Meeting Minutes - Olmsted Township Board of Zoning Appeals

Date: February 19, 2014
Time: 7:02 p.m.
Subject: Olmsted Township Board of Zoning Appeals Meeting Minutes

In Attendance: Mr. McTaggart, Mr. Patay, Mr. Cole, Mr. McElroy

Meeting was called to order at 7:02 pm on February 19, 2014.

Pledge of Allegiance and Roll-Call.

First Order of Business:

Swearing of new Board of Zoning Appeals member. Trustee Tiffany Fischbach administered oath to Mr. Cole. Mr. Ron White was not present.

- Mr. McTaggart, Mr. Patay, Mr. Cole, Mr. McElroy

Approval of Meeting Minutes for December 18, 2013.

Motion to approve minutes as presented. Seconded. All in favor: Aye. Minutes approved.

Old Business: None
New Business: “Use” variance request for an emergency back up generator.

Application No. 20130953 - 27365 Tiller Drive

Mr. McElroy: Moving on to new business which is the variance request for Brett Sharbach
Mr. McElroy swore in the applicant.

Mr. Sharbach: I had a lot of flooding issues and I haven’t lived in the home the past 2 years. I have two pumps to control the amount of water coming into the home. When power goes out, water rushes into the home. The basement flooded and everything in the basement had to be removed. The only option was a standby generator. The contractor selected is the only one in Ohio licensed to do the whole job. The original model selected was more obtrusive and would have needed to be located further from the house. The model now selected will be smaller and closer to the house. It’s less visible and the decibel level is lower.

Mr. McTaggart: Why don’t we have Resolution 210.08 read, since that’s why we are here.
Mr. Torowski: Mr. Chairman, under schedule 210.08 Accessory structures, item No. 8 lists HVAC units as an accessory structure. In the past, emergency generators have been reviewed under the HVAC equipment. Unfortunately, this was reviewed incorrectly. A call to the Cuyahoga County Planning Commission did confirm that the generator should not have been reviewed as an HVAC unit. It does need to be regulated. The appeal is for a “use” variance.
Mr. McTaggart: So this is considered a different interpretation than our previous building official.
Mr. Torowski: Yes, it would be a different interpretation.
Mr. McTaggart: The question comes to “the grandfather provision”. Does it prevail?
Mr. McElroy: So we are still using the 20 foot side yard line.
Mr. Torowski: Yes. We would be determining the proper location at this time. As indicated in the letter to the Board Members, we have had 15 generator applications. It makes sense to change the Resolution to accommodate the generators.
Mr. McElroy: I can see why Tony used the HVAC item. There can be an argument made for the generator to be used as a similar piece of equipment.
Mr. McTaggart: It seems that when your organization (CT) took over, the constituents of Olmsted Township should have been notified that there is a different interpretation.
Mr. Torowski: I don’t know if Tony had contacted the Cuyahoga County Planning Commission regarding the generators.
Mr. McTaggart: I’m not questioning that you’re right. I’m just saying the residents should be notified of the different interpretation.
Mr. McElroy: For the purposes of this meeting, I’m using 210.08 (8) as a guideline. The distance for the unit would be 20 feet from the side lot line. The application has it at 15 feet.
Mr. Sharbach: I’m on a private street which allowed the houses to be built closer together. I was told that the distance had to be 16 feet from the line. This could not be possible. From the house I have almost seventeen feet. The unit has to be 18 inches from the house and is 18 inches deep. It puts me around thirteen or fourteen feet from the property line.
Mr. Torowski: (showing a general graphic of lots) The lots are actually pie shaped due to the cul-de-sac.
Mr. McElroy: The generator needs to be cycled?
Mr. Sharbach: For maintenance reasons it need to be exercised for 30 minutes every week. It is programmable and can be done at any time.
Mr. McElroy: Four or five years ago, the lake used to be two to three feet higher than it is now. One of our former members lived in the development and the pump ran 24 hours a day. It certainly is an issue. From the information, which one was it.
Mr. McElroy: If this were granted, how long would it take to install.
Mr. Sharbach: It's a one day job.
Mr. McElroy: Is there a window on that side of the neighbor's house?
Mr. Sharbach: There is one window and I believe it is a bathroom window. It is the garage side of the house.
Mr. McElroy: Was there a total loss in the basement previously.
Mr. Sharbach: About four feet all around.
Mr. McElroy: What was the cost of the damage?
Mr. Sharbach: Insurance covered it. It was about 10,500 dollars.
Mr. McTaggart: Notifications were made to the public. There appears to be no others to discuss.
Mr. Torowski: Yes.
Mr. McElroy: Did you ask the HOA about the generator?
Mr. Sharbach: No, but if I need to I can.
Mr. McElroy: I would recommend that.
Mr. McTaggart: I make a motion to accept the variance on Application No.20130953
Mr. McElroy: Andy, call the Roll.
Mr. Patay: Yes
Mr. Cole: Yes
Mr. McTaggart: Yes
Mr. McElroy: Yes
Mr. McElroy: The variance has been approved. Please contact the building department.
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Floor Discussion:

Mr. McElroy: I have annual training so I will miss next month’s meeting and I may miss April’s meeting.

Mr. McTaggert: For the record did you (Mr. McElroy) talk to Dale?

Mr. McElroy: I did not talk to Dale, I sent him an email. I sent a list of questions and concerns and sent it to all three Trustees and I carbon copied the building department. I asked Dale to look into the concerns that BZA had and I got a response back from Sherri and Jeanene. Dale is rendering an opinion. They weren’t sure if they were going to send a written letter or have a meeting about it. It’s up to Dale.

While we are here, I would like to vote on leadership for the chair and vice-chair. Mr. McElroy was selected as chair and Mr. McTaggert as vice chair.

Mr. McElroy: I move to adjourn.

Respectfully submitted,

[Signature]
Zoning Inspector

[Signature]
Brian McElroy, Chairman

[Signature]
Thomas Cole

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