

The regular meeting of the February 16, 2005 Board of Zoning Appeals meeting was called to order at 7:30 p.m. Present were Chairman James Bolander, Genevieve Silveroli, Gregory Engelking and Charles Cvitkovich. Also present were Secretary Nicole Rosiu and Building Inspector Robert Hayes.

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

Mr. Bolander moved to approve the minutes of the January 19, 2005 meeting as submitted. Mr. Cvitkovich stated that in the paragraph where it starts talking about Ryan Homes decks, it refers to decks, but it should state structures. The minutes were amended to state "structures (decks, patios, etc.)" Mr. Engelking moved to approve the minutes as amended. Seconded by Mr. Bolander. Roll call, all approved.

The secretary read the public notice for Application #2005791. Mr. Bolander asked who was present representing the Schreiber variance. Heidi Schreiber was sworn in. Ms. Schreiber stated that right now she is living in an old farmhouse that is crooked and dwindling down. Ms. Schreiber said that she would like to have a house built about 50 feet behind the existing home and demolish the existing home once the new one is done. Mr. Bolander said that it appears the garage has already been demolished. Ms. Schreiber said yes, she wanted to start while the weather was nice. Mr. Bolander asked if the new home would have a garage. Rocky Bolton said yes, it will be attached to the house. Mr. Bolander asked Ms. Schreiber when she planned to have the construction start. Ms. Schreiber said hopefully the end of March, early April. Mr. Bolander asked how long the construction would take. Ms. Schreiber stated that the builder told her about six months.

Mr. Bolander asked how long, after the house is built, will it take to demolish the existing home. Rocky Bolton was sworn in and said about 3 months. Mr. Bolton said that they sunk about \$80,000 into the house and he would like to pull out everything he put in and put the things into the rental houses that he has in Cleveland. Ms. Schreiber asked how much time is appropriate. Mr. Bolander said that he was thinking 30 days after the occupancy is issued. Mr. Hayes said that typically a temporary occupancy is good for 90 days. Mr. Bolander inquired if a temporary occupancy is issued when the house is ready for habitation. Mr. Hayes said yes.

Mr. Bolander asked if the house has a current septic system. Mr. Bolton said yes, Marty Baier from the Board of Health approved it. Mr. Engelking stated that the plans show an addition. Mr. Bolton said that was old, there were bats and rats in it. Mr. Cvitkovich asked if the house will have a slab or a basement. Mr. Bolton said it will have a full basement with poured walls. Mr. Engelking asked if the existing garage is gone. Mr. Bolton said yes. Mr. Bolander stated that they will have to have a paved driveway. Mr. Bolton said yes, it will be concrete. Mr.

Bolton stated that they also own the property next door (6444 Fitch Rd.). Mr. Bolander asked if it was the property to the South. Ms. Schreiber said yes.

Mr. Bolander asked for questions or comments. Hearing none, Mr. Bolander made a motion to approve Application #2005791, with the stipulation that the existing house be razed within 90 days after the issuance of a temporary occupancy. Seconded by Ms. Silveroli. Roll call, all approved.

The secretary read the public notice for Application #20054842. Douglas Cook was sworn in representing the Cook variance. Mr. Cook stated that Elmer Kadar owns the property at 27353 Schady Rd. and he is an older gentleman whom is trying to sell the property. Mr. Cook said that Mr. Kadar had a contract with Pulte Homes and they pulled out of the deal in March 2004. Mr. Cook stated that Mr. Kadar is looking for a buyer and he is talking with 3 or 4 people right now. Mr. Cook said that they are trying to find a capable buyer to develop the land. Mr. Cook stated that Mr. Kadar would like to have something there that the Township would like to see. Mr. Cook said that he is running a low impact business out of the trailer on the property to help out the low-income family that is living in the house on the same property. Mr. Cook stated that the trailer is not an eyesore.

Mr. Bolander asked what type of business Mr. Cook is running. Mr. Cook said he is not selling books, but selling other things for bookstores. Mr. Bolander asked Mr. Cook why he is running the business on this property. Mr. Cook stated that he was running this business in another city and he had to leave, and he knew Mr. Kadar, so he asked if he could run the business on this property. Mr. Cook said that previously, a landscaper worked there for 8 years. Mr. Bolander asked if Mr. Cook knew that the property was residentially zoned. Mr. Cook said yes. Mr. Bolander asked Mr. Cook if there was a specific reason he chose this property. Mr. Cook stated that Mr. Kadar said that he could participate in the sale of the property. Mr. Bolander said that that has nothing to do with the trailer. Mr. Cook asked if he removed the trailer, if everything would be okay. Mr. Cook stated that he doesn't believe the neighbors are objecting to it.

Ms. Silveroli asked if the property is sold, would the house be taken down and the property be developed. Mr. Cook said the trailer is temporary, but has lasted a little longer. Mr. Bolander asked when the trailer was put there. Mr. Cook said in April 2002. Mr. Engelking asked if there is a topsoil business being run at this property also. Mr. Cook said yes, leaves used to be composted at this property. Mr. Cook stated it is not an industrial parkway, it is a quiet, low-impact area. Mr. Bolander asked if the owner is operating any businesses at this property. Mr. Cook said no. Mr. Engelking asked what would happen to the topsoil business if the property were sold. Mr. Cook stated that there are a few contracts they are looking at right now, the EPA (Environmental Protection Agency) has been out there and approved. The soil is mostly fill dirt from other sites. Mr. Bolander asked Mr. Hayes if the Township knows about the topsoil business. Mr. Hayes

said no, and that there would be some further investigations on that business. Mr. Cook stated that the topsoil is not visible until about November or December.

Mr. Engelking asked what the house is used for. Mr. Cook stated that a family lives there. Mr. Bolander asked if the business could be run without the trailer. Mr. Cook said that he would like to stay on the premises, nobody is complaining about the trailer, it's 1000 feet from the road and it is not an eyesore. Mr. Cook said that the hardship he has is that if he gets rid of the trailer and still had his business on this property, he would be paying rent on this property and also on another property, where he would have his trailer. Mr. Cvitkovich asked if there is any other way the family that lives there could get money. Mr. Cook said that no one wants to farm the land.

Ms. Silveroli asked Mr. Cook if Mr. Kadar and himself have had discussions with potential buyers. Mr. Cook said they have a purchase agreement with specifics, they would like to see something there that the Township would like. Ms. Silveroli asked how long the potential buyers would have to make a decision. Mr. Cook stated that they would give \$25,000.00 to tie-up the property until it is assembled or re-zoned. Mr. Cook said that the first buyer, Tom Simon, started the process and then bailed out. Pulte was the second buyer and they started and pulled out also. Ms. Silveroli asked if there is a set time for this property to be developed after they pay the \$25,000.00. Mr. Cook said no, the buyers don't want that. Mr. Cook stated that they have been talking to Pride One Development, whom is trying to do something better for the Township. Pride One would like to develop this land for an older community, so it will not crowd the school systems. Mr. Cook stated that the potential buyers do not want to pay \$25,000.00 and not have it work out.

Mr. Bolander asked Mr. Cook what this information has to do with the trailer. Mr. Cook stated that his intent was to use the house for the business, but inside a house is not a good way of doing business. Mr. Bolander asked if Mr. Cook bought the land and then put the trailer there. Mr. Cook said that he tried to work out of the house but didn't like it, so he got the trailer. Mr. Cook stated that he could remove the trailer and use the barn on the property for storage. Mr. Cook said that the trailer is just temporary. Mr. Bolander stated that "temporary" could be ten years. Mr. Cook said that he could build a house in front of the trailer, move into the house and have a business. Mr. Bolander said yes, with no employees.

Mr. Cook said that Mr. Kadar has a \$150,000.00 loan on the property now, with no income. Mr. Bolander suggested that maybe it was a bad investment. Mr. Bolander stated that building a house on this property is a separate issue. Mr. Hayes stated that even if Mr. Cook ran a business on the property he lived on, he would still need to meet the requirements for operating a business in a residential district, which means no accessory buildings to store equipment. Mr. Cvitkovich

said that he still does not see the connection between the trailer and development of the property.

Mr. Bolander moved to deny Application #20054842. Mr. Engelking moved to change the motion to affirmative and moved to approve Application #20054842 as submitted. Seconded by Mr. Cvitkovich. Roll call, all disapproved.

Mr. Bolander stated that the Building Commissioner will decide when the trailer should be removed.

Floor Discussion

Ms. Silveroli made a motion to adjourn at 8:30 p.m. Seconded by Mr. Engelking. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, Secretary

James Bolander, Chairman Date