chipka stated that further back from the street it is three feet from the property line and near the street it would be approximately six inches from the property line. Mr. Bolander asked why Mr. Chipka wants the driveway to be widened. Mr. Chipka stated that he has a truck that does not fit in the garage and takes up a lot of the driveway space. Mr. Lege asked what kind of truck is it. Mr. Chipka stated that the truck is a ½ ton pick up. Mr. Bolander asked why Mr. Chipka would want to extend the driveway all the way to the street. Mr. Chipka stated that he felt that the driveway would look better if it was widened all the way to the street. Mr. Bolander asked if the neighbors had a problem with the driveway. There was no response from the audience.

The Board discussed possible compromises to Mr. Chipka' s application.

Mr. Bolander moved to approve application # 02-6441 as revised in revision # 1, to keep the driveway further back from the road. Seconded by Mr. Maser Roll call, Mr. Engelking, abstain, Mr. Bolander -yes, Mr. Laser-yes, Mr. Lege-yes.

Olmsted Falls Board of Education

The Secretary read the public notice. Tim Atkinson and Mr. Greg Ludwig representing the Olmsted Falls Board of Education were sworn in. Dennis Petrosky representing Sommers Mobile Leasing was sworn in.

Mr. Atkinson stated that the mobile units were to be used as classrooms at the Olmsted Falls High School.

Mr. Bolander stated that if approved, the conditional use would need to be renewed on a yearly basis according to section 530 of the Olmsted Township Zoning Resolution. Mr. Bolander asked the audience for any comments or questions. Hearing no comments Mr. Bolander asked for a motion.

Mr. Engelking moved to approve application # 02-6462 as submitted. Seconded by Mr. Bolander. Roll call, all approved.

Slabaugh / Levy Variance 02-6460

The secretary read the public notice for application 02-6460. Jerry Slabaugh and Brian Levy were sworn in. Mr. Slabaugh owns 2 non conforming lots on Bagley Road in Olmsted Township. Mr. Slabaugh is requesting to build on one lot and sell the adjoining lot to Mr. Levy. The lots are contiguous and both lack the required road frontage for building. Mr. Bolander stated that there is a 30 % shortage of frontage for these lots to be build able. Mr. Slabaugh stated that he purchased the lots approximately 2 years ago and demolished a house that was on one of the lots.

Mr. Levy stated that he would like to purchase one of the lots and place a modular home there. Mr. Bolander asked of the house would have a foundation and a garage. Mr. Levy stated that there would be a foundation and a garage on the lot.

Warren Mathew, 27362 Bagley Road. Mr. Mathew was sworn in. Mr. Mathey lives across from the properties in question. Mr. Mathey would like to know what is proposed for the drainage ditch that is on the property. Mr. Slabaugh stated that he would clear some of the land on the property and clean the ditch to allow water to flow properly.

Mr. Bolander asked if Mr. Slabaugh considered combining the lots and selling it as one. Mr. Slabaugh stated that he felt that it would be more property than one person would want to buy if they were combined.

Mr. Bolander stated that according to the Olmsted township Zoning Resolution , contiguous non conforming lots, under one ownership, must be combined prior to development of those lots. The Resolution states that the Board of Zoning Appeals may grant a variance in such cases but not allow a reduction in frontage requirements by more than 10%. Mr. Bolander stated that according to the Olmsted Township Zoning Resolution, the Board would not be able to grant a variance that would allow those lots to be developed.

Mr. Gargas stated that the best thing to do at this point would be to ask for a recommendation from the prosecutor's office. Mr. Bolander stated that Mr. Slabaugh should have his attorney request a recommendation from the Cuyahoga County Prosecutor. Mr. Gargas stated that if a request is received from the applicant , the Board would like it reviewed by the County Prosecutor.

Mr. Bolander motioned to table application # 02-6459 and 02-6460 until the next regular meeting of the Board of Zoning Appeals on July 19, 2002 at 8:00 PM. Seconded by Mr. Lege. Roll call, all approved.

Mr. Bolander asked for any further discussion. Mrs. Tabor stated that the Zoning Commission will have discussion on proposed changes to the Zoning Resolution at there meeting on June 26,2002 at 7:30 pm. if the Appeals Board members would like to attend or offer comments.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman Date

The Olmsted Township Board of Zoning Appeals regular meeting of July 17, 2002 was called to order at 8:00 PM. Present were Chairman James Bolander, Larry Maser, and Edward Lege. Also present were secretary Tammy Tabor and Building Commissioner Daniel Gargas. Mr. Bolander asked the audience to stand for the Pledge of Allegiance. Mr. Maser moved to approve the minutes of June 19, 2002 as submitted. Seconded by Mr. Bolander. Roll call, all approved.

The secretary reported that two (2) items of correspondence were received regarding the variance request of Mr. Santoro. Also, a letter directed at the Cuyahoga County Prosecutor from Jerry Slabaugh regarding a variance request.

Mr. Bolander opened the floor up for discussion on the continued hearing for applications # 02-6459 and #02-6460.

Mr. Slabaugh stated that he would like to build on two vacant non conforming lots that he owns in Olmsted Township. Mr. Bolander stated that according to the Olmsted Township Zoning Resolution, Vacant non conforming lots that are contiguous and owned by the same person must be combined in order to be developed. Mr. Bolander stated that the Olmsted Township Zoning Resolution states that a variance may be granted if the frontage requirements do not allow for a conforming lot. However, the Board of Zoning Appeals may only grant a variance where the variance request is no more than 10% of the required amount.

Mr. Bolander moved to deny applications # 02-6459 and # 02-6460 as submitted pursuant to the Olmsted Township Zoning Resolution Section 340.06 (c). Seconded by Mr. Maser. Roll call, all approved.

Mr. Slabaugh asked what his recourse would be. Mr. Bolander stated that he may appeal the case in the Court of Common Pleas or combine the lots to create a conforming lot.

Application #20020046 Santoro Variance

Joe Santoro was sworn in. Mr. Santoro is requesting a variance to construct an oversized shed on his property. Mr. Santoro stated that he purchased the shed from his neighbor that is moving. Mr. Santoro would like to reconstruct the 20 x 12 shed on his property. Mr. Bolander asked why Mr. Santoro needs such a large shed. Mr. Santoro stated that he has a lot of tools and his garage is filled with toys and would use the shed for storage of these items and use his garage to park his vehicles. Mr. Bolander asked if Mr. Santoro considered an addition to the garage rather than an accessory structure. Mr. Santoro stated that the cost was much greater to put an addition to his home. Mr. Bolander asked if the structure could be attached to the garage. Mr. Santoro stated that he did not consider that option. Mr. Gargas stated that having that structure would not be very desirable in the community. It would be in the better interest of the Township to have the structure detached.

Mr. Bolander asked if the structure could be downsized. Mr. Santoro stated that he had not considered that.

Mr. Lege asked how much distance was planned between the garage and the shed. Mr. Santoro stated approximately 10 feet.

Mr. and Mrs. Koch, the neighbors to the south, addressed a letter to the Board stating that they had no objection to the size of the shed. Mrs. Wnuk, neighbor to the north also wrote a letter to the Board stating that she had no objection to the Size of the building. Mr. Wnuk was present and sworn in. Mr. Wnuk stated that his only concern was that the height of the shed may interfere with power lines that are low in the yard. Mr. Maser asked how high the structure is. Mr. Santoro stated that the structure is approximately 12 feet high. Mr. Bolander stated that the Olmsted Township Zoning Resolution states that variances may be granted in hardship situations. What is Mr. Santoro's hard ship. Mr. Santoro stated that the cost of another structure would be a hardship. This structure was very inexpensive. Mr. Santoro stated that he is really in need of more storage space. Mr. Santoro stated that the structure has stood in the community across the street for 15 years and there was no problem. Mr. Bolander stated that it may have been there, however many complaints had been recorded about that structure.

Mr. Bolander asked if Mr. Santoro would be able to live with a smaller size building. Mr. Santoro stated that he could really use the entire building.

Mr. Bolander asked if Mr. Santoro applied for a permit prior to purchasing the shed. Mr. Santoro stated no. The man he purchased it from told him that a permit was require d after he bought the shed.

Mr. Santoro stated that the building has amenities that make it very desireable. It has shelves inside and a wide en try door.

Mr. Maser stated that the building could be adjusted so that it was not quite as large.

Mr. Maser stated that a 12 foot x 16 foot structure is more reasonable. Mr. Maser stated that a 12 foot x 20 foot building could be considered another garage.

Mr. Lege asked if there are any windows in the building. Mr. Santoro stated that there are no windows. Mr. Maser stated that removing 4 feet from the length of the building would not be difficult.

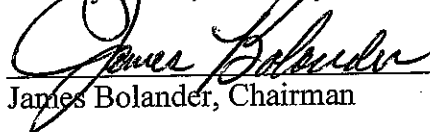
Being no further discussion Mr. Maser moved to disapprove Application 20020046 as submitted. Seconded by Mr. Lege. Mr. Santoro asked what happens now. Mr. Bolander stated that if it would be denied, the only recourse would be through the court of common pleas. Mr. Bolander also stated that Mr. Santoro could amend his application to be considered by the Board. Mr. Santoro stated that he would like to amend the application for a variance to permit a 12 foot X 16 foot structure. Mr. Maser moved to approve application 20020046 as amended. Seconded by Mr. Bolander. Roll call, all approved.

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

Respectfully submitted,



Tammy Fabor, Secretary



James Bolander, Chairman

9/18/02
Date

The regular meeting of the Olmsted Township Board of Zoning appeals was called to order September 18, 2002 at 8:00 P.M. Present were Chairman James Bolander, Edward Lege, Larry Maser, Alla Workman and Gregory Engelking. Also present were secretary Tammy Tabor and Building Commissioner Daniel Gargas. Mr. Bolander asked the audience to stand for the Pledge of Allegiance.

The secretary read the minutes from the previous meeting. Mr. Maser moved to approve the minutes as submitted. Seconded by Mr. Lege. Roll call, Mr. Lege-yes, Mr. Maser-yes, Mr. Bolander- yes. Mr. Engelking and Mrs. Workan abstained.

Stearns Road Mini Storage

The secretary read the public notice for application # 20020385. The request is for a conditional use for the Stearns Road Mini-Storage. George Troiky, owner of the facility was sworn in. Mr. Troiky is requesting to continue the storage of vehicles on land at the mini storage. Mr. Bolander asked if there had been any changes at that location since the conditional use was granted last year. Mr. Troiky stated no. Mrs. Workman asked if all of the outdoor storage is on paved areas. Mr. Troiky stated yes. Mr. Bolander stated that Mr. Troiky is requesting the conditional use be granted for a period of 5 years. Mr. Bolander asked why the Board is hearing this case. Mr. Gargas stated that outdoor storage is a conditional use in a commercial district.

Mr. Lege moved to approve the conditional use for an additional five (5) years, providing that all outdoor storage must be on paved surfaces and no parking will be permitted in front of garages. Seconded by Mr.. Engelking. Roll call, all approved.

Egan

Thomas and Eileen Egan were sworn in. Mr. Bolander asked the Egan's what their lot size is. Mrs. Egan stated that the lot is 75 feet by 205 feet. Mr. Bolander asked if a permit had been issued for the garage since construction had already begun. Mr. Gargas stated that a permit had been issued for a garage to be no higher than 15 feet, which is allowed by code. However the Egan's would like the garage to be higher. Mr. Bolander stated that according to the definition of a structure height, the garage would not exceed the permitted height.

Mr. Bolander moved to dismiss the application as this request does not require a variance. Seconded by Mr. Lege. Roll call, all approved. Mr. Bolander stated that the Egan's may want to request a refund for the cost of filing.

Studio Techne – Ohio District Lutheran Offices

James Duber and Ryan Schmidt, representing Studio Techne, were sworn in. Ralph Krause and David Bowers representing the Ohio District Lutheran Offices were sworn in. Mr. Gargas stated that the Ohio District Lutheran Offices, (ODL), was a legal non conforming use . The property was formerly part of the Sunset Memorial Park and the building was used as a funeral home. Currently it is used as church offices. Also, the basement is a garage that houses gasoline and vehicles used for the upkeep of the property.

Mr. Duber stated that the building was in need of remodeling and an addition to the building in order to be compliant with the Americans with Disabilities Act. The property owners are also requesting permission to construct a garage on the property. Fire

Prevention officer, John Rice, submitted a letter stating that the vehicles and combustible materials stored in the basement garage should be removed.

Mr. Duber stated that the proposed changes will be to the entry way, allowing an ADA compliant entry and the elimination of the garage. The roof, which is currently a flat roof will be changed to a curved roof. Mr. Bolander asked what type of material is planned for the roof. Mr. Duber stated that it will be metal. Mr. Engelking stated that currently the property is made up of several different parcels, are there any plans to combine all of those parcels.

Mr. Krause stated that they are planning to have that done. However they would like to move forward with the addition and the garage prior to the completion of the lot consolidation.

Sally Mian was sworn in. Mrs. Mian asked what side of the building is being changed. Mr. Duber stated that the west side of the building, the entrance, will be changed.

Tim Plunk was sworn in. Mr. Plunk asked if the driveway configuration will change. Mr. Duber stated that the driveway to the west will be eliminated and only one driveway will remain. The driveway leading to the basement garage will be eliminated.

Being no further discussion Mr. Bolander asked for a motion on application # 20020373. Mr. Lege moved to approve the application as submitted. Seconded by Mrs. Workman. Roll call, all approved.

The Board discussed with Mr. Gargas their authority to approve or deny Building Code Appeals. Ms. Workman stated that she was uncomfortable in hearing these appeals without knowledge of the Building Code. Mr. Bolander stated that the entire Board felt the same.

Summer Hill Homes

Craig Metzler was sworn in. Mr. Metzler is building homes in the Galway Bay subdivision at the corner of Schady and Jennings Roads. Mr. Gargas stated that this is a request to permit the exclusion of an egress man door within attached garages. The layout of the home and lots do not permit for the inclusion of another access door. The garages would have 2 fire egress approved windows instead of a door. These would be on the street side of the home. Mr. Metzler submitted photos of the home and lot layout.

Mr. Lege moved to approve the variance as submitted, providing the Board has the authority to approve or deny Building Code Appeals. Seconded by Mr. Maser. Roll call, Mr. Engelking-yes, Mr. Maser-yes, Mr. Bolander-yes, Mrs. Workman-no, Mr. Lege-yes.

Garland Griffin Homes

Chris Griffin was sworn in. Mr. Griffin is building homes within the Woodgate Farms subdivision. Mr. Griffin is requesting a variance to the Building Code to allow the omission of an egress man door within an attached garage. The design of the house and lot does not allow for an additional door. There will be 2 fire egress approved windows that will be placed at the front of the home facing the street. Mr. Griffin submitted photos of the lot and home. The Board discussed the issue of requiring additional egress doors in attached garages.

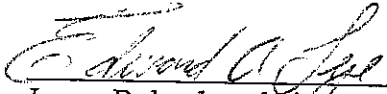
Mr. Engelking moved to approve the application as submitted providing the Board has the authority to hear Building Code appeals. Seconded by Mr. Lege. Roll call, Mr. Lege-yes, Mr. Maser-yes, Mr. Engelking-yes, Mrs. Workman-no.. Mr. Bolander-yes.

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

Respectfully submitted,



Tammy Tabor, secretary



James Bolander, chairman

date

The regular meeting of the Olmsted Township Board of Zoning Appeals was called to order October 16, 2003 at 8:00 p.m. Present were Alla Workman, Edward Lege, Larry Maser and Gregory Engelking. Chairman James Bolander was absent.

Vice Chairman Lege asked the audience to stand for the Pledge of Allegiance.

Mr. Maser moved to approve the minutes of September 25, 2002. Seconded by Mrs. Workman. Roll call, all approved.

Storey Variance

Judy Storey was sworn in. Mrs. Storey is requesting a variance to allow the housing of livestock on her property at 7750 Stearns Road. Mrs. Storey stated that she was unaware that she could not keep livestock on her property. Mrs. Storey stated that according to the Ohio Revised Code, she is permitted to keep livestock on her property. She stated that Section 519.22 of the ORC stated that the Township Trustees could not regulate the use of land for agricultural purposes. Mrs. Storey stated that a couple years ago the setbacks were changed, no one came over and asked her about changing setbacks. Mrs. Storey stated that she did not sign a petition to change the setbacks. Mrs. Workman asked what is happening that Mrs. Storey is not permitted to do. Mrs. Storey stated that she has 2 sheep and a horse and a rooster. The barn was existing when she bought the property. She also has a baby sheep. Mrs. Storey stated that she put up the corral. Mrs. Storey stated that there is 1 stall inside the barn, however it can hold 4 horses. Mrs. Workman asked how old the barn is. Mrs. Storey stated that the barn is about 10 years old. Mr. Engelking stated that it is probably closer to twenty years old. Mrs. Storey stated that she moved here to be able to have horses on her property. She doesn't understand why she cannot have horses on her property to provide income for boarding. Mrs. Storey stated that until 20% of the neighborhood is developed she should be able to have livestock on 1 acre of land. Mrs. Storey read the ORC section 519 that states the Township Zoning Resolution may in any platted subdivision or in any area consisting of 15 or more lots approved under section 711 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres by; set back building lines; height ; and size; Mrs. Storey stated that her property is just shy of 2 acres. Mr. Maser stated that under Township Zoning section 210.08 L states that one horse cow, pig or other similar animal may be kept on a lot not less that two acres in area, if the stable and corral, exclusive of perimeter fences, in which they are kept are located in the rear yard not less than 300 feet from a street right of way line, not less that 200 feet from any existing residence on adjacent property existing at the time the stable and corral are erected and not less than 50 feet from an adjoining lot line: an additional half acre of land shall be provided for each additional animal.

Mrs. Storey asked when that went into effect because no one notified her or came to her house to ask if she wanted this change. Mr. Maser stated that the regulation was the same in the Zoning Resolution dated 1994. Mr. Maser stated that the public hearings were held and public notification was given. Individual notification was not required. Notification was provided in the newspaper and posted at Town Hall.

Mrs. Storey stated that according to section 519.12 of the ORC specific notification was necessary. Mrs. Storey stated that failing to provide adequate notification of any changes the zoning referendum may be ruled invalid.

Mr. Maser stated that he would like to have a prosecutor's opinion regarding this issue.

Mrs. Storey stated that the Township would not be allowed to use public funds to prosecute. Mr. Maser stated that the County Prosecutor is the Township's legal council.

Mrs. Workman stated that this is not to prosecute, it is to attain information. Mr. Gargas stated that the prosecutor may come back with the same interpretation that Mrs. Storey has.

Mr. Lege stated that he would like to have a legal opinion on this issue. Mr. Engelking moved to table the request until the November 20th meeting for a variance to request a legal opinion from the Cuyahoga County Prosecutor. Mrs. Workman asked what the opinion was for. Mr. Engelking stated that he believed that the property was not conforming to allow the horses or livestock on the property. Seconded by Mr. Maser. Mr. Dooley asked what the law is. The secretary read section 210.08 I (2) .Mr. Lege stated that the minimum lot requirement was the same prior to the 2000 resolution. Mrs. Storey stated that the surrounding area was not developed. Mr. Engelking stated that there were houses on all of the lots around and across the street from Mrs. Storey's property. Mrs. Storey stated that the developers have not come in and built all around her her property. Mr. Engleking stated that "developed" means houses built on a lot. Mrs. Storey asked if Mr. Hocevar's property was now a street. Mrs. Workman stated that the setback was 300 feet from Stearns Road and 200 feet from an adjacent residence. Mrs. Storey stated that the setback was the law that was changed in 2000 that she was not notified of. Mr. Gargas stated that the motion is still on the floor. Mr. Gargas asked if Mr. Hocevar and Mrs. Storey would permit him to come out and measure the structures and property and also have Mrs. Storey write her questions and concerns down and he would have the prosecutor review the application and any concerns she may have regarding the Zoning Resolution.

Mrs. Dooley, Stearns Road, was sworn in. Mrs. Dooley stated that since 1956 the previous owner had livestock and the horse paddock should be far enough back and not interfere with any one. Mrs. Workman asked when that changed. Mrs. Dooley stated that Mr. Kinder had horses there. When he (Kinder) past away Ron Stuhm bought the property. He (Stuhm) removed everything except the barn. Mr. Gargas asked what the amount of time was when there were no animals on the property. Mrs. Dooley stated approximately one to one and one half years.

Joe Walsh asked if this motion was to request an opinion or to make a decision. Mr. Lege stated that the motion was to request an opinion.

Mr. John Runyan, 7753 Stearns Road, has lived there for 39 years, and the property at 7750 property did have sheep and chickens on the property at one time.

John Hocevar, 7766 Stearns Road, was sworn in. Mr. Hocevar stated that Mrs. Storey bought the property 3 years ago and did not aquire a permit for the construction of the corral. If she had she would have known that her property was not large enough to house livestock. Mr. Hocevar stated that the smell and the noise is not pleasant. Mrs. Storey stated that Mr. Hocevar should not complain about someone following rules.

On the motion to table and request a legal opinion from the Cuyahoga County Prosecutor, the roll call was all approved.

Slimak Variance request

Danielle Slimak was sworn in. Ms. Slimak stated that she erected a fence along the front of her property approximately 1 ½ years ago. Ms. Slimak stated that the fence was to deter children from running into the street, her rear yard has a very steep drop into a ditch. Ms. Slimak stated that she was unaware that a permit was required from the fence.

Joe Walsh was sworn in. When backing out of 8647 Usher Road, Mr. Walsh stated that the trees and the telephone pole as well as the vehicles parked in the neighboring driveway seem to be causing more of a sight problem.

The secretary read a letter from Mike and Charla McKenna, an Usher Road resident regarding the fence at Ms. Slimak's home. Ms. McKenna stated that the fence causes a hazard when trying to pull out of her driveway. Mr. Engelking stated that he feels that the combination of a telephone pole, parked vehicles and trees are more of a hindrance than the fence. Mrs. Workman asked if Mrs. McKenna feels that Ms. Slimak is not permitted to have a fence in the front yard. Mrs. McKenna stated that the fence is too high and blocks the view looking down the street. Mr. Gargas stated that he will request that the Cuyahoga County Engineer mark the right of way on Usher Road so that the correct setback could be determined. Mrs. McKenna stated that there are no regulations for fences and shrubs. Mrs. McKenna stated that she has never met Ms. Slimak before and has no personal feelings against her. Ms. Slimak asked why the complaints have been registered now, the fence has been up for approximately 1 ½ years. Mr. McKenna asked what would be permitted. Mr. Gargas stated that within 25 feet of the right of way the maximum height permitted would be 2 ½ feet. Mike McKenna stated that the Slimak property is at the top of a hill and does cause an additional sight problem for oncoming traffic.

Mr. Lege asked if the fence was moved 10 foot back, would that resolve the problem. Mr. McKenna stated that if that is what is legal, he would approve.

Meegan McKenna, 8631 Usher Road, lives 3 houses north of Ms. Slimak's property. Ms. McKenna stated that this is a safety issue. She drives a Nissan Altima and due to the height of the fence, the telephone pole and the rise of the road, it is very dangerous to try to pull out of her driveway. The distance from the fence to her driveway is 226 feet, at 35 MPH, a car would pass the fence and reach her driveway in 4.4 seconds. She feels that the amount of time is not enough to react to a car coming down Usher Road. Ms. McKenna stated that since the fence does not enclose her yard it is not there for safety. Mr. Engelking stated that the fence may deter children from running into the street from the front yard.

Mike McKenna asked what the height of the fence is. Mr. Gargas stated that the highest post is 42".

Mr. Lege moved to table this application until the next meeting when the right of way can be determined. Once the right of way is determined, a correct setback could be determined. Seconded by Mr. Maser.

Roll call, all approved.

Kling Variance #20020563

Ray Kling was sworn in. Mr. Kling is requesting a variance to allow the construction of an oversized accessory structure on his property. Mr. Kling presented drawings of the proposed structure and site plans of his lot and surrounding lots. Mr. Kling showed that the surrounding properties have similar size or larger buildings on approximately the same size lots. Mr. Kling stated that the structure would be used to house his boat and trailer as well as yard maintenance equipment.

Mrs. Workman asked what type of doors would be on the building. Mr. Kling stated that on the end of the building a sliding door would allow for the boat and trailer to enter at the end. On the front of the building would be a 16 foot garage door that would match the garage attached to the home.

Mr. Engelking moved to approve the application as submitted. Seconded by Mr. Maser.

Roll call, all approved.

Gareau Variance 27146 Cook Rd.

Jim Gilbo, contractor for the Gareau's, was present representing Mr. and Mrs. Gareau. Mr. Gilbo stated that the request was to allow the construction of an addition to the home, that would keep in line with the existing house, that would encroach on the site setback regulation. Mrs. Workman asked why the variance was needed. Mr. Gilbo stated that currently the home sits approximately 2 feet from the side yard line. The Gareau's would like to build an addition off the rear of the property the would encroach further on the setback. The furthest corner would be 1'6" from the neighbor's property.

The secretary read a letter from the neighbor's on the west side of the property. The neighbor's do not want a change to the property line and are concerned that they would be unable to construct a fence on their property. Mr. Gargas stated that the construction of a fence on their property would still be possible and the property line would not change. Mr. Gargas stated that Mrs. Heyduk did not have any objection to the addition as long as it was not interfering with the erection of a fence on her property in the future. Gary Laisy is a neighbor on Cook Road. Mr. Laisy stated that he has no objection to the addition and feels that the Gareau's are updating the home and property.

Mr. Engelking moved to approve the application as submitted. Seconded by Mrs.

Workman. Roll call, all approved.

Mr. Lege moved to adjourn. Seconded by Mr. Engelking.

Mr. Gargas asked that the Board review and comment on the proposed property maintenance code. A meeting is proposed for November 6, 2002 at 7:00 p.m. with the Board of Trustees and the Olmsted Township Zoning Commission. The Board members agreed to meet and review the proposed code.

On the motion to adjourn. Roll call, all approved.

Respectfully submitted,

Tammy Tabor, secretary

Edward Lege, Vice Chairman date

The special meeting of the Olmsted Township Board of Zoning Appeals was called to order at 8:00 p.m. Present were chairman James Bolander, Alla Workman and Greg Engleking. Mr. Bolander asked the audience to stand for the pledge of allegiance and addressed the audience regarding the proceedings.

Vice Chairman Edward Lege arrived at 8:10 p.m.

Mr. Bolander stated that the purpose of the special meeting was to hear a request for a variance for Summer Hill Homes within the Galway Bay subdivision. Craig Metzler was sworn in representing Summer Hill Homes. Mr. Metzler stated that the building setbacks from the road within the subdivision are less than required in the Olmsted Township Zoning Resolution. Mr. Metzler stated that the subdivision was approved by the Olmsted Township Zoning Commission and the Olmsted Township Board of Trustees in early 2002. Mr. Metzler stated that the need for a variance was overlooked by the applicants and the Olmsted Township Zoning Commission and the Board of Trustees. Mr. Metzler stated that the Cuyahoga County Planning Commission approved the plans as well. Mr. Richard Deanna was sworn in representing Summer Hill Homes. Mr. Deanna stated that since the approvals were granted all roadways and utilities have been installed. Also, 1 model home has already been approved and currently under construction.

The Board discussed possible alternatives to the development plan.

Mr. Engelking moved to approve the application as submitted. Seconded by Mrs. Workman Roll call, all approved.

Mr. moved to adjourn. Seconded by Mr. Roll call all approved.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman date

The regular meeting of the Olmsted Township Board of Zoning Appeals was called order November 20, 2002 at 8:00 P.M. Present were Chairman James Bolander, Larry Maser, Alla Workman and Greg Engelking. Also present were secretary Tammy Tabor and Building Commissioner Daniel Gargas.

Mr. Bolander asked the audience to stand for the Pledge of Allegiance. Mrs. Workman moved to approve the minutes of the November 6, 2002 meeting. Seconded by Mr. Bolander. Roll call, Mr. Maser- abstain, Mrs. Workman-yes, Mr. Bolander-yes, Mr. Engelking-yes.

Mr. Engelking moved to approve the minutes of October 23, 2002 with correction to the second paragraph, do not include "horse" and change to "one rooster" as being on Mrs. Storey's property. Seconded by Mr. Bolander. Roll call, Mr. Bolander-abstain, Mr. Maser-yes, Mr. Engelking-yes, Mrs. Workman-yes.

Pulte Variance

Mr. Bolander asked for a representative of Pulte Homes. Tony Kucia representing Pulte Homes was sworn in. Mr. Kucia stated that in the Woodgate Farms development, Pulte Homes would like permission to allow signs on his model home and individual lots for sale. Mr. Kucia also stated that he would like to amend his application to include sandwich board signs in front of model and spec homes, flags marking available homes.

Mr. Bolander stated that the application does not specify all of the additional signs requested. Mr. Bolander suggested that the applicant amend his application and include the additional signs and locations wanted for those signs and return for the next meeting. Mr. Kucia agreed to amend his application. Mr. Bolander moved to table the application for Pulte Homes and continue at the next regular meeting of the Olmsted Township Board of Zoning Appeals. Seconded by Mr. Lege. Roll call, all approved.

Garland Griffin Homes Variance

Mr. Bolander asked if anyone was present representing Garland Griffin. Seeing as there was not a representative for Garland Griffin present, Mr. Engelking moved to table this application until the next regular meeting. Seconded by Mr. Bolander. Roll call, all approved.

Links Variance

Bill Stevens was present from the Brilliant Sign Company and Joe Lanton, attorney, was representing The Links. Mr. Stevens and Mr. Lanton were sworn in.

Mr. Stevens stated that the sign is being replaced due to age. The sign will be sandblasted wood on 2 posts.

Mr. Bolander asked if the sign will be lighted.

Mr. Stevens stated that the sign will be externally lit from the ground. Mr. Stevens stated that there is no reason for glaring light, there are no other signs in the area.

Mr. Stevens stated that the current sign is taller than the proposed new sign. Mr. Stevens stated that the current sign is on posts that are 8 feet 10 inches tall and the sign area is 4 feet by 6 feet. Mr. Stevens stated that currently the sign is three feet in from the sidewalk and the new sign will be placed 10 feet in from the sidewalk. The proposed sign face is 4 feet 3 inches by 7 feet and will be on 6 foot high posts.

Mr. Bolander asked if there is still a sign in the right of way at Columbia and John Roads. Mr. Gargas stated that the sign should be removed at that intersection.

Mrs. Workman confirmed that the reason the sign is non conforming is because it is in a residential district.

Mr. Engelking moved to approve the application as submitted with the provision that the existing sign at John Road and Columbia be removed. Seconded by Mrs. Workman. Roll call, all approved.

Slimak Variance

Mr. Bolander reopened the public hearing for the fence variance requested by Danielle Slimak. Mr. Engelking stated that the photos showing the right of way stakes, marked by the Cuyahoga County Engineer were received by the Board members. Mr. Engelking stated that the combination of the fence, bushes, mailbox and the rise in the road all contribute to the line of vision on Usher Road.

Tim McKenna was sworn in. Mr. McKenna stated that the height of the fence is what is causing a sight problem. Charla McKenna was sworn in. Ms. McKenna stated that within 90 days the residents of Usher Rd. will be required to connect to the sewer and the fence will need to be removed.

Mr. Gargas stated that the Board cannot grant a variance to allow a fence to be placed in the right of way. Mr. Lege asked if there are other fences along Usher Rd. that are in the right of way, Vita Mix appears to have a fence close to the right of way marker. Mr. Gargas stated that Usher Road has an irregular right of way. Mr. Gargas stated that he will contact the Vita Mix contractor about determining the location of their fence. Mr. Gargas also stated that he is reviewing the Zoning Resolution regarding fence regulations and types of fences permitted in front yards.

Joe Walsh , 8552 Usher Rd., was sworn in. Mr. Walsh asked if the police department had any comment on the fence. Mr. Gargas stated that since the fence was in the right of way he did not feel that the police needed to survey the driveways.

Mr. Engelking moved to disapprove the application. Mr. Walsh asked if Ms. Slimak moves the fence, will she still need to receive a permit. Mr. Gargas stated yes.

Mr. Engelking withdrew his motion.

Mr. Maser moved to approve the variance to allow the fence in the front yard, provided that the fence is removed from the right of way. Seconded by Mrs. Workman. Roll call, Mr. Maser-yes, Mr. Engelking-yes, Mrs. Workman-yes, Mr. Bolander – abstain.

Meegan McKenna asked how long Ms. Slimak has to remove the fence. Mr. Gargas stated that the applicant will be given a 30 day notice and if not removed will be given a second notice allowing 10 additional days. If at that time the fence is not removed, the county may choose to remove the fence and court action be taken.

Floor Discussion

Mr. Gargas addressed the Board regarding the proposed Property Maintenance Code. The Board members discussed the advantages and disadvantages to the adoption of a property maintenance code for Olmsted Township.

Being no further business Mr. Bolander moved to adjourn.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman

Date