

The regular meeting of the June 15, 2005 Board of Zoning Appeals meeting was called to order at 7:30 p.m. Present were Chairman James Bolander, Charles Cvitkovich, Gregory Engelking, Genevieve Silveroli and Larry Maser. Also present were secretary Nicole Rosiu and Building Inspector Robert Hayes.

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

Mr. Engelking moved to approve the minutes of the April 7, 2005 Board of Zoning Appeals meeting. Seconded by Mr. Cvitkovich. Roll call, all approved. Mr. Maser abstained.

Mr. Engelking moved to approve the minutes of the May 18, 2005 Board of Zoning Appeals meeting. Seconded by Mr. Maser. Roll call, all approved. Mr. Cvitkovich abstained.

Timberview Homes

Mr. Maser made a motion to remove the Timberview Homes appeal from the table. Seconded by Mr. Bolander. Roll call, all approved. Curt Dunlap was present to represent Timberview Homes. Mr. Bolander asked if anything has changed. Mr. Dunlap said he explained the situation to the homeowner and he does not want a man door in his garage. Mr. Dunlap stated that at the previous meeting, the discussion was a young child being in the garage if there is a fire. A young child would also be in their room on a second floor and they couldn't get out the door, they would have to use the window. Mr. Dunlap said in the garage there are 2 garage doors and 2 egress windows. Mr. Bolander stated that if there are young children playing in the garage, there are only windows that are not close to the floor. Mr. Dunlap stated that the windows are close enough to the floor and it is not a brick house. If it were brick, there may be a problem. Mr. Dunlap said an axe could get through the siding, and it is easier to get a child out of a garage than a second story bedroom.

Ms. Silveroli asked Mr. Dunlap if he had mentioned the window seats to the homeowner. Mr. Dunlap said yes, but he didn't comment on that. Mr. Bolander said he looked at the house and noticed a small door to the utility room from the outside. Mr. Bolander asked if there could be a door put in the garage that would be close to the other door in the utility room. Mr. Dunlap said that he couldn't do it because the house is raised higher than the garage. Mr. Maser said the Fire Department recommends having a man door. Mr. Cvitkovich said there is no means of egress. Mr. Dunlap said that the windows are. Mr. Bolander stated that there are other options. Mr. Dunlap said he knows it isn't code, but there are 2 egress windows and a 3-car garage. Mr. Cvitkovich stated that the code doesn't allow that as a means of egress. Mr. Dunlap said that if an adult was in there, they would open the garage door and get out, it is 3 times the egress than if an adult was on the second floor. Mr. Bolander said that fires usually start on the first floor.

Mr. Cvitkovich stated that another reason for having a man door is carbon monoxide, not strictly fires. Mr. Engelking asked what is wrong with putting in steps for another door next to the utility room door or having window seats. Mr. Dunlap said that the homeowner would probably go for the window seats. Mr. Maser stated that this appeal was originally tabled so the homeowner would attend the meeting. Mr. Dunlap said that the reason the homeowner would not come to any meetings is because he is not happy. Mr. Cvitkovich asked Mr. Dunlap if he would have known about the code when he applied, where he would put a man door in at. Mr. Dunlap said there is no place to put one in. Mr. Cvitkovich said there is a 6-foot section on the West side of the garage where there could be one installed. Mr. Bolander stated that if there is one put in there, it wouldn't disturb the landscaping. Mr. Dunlap said that he doesn't see the point in putting one in there. Mr. Cvitkovich said to meet code. Mr. Dunlap said that they should put in the code that every window on the second floor should have a ladder then. Mr. Cvitkovich stated that it doesn't say that in the code, it says that there needs to be a man door in every garage.

Mr. Bolander said that the only hardship he has heard is that the homeowner doesn't want it, and that is not a hardship. Mr. Dunlap said it depends on how the board defines hardship; the homeowners' hardship is that he just doesn't want a man door in his garage. Mr. Engelking asked how Mr. Dunlap would solve this. Mr. Dunlap said he suggests the window seats for east access if a problem arose. Mr. Bolander stated that a door would be simpler. Mr. Dunlap said there is no wall space for a door. Mr. Bolander said there are at least 2 walls for a door, the front and the side. Mr. Dunlap said that when the house was designed, the door was not considered, because he did not know about the code requirement. Mr. Dunlap stated that when he applied for the permit there was no Building Commissioner and he did not know about the code requirement. Mr. Dunlap said that he meets the state code, just not the local code. Mr. Dunlap stated that the same situation could occur if a child is in a second story bedroom, they would be at the mercy of the person outside. Mr. Dunlap said that he doesn't think the homeowner would have a problem with putting in window seats.

Chuck Murphy was sworn in. Mr. Murphy said he had an idea to make a door out of one of the windows. Mr. Dunlap said that that would change the front of the house. Mr. Bolander said that the 6-inch section on the West side of the garage would be the prime location for a door. Mr. Dunlap stated that if he were to put a door in the South side of the garage adjacent to the utility room door, the steps he would have to put in would be in the way for a car pulling in the garage. Mr. Bolander asked what the homeowners are going to put on the North side of the garage wall. Mr. Dunlap said the homeowners have two cars and two motorcycles and if the window seats are put in, they would serve the purpose of easier egress from the garage and storage space underneath the seats. Mr. Bolander said that he still does not see a hardship. Mr. Dunlap said the hardship wasn't brought up until after the fact.

Mr. Cvitkovich asked if there was a temporary or final occupancy issued on the house. Mr. Dunlap said temporary. Miss Rosiu stated that the temporary is pending the board's decision. Mr. Bolander asked Mr. Hayes if the window seats would satisfy the requirements. Mr. Hayes said that it wouldn't meet the code, to be considered an egress window, it would have to be a minimum 5 square foot opening and no more than 44 inches off the floor. Mr. Dunlap states that the windows are double-hung.

Mr. Bolander asked for questions or comments from the audience. Hearing none, Mr. Engelking moved to approve Application #20055051 as submitted. Seconded by Ms. Silveroli. Roll call, all disapproved.

Elenniss Variance

Mr. Maser motioned to remove this application from the table. Seconded by Mr. Bolander. Roll call, all approved. Mr. Bolander stated that at the previous meeting, the board requested more information. Mr. Elenniss stated that he submitted new drawings showing elevations and height of all buildings on the property, the gutter on the arena and different views of the property. Mr. Bolander asked what the height of the arena would be. Mr. Elenniss said 24 feet 8 ¾ inches tall. It will be 100' deep by 50' wide. Mr. Bolander asked about the existing barn. Mr. Elenniss said it is 110 feet deep and 30 feet wide. Mr. Engelking asked about the drainage. Mr. Elenniss stated that it is on the second drawing that he gave to the board. Mr. Bolander asked what the distance is from the arena to the property line. Mr. Elenniss said 15 feet.

Mr. Cvitkovich stated that he was not at the previous meeting and wondered what the reason was for the 8-foot walls. Mr. Elenniss said that if the walls are only 4 feet tall, there is a limited space to fit the horse. If the walls are 8 feet tall, it allows for more room to ride the horse around the edges. Mr. Bolander asked if the sides roll up. Mr. Cvitkovich asked what the end walls would be made out of. Mr. Elenniss said they will be made with the same material as the cover. Mr. Cvitkovich asked if the arena would be drafty. Mr. Elenniss said there will be no heat. Mr. Bolander asked if the barn and arena would be attached. Mr. Elenniss said no.

Mr. Bolander asked if there would be landscaping to the West. Mr. Elenniss stated that there are apple trees going up the driveway from Lewis Rd. and that he would be willing to put up a tree next to the barn. Mr. Cvitkovich asked what the total area of the property is. Mr. Elenniss said three acres. Mr. Bolander asked for comments or questions. Mr. Guenther stated that there is a heavy growth of trees and for screening, the trees would have to stop in front of the house. Mr. Engelking said the house is 38 feet from the road. Mr. Cvitkovich said that this is a unique situation in a unique area. The neighborhood is not contrary to horse farms. Mr. Bolander stated that he agrees.

Mr. Maser moved to approve Application #20055264 as submitted. Seconded by Mr. Cvitkovich. Roll call, all approved.

Board of Education sign and sanitary

Chuck Murphy was present representing this conditional use variance. Mr. Murphy stated that the sign is a traditional sign like in front of Olmsted Falls City Hall and their new fire station. Falls Lennox school has a sign that is 10 feet long, this one will be smaller. Mr. Murphy stated that the sign will be behind the drainage ditch, it will have 3 lines that will fit 6-inch letters. Mr. Murphy said the sign will be legible from the road and will be changeable on both sides. Mr. Murphy stated that the PTA donated the money for the sign.

Mr. Bolander asked if the sign would be parallel or perpendicular to the road. Mr. Murphy stated that it will be perpendicular, the drawing shows different though. Mr. Murphy made changes to the application to show the sign perpendicular. Mr. Bolander asked if the sign would be illuminated. Mr. Murphy said he is proposing lighting at the bottom, with tubes inside, but he is not sure. There will not be any floodlights and they will be tied in with the lighting for the school. Mr. Cvitkovich asked what the height of the sign would be. Mr. Murphy said 4-feet. Mr. Bolander stated that it cannot exceed 6 feet.

Mr. Bolander asked about the sanitary facilities. Mr. Murphy stated that they will be by the soccer fields and there will be no odor. Mr. Engelking asked if there are any sanitary facilities or a utility room in the snack bar. Mr. Murphy said no, just storage. Mr. Engelking asked if the sanitary facilities would be behind the snack bar. Mr. Murphy said yes. Mr. Engelking asked if it would have a surfaced road to it. Mr. Murphy said yes. Mr. Cvitkovich asked whom the restrooms would service. Mr. Murphy stated that they would service fans and soccer players right now and that the boosters are donating for them. Ms. Silveroli asked if the port-a-potties will also be there. Mr. Murphy said yes. Mr. Cvitkovich asked if the restrooms would be self-contained. Mr. Murphy stated yes. Mr. Maser asked if they would be similar to the ones in the Metroparks. Mr. Murphy said yes, they will be cleaner and that he believes they will be a nice improvement. Mr. Bolander asked if they would be handicap accessible. Mr. Murphy said yes. Mr. Cvitkovich asked if there would be a water source. Mr. Murphy stated that there will not be any sinks, but he discussed with the Building Department putting in a Purell dispenser.

Mr. Bolander moved to approve Application #20055434 as amended, changing the direction of the sign. Seconded by Mr. Engelking. Roll call, all approved.

Butchart Variance

The secretary read the public notice for Application #20055436. Jack Butchart was sworn in. Mr. Butchart stated that he would like to add on to the back of his pole barn to get a car trailer and handicap trailer in there. Mr. Engelking asked if the size of the addition would be 20' x 40'. Mr. Butchart said yes. Mr. Engelking asked if the addition would be going on the side or in the back. Mr. Butchart said in the back and that his house is 700 feet from the road. Mr. Bolander stated that the square footage is okay as an accessory building, but not a garage. Mr. Butchart said that the height of the addition would be smaller than the existing. Mr. Cvitkovich stated that with the addition, Mr. Butchart will be 6% over.

Mr. Bolander asked for questions or comments from the audience, hearing none Mr. Bolander moved to approve Application #20055436 as submitted. Seconded by Mr. Engelking. Roll call, all approved.

Ohio District-Lutheran Church Fence

The secretary read the public notice for Application #20055539. Ralph Krauss was sworn in representing this variance. Mr. Krauss stated that he is the chairman of the building district. Mr. Krauss said that they tore down a 4-foot wall from 50 years ago and they would like to landscape and put up a picket fence with flowers to make the neighborhood look nice. Mr. Bolander asked how tall the fence would be. Mr. Krauss said he wanted a 3 ½ foot fence, but the code only allows for 30 inches that close to the street. Mr. Engelking asked how far the fence would be from the road. Mr. Krauss said 1 foot in from the property line and then it goes back 30 feet. Mr. Bolander said the drawing shows 4 feet from the edge of the road. Mr. Krauss stated that it will be 4 feet from the shoulder and 20 feet from the center of the road. Mr. Cvitkovich said that it is marked 18 feet. Mr. Krauss said it is 18 feet from the burm of the road, from the mailboxes. Mr. Engelking asked if the fence would be vinyl. Mr. Krauss stated that it will be a vinyl fence with low maintenance.

Mr. Bolander asked if the fence would be behind the sign in the front. Mr. Krauss stated that it will be 1-foot behind the sign. Mr. Engelking stated that the picture looks like the fence will be right next to the street. Mr. Krauss said that he took the pictures because it would be hard to explain. Sally Mian was sworn in and said she was concerned that they would surround the yard with a fence and that the addition they put on is bigger than what was proposed. Ms. Mian stated that the Township required a buffer around the church and there is not one there. Miss Rosiu said that she would review past records and let Ms. Mian know. Ms. Mian stated that she thought it would be a big fence. Ms. Mian also said that the church's lights are on all night and shine into her house, but she has no problem with the fence. Mr. Engelking asked how deep the fence would be. Mr. Krauss said 30 feet from the road. Mr. Engelking asked if there would be a problem pulling out of the drive. Joe Lenkey was sworn in. Mr. Lenkey said there shouldn't be a problem pulling out where the fence is proposed.

Mr. Engelking moved to approve Application #20055539. Seconded by Mr. Cvitkovich. Roll call, all approved.

Floor Discussion.

Mr. Engelking moved to adjourn at 9:05 p.m. Seconded by Mr. Bolander. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, secretary

James Bolander, Chairman

Date