The regular meeting of the Olmsted Township Board of Appeals was called to order September 20, 2012 at 7:00 PM. Present were chairman Brian McElroy, James Prosek and Louise Veverka. Also, present was Secretary Tammy Tabor.

Pledge of Allegiance

Pending corrections to the minutes, the Board will hold the minutes until the next regular meeting.

Mr. McElroy stated that a request was made to table the application submitted by CG Olmsted, LLC. Mr. McElroy moved to approve the request to table until October 18, 2012 at 7:00 pm. Seconded by Mr. Prosek Roll call; all approved.

Application to #20120818
8567 Greenbrier Drive Timothy Chihil
Timothy Chihil was sworn in. Mr. Chihil stated that he did not know the permit was needed the previous shed does not allow room for pool equipment, sporting equipment a golf cart and miscellaneous yard equipment.
Mr. Prosek asked how this came to the Board’s attention. Mrs. Tabor stated that a complaint was received by the building department.
Mr. McElroy asked what size the previous shed was. Mr. Chihil stated 20 feet by 10 feet.
Mr. McElroy asked how big the current shed is. Mr. Chihil stated 20ft. by 14 feet. Mrs. Veverka stated that the maximum size permitted is 210 square feet.
Mr. McElroy asked what the height of the building is. Mr. Chihil stated thirteen feet. Mr. McElroy asked if a contractor was hired. Mr. Chihil stated that he is building the shed himself.

Mr. Prosek stated that he was at the site to see the shed. Mr. Prosek stated that the building is buffered on the south by a row of trees and the neighbor to the south has a similar size garage on that property. Mr. Prosek stated that the neighbor to the north also has a similar shed that appears smaller than Mr. Chihil’s. Mr. Prosek stated that the shed does not appear to be obtrusive or an eyesore in the neighborhood. Mr. Prosek stated that the applicant would need to prove a practical difficulty, and Mr. Prosek stated that he has not seen that in the application.

Mr. Chihil stated that if he left the belongings outside it would be considered a nuisance and a violation of the code. Mr. Chihil state that since the building is existing, that would be the practical difficulty. The hearing and penalties could have been avoided if permits were applied for.
Ms. Veverka asked if there is a Home Owners Association in the development. Mr. Chihil stated no. Ms. Veverka asked if a permit was issued previously to Mr. Chihil. Mr. Chihil stated no.
Mr. Rutkowski was sworn in. Mr. Rutkowski stated that he has no objection to the shed.
Mr. Rutkowski stated that he would like to build a similar shed to be used as a pool house.
Mr. McElroy state that unlike a judge, the Board of Appeals can be flexible and grant variances to the adopted resolutions.
Mr. Rutkowski stated that 70 square feet is not much.

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Ms. Veverka stated that certain criteria has to be met in order for approval. Ms. Veverka stated that the Board has 9 criteria to consider in order to approve or deny an application. Mr. Prosek stated that the Board cannot approve an application because of an applicant has a lot of stuff.

Janet Morales was sworn in. Mrs. Morales stated that she lives next to Mr. Chihil to the north. Mrs. Morales stated that she does not feel that the shed is oversized or an eyesore. Mrs. Morales stated that she prefers the shed to items being stored in the yard.

Gerri Polo was sworn in. Ms. Polo stated that she has information on all improvements or changes to their property. Ms. Polo stated that she has been aware of all projects that require permits.

Mr. McElroy asked if the shed is completed. Mr. Chihil stated that he stopped construction when the violation was issued. Mr. McElroy asked for any further comments or questions. Mr. Prosek stated that because a structure was previously built, it does not guarantee approval. Mr. Prosek also stated that having an excessive amount of stuff is not a reason for approval. Mr. Prosek stated that storage facilities are available for excess belongings. Mr. McElroy stated that the Board determines applications based on needs not wants. The Board reviewed and discussed §210 of the Olmsted Township Zoning Resolution regarding outside storage in residential districts.

Ms. Veverka stated that the shed is screened from view on the south side of the property and is shown to be located 8 feet from the side property line.

Mr. Prosek moved to approve application20120818 as submitted, with the caveat that the structure is inspected and approved and all fines and penalties are paid. Seconded by Ms. Veverka. Roll call: Veverka-no, Prosek-yes, McElroy-yes.

Application #20120883 Driveway setback
Drespling 26938 Elizabeth Ln.

Robert and Diane Drespling were sworn in. Mr. Drespling stated that he would like to repair a section of his driveway. Mr. Drespling stated that the driveway was existing when he moved in 17 years ago. Mr. Drespling stated that the area is broken and in need of repair.

Ms. Veverka asked if the patio included on the application is new or replacement. Mr. Drespling stated replacement.

Mr. Prosek stated that he was on site and the property is very intensely built. The property has 1 small building, 1 large building, trailers, concrete and a patio.

Mr. McElroy asked for any further comments or questions. Hearing None, Ms. Veverka moved to approve application # 20120883 as submitted to permit a 2 foot variance, the driveway repair to remain 3 feet from the property line. Seconded by Mr. Prosek. Roll call: all approved.

Application # 20120893 Driveway setback
Paul Albright 7153 Barton Road

Paul Albright was sworn in. Mr. Albright stated that he would like to install a concrete driveway in the same location of the existing gravel drive. Mr. Albright stated that the driveway has been located in the same spot since 1950. Mr. Albright stated that there is a pine tree that will prohibit moving the driveway in from the property line.

Mr. Prosek stated that the tree is approximately 70 feet from the street and another 42 feet to the existing driveway. Ms. Veverka stated that the survey does not show the

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current location of the driveway. Mr. Albright stated that the driveway is on the property line. Mr. Prosek asked if the tree roots are the reason that the driveway cannot be installed properly. Mr. Albright stated that the existing concrete and the possible damage to the tree roots. Mr. Albright stated that additional expense would be incurred also if the driveway was required to be moved. The Board discussed the location of the driveway and the possible hardship to the tree.

Ms. Veverka moved to approve application 20120893 as amended to a 2 foot variance for the driveway to remain at least 3 feet from the property line. Seconded by Mr. Prosek. Discussion to amend the motion to also permit an alternative to have the driveway at 5 feet from the property line for the ~ 70 feet from the street and one foot from the property line in the area to avoid the tree and roots. Roll call: all approved.

Application # 20120886 Maximum # of dwellings on parcel/ land locked parcel
Tina McCullough, Shawna Hodges
Shawn Hodges was sworn in. Mrs. Hodges stated that she would like to purchase properties on Sprague Road that currently have existing houses. Mrs. Hodges stated that the first property has a house on it an fronts on Sprague Road. Mrs. Hodges stated that there is a second parcel directly behind the first property. Mrs. Hodges stated that the existing home on the second parcel is not large enough for her family and would like to construct a new home at the rear of the second property and keep the existing house also. Mrs. Hodges stated there is a driveway that allows access from the first property to the second property.

Mr. Prosek asked how large the parcels are. Mrs. Hodges stated that the first parcel is approximately one acre and the second parcel is approximately 11 acres. Mr. Prosek asked if there is a house on the second parcel. Mrs. Hodges stated yes. Mr. Prosek stated that the parcel is land locked and what is the frontage of the first parcel. Mrs. Veverka stated that the parcel is land locked and the parcel has approximately 193 feet of frontage. Mr. Prosek asked if this is currently being used as agriculture. Mrs. Hodges stated that she proposes to use the property for agricultural, she has two horses. Mrs. Hodges asked if the use is agricultural could the existing house be kept and used for farm hands. Mr. McElroy stated that he was unsure whether two houses on one lot would be permitted even under agricultural uses. Mrs. Hodges asked if the house on the second property could be modified to be used as an agricultural storage building. Mrs. Veverka asked how it could be modified. Mrs. Hodges stated that the kitchen could be removed and it would not be used as a house. Mr. Prosek stated that once the lot is modified the current requirements must be met. Mr. Prosek stated that the ultimate goal would be houses on three parcels that conform. Mrs. Hodges stated that if she could keep the house on the second parcel, she would like to have her mother stay on the property. Mrs. Hodges stated that her mother is ill and having her nearby would allow for Mrs. Hodges to care for her mother. Mrs. Hodges stated that her family also provides support through a non profit organization for families of children with disabilities. Mrs. Hodges stated that the second building could be used for gatherings and a place for activities for the families.

The Board discussed several alternatives to subdividing the properties and creating conforming lots.
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Robert Schiavoni was sworn in. Mr. Schiavoni asked if a common drive could be constructed to allow for access to all three homes. Mr. McElroy stated that it could be possible, however the goal is to have all homes on individual lots. The cost of a private drive may also be quite expensive and against what the Township has proposed as far as installing private roads and driveways.

Ken Barbarino was sworn in. Mr. Barbarino stated that he lives on the property to the east. Mr. Barbarino stated that he is opposed to having a third house on the property. Mr. Barbarino stated that the previous owner would not sell to a developer because of the possible subdivision and multiple homes on the lot.

The Board offered a recommendation to find a land professional if the applicant wished to proceed with the changes to this property. The Board recommended land appraisers, surveyors, land use attorney or a real estate professional that was familiar with this area and type of request.

Mr. McElroy moved to table application # 20120886 until the next regularly scheduled meeting of the Board of Appeals with a request for alternative plans to divide the property. Seconded by Mr. Prosek. Roll call: all approved.

Floor discussion

Respectfully submitted,

Tammy Tabor
Secretary

Brian McElroy
Date

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