The regular meeting of the Olmsted Township Board of Zoning Appeals was called to order February 21, 2001 at 8:00 PM. The Chairman asked the audience to stand for the Pledge of Allegiance. Present was Chairman James Bolander, Edward Lege, Martin Strelau and Larry Maser. The secretary read the minutes from the meeting of December 20, 2000. The secretary stated that on the first page, last paragraph, change the word “May” to March.

Mr. Maser moved to approve as amended. seconded by Mr. Lege. Roll call, Mr. Strelau, abstain, Mr. Bolander-yes, Mr. -Maser- yes, Mr. Lege- yes.

Pulte Homes Variance # 01-6054
Mr. Bolander asked who was present representing Pulte Homes and Sharp Development. Mr. Robert Iser was sworn in representing Pulte Homes. Bob Dyer, Matt Casey and Tony Kucia were also present representing Pulte Homes. Mr. Iser stated that Pulte Homes is requesting variances for the Harvest Village cluster site within the Woodgate Farms subdivision.

#01-6054
Mr. Bolander stated that there are 3 applications submitted for this cluster site. The first one that the board will deal with is application # 01-6054, relating to setback regulations. Mr. Iser stated that due to the irregularity of the site and rather large houses, it allows more of a village atmosphere if the homes are set closer to the street. In order to accommodate the rear setback regulations and the size of the homes, it is necessary for the homes to be set closer to the road. Also, the variance will allow for varied setbacks within the development. Mr. Bolander asked if the homes were smaller, would they conform to the regulations? Mr. Iser stated that smaller homes would be needed to meet the setback regulations.

Mr. Strelau stated that the applicant stated the requested setback regulations would provide for varied frontage, however the plan submitted does not show many variations other than at the cul de sacs. Mr. Iser stated that most of the homes are at the 25 foot setback line and there are a few with varied setbacks in the cul de sacs. Mr. Iser stated that the 50 foot buffer is required to be in place around the entire PRD zone. Placing the homes further back would encroach on the 50 foot rear setback. Mr. Strelau asked if this site could be developed with fewer units and smaller homes and still be economically possible.

Mr. Iser stated that this plan would be the fewest amount of lots that could be developed for Pulte Homes to consider building on this site. Mr. Strelau asked what would be done if the variances were not granted? It is with the land planner to create a design that would be economically feasible.

Mr. Vernon Mc Guinness, Schady Road, stated that developers are coming into the Township and exploiting our land. Allowing developers smaller frontage should not be allowed.

Mr. Bolander stated that the issue of zoning should have been brought before the zoning commission. The issues today are requested variances within the subdivision.
Mr. Knestrick, Sprague Road, stated that sidewalks are a necessity. With reduced setback regulations and no sidewalks, safety for children in these areas can be an issue. Also, will school buses and fire trucks be accessible to these areas? This development may create faster traffic.

Mr. Iser stated that studies have shown that this type of development has decreased traffic speed. These will be private streets within the cluster site.

Mr. Bolander asked if school buses will go down those streets?

Mr. Iser stated that the school districts vary, they may collect children at different points along the streets. However the streets are designed within the county regulations and school buses will be able to access those streets.

Mr. Bolander stated that school buses are not permitted to “collect” students unless they have side walks to walk to a collection point.

Mr. Bolander asked what the length of the private street would be?

Mr. Knestrick stated that the promise was made not build another development like Raintree. if the homes are close together, fire rescue and equipment can not access the area.

Mr. Bolander stated that Raintree is not in the Township and he is unaware of that issue.

Mr. Hoffstetter, Schady Road, asked if parking will be permitted on the private roads. If the Home Owners Association will be providing the road repairs, what are the proposed dues? Also, if the HOA does not have the funds, who will assume the cost for road repairs and maintenance? Mr. Iser stated that the HOA will be responsible for road maintenance and repairs. The HOA may be run by a management company or by the homeowners in the development. The expected dues are $55.00 - $100.00 monthly.

Wes Bement, Schady Road, stated that with short setbacks and no sidewalks, safety is an issue for children in the area. Where do people walk within the development. When snow is an issue, it creates an even smaller area for walking.

Mr. Bolander stated that, a previous question was asked, and that the buildings are not permitted to be closer than 20 feet, other than living areas with windows facing each other, the distance should be 60 feet.

Mr. Strelau asked if there were units without side setbacks. Mr. Iser stated that there are a couple attached units within the development area.

Mark Chokan, Bagley Road, asked if there will be accessory parking areas, since driveways and streets would not accommodate visitors.

Mr. Iser stated that there is additional parking within the cluster site.

Mr. Bolander asked if it is possible to shorten the back yard to allow further setbacks from the road. Mr. Iser stated that it is possible. However, additional cost would be created in driveway construction. Mr. Dyer stated that the shape of the property is a hardship. The parcel abuts property outside of the PRD zone and also has an out parcel in the middle of the property along Schady Road. The 50 foot buffer zone must be maintained throughout the development abutting property outside of the PRD. Most of the property along the west side of the cluster site abuts the existing residential zone.
Mr. Strelau asked if the developer would consider trying to rearrange the lots in order to conform with our zoning resolution.

Mr. Strelau stated that there are three applications for variances within the development. All three are connected and one variance should not be considered in order to create another problem. Also, the variance regarding street width should be considered again, since the street width conforms to the regulations.

Mr. Bolander stated that he did not want to consider one variance without hearing all of the requests. Mr. Bolander stated that he felt that it was unnecessary to consider application #01-6056.

Mr. Isler stated that Pulte Homes would like to withdraw application #01-6056, regarding street width, due to the fact that the road width complies with private street regulations.

Mr. Bolander stated that with the approval of the other board members he would accept the request to withdraw application 01-6056.

Mr. Bolander stated that he would like to hear application #01-6055 regarding a variance for sidewalks. Mr. Bolander stated that reading the variance for sidewalks, it should pertain only to the request for a variance for sidewalks within the Harvest Village development.

Mr. Strelau stated that he would like only to entertain the issue pertaining to the Harvest Village development site.

Mr. Bolander would like to know the reasons for eliminating sidewalks within this development. Mr. Bolander stated that if sidewalks were created it would take up 7 feet from the front yard of the property.

Mr. Isler stated that this is correct. The utilities, water, electric, cable would need to be placed under the sidewalks.

Mr. Knestrick asked who would be responsible for trash pick up. With children and school buses and possible service trucks at the same time, the issue of safety should be considered.

Mr. Isler said that a company would be hired for trash removal.

Tracy Rinas, Sharp Road, stated without sidewalks, children would have to walk in the street.

Mr. Hoffstetter, asked if the request for these variances an economic hardship, and how does the board rule on economic hardship.

Mr. Bolander stated that the board takes into all aspects of the variance request.

Mr. Dyer stated that if the concerns are based on the sidewalk issue, if the homes were permitted to be moved further back, the sidewalks would be able to be created. Also, maybe sidewalks could be created on one side of the street. In some communities, sidewalks could be created with a rolled curb and the sidewalk directly off the curb. We like the design submitted., however we would like to address the public's concerns.

Mr. Strelau asked the board to review section 540 of the Olmsted Township Zoning Resolution before rendering a decision on these issues.

Mr. Dyer stated that they could work on some changes to this plan and return next month.
Mr. Knestrick stated that possibly removing one home from the entrance street, the entire road could be moved to accommodate the setback regulations.

Mr. Iser stated that they would like to table application #01-6054 and #01-6055 until next month’s meeting.

Mr. Bolander stated with the board’s approval the applications would be tabled until March 21, 2001 at 8:00 PM.

Mr. Strelau asked that Pulte Homes return with substantial changes in the design of the cluster site.

Mr. Dyer stated that the 4 units per acre is not over crowding and is allowable under the Township’s regulations.
Mr. Strelau asked why the variance is needed, if the property is not too crowded for 27 lots.
Mr. Dyer stated that due to the narrow dimensions of the lot and the larger than normal required setbacks to parcels outside the PRD, the area does not provide for the amount of homes necessary for the development.

Mr. Strelau asked why the clusters needed to go on that parcel.
Mr. Iser stated that the design was to create a large area of open space and shrubbery along the main entrance. there is a lot of area along the main road that does not have homes along that entrance drive. Also, the general development plan has been approved for clusters.

Mrs. Rinas, Sharp Road asked if the home size could be reduced to allow conforming lots on that parcel.

Mr. Iser stated that Pulte homes does not build small homes and the area will be more impressive. These homes will look like single family homes and not cluster homes. The homes are much more appealing than traditional cluster homes.

Mr. Bolander stated that there being no further questions, at the request of Pulte Homes, this hearing will be continued until March 21, 2001 at 8:00 PM.

#01-6057
Mr. Bolander asked for the Public Notice to be read regarding application 01-6057 regarding Sharp Development and Gross Builders apartment complex on the north side of Schady Road.

Mr. Gerber was present representing Sharp Development. Due to illness, no one was available to represent Gross Builders. Mr. Gerber presented a preliminary plan for the apartment complex.
Mr. Bolander asked how close the buildings were to Schady Road and the property to the north.
Mr. Gerber stated that it is approximately 60 feet from the Road.
Mr. Strelau asked why the mound was placed at the current location. If the intent was to block noise and view of the Ohio Turnpike, why was the mounding not done closer to the turnpike?
Mr. Martynowski stated that there is a retention basin there and Sharp Development wanted to keep that area as a natural open area.
Mr. Strelau is concerned about the 2-1 slope of the mound. That slope will make maintaining the growth on the mound difficult. Mr. Strelau asked if Sharp Development is requesting action on this application today.
Mr. Martynowski stated that due to the absence of a representative of Gross Builders, they would like to continue this discussion at the next meeting of the Board of Zoning Appeals. Mr. Martynowski stated that the design of the mound has been discussed with the builder and may need further consideration.
Wes Bement asked if there is a maximum height, what is the variance requesting. Mr. Bolander stated that the resolution states 8 foot maximum height and the developer is asking for 15 foot high mounds.
Mr. Bement asked if the mound is required.
Mr. Martynowski stated that the mound is not required, it is meant to help control sound from the Turnpike.
Mr. Strelau asked what the area to the east of the property would be used for.
Mr. Martynowski stated that the property to the east will be deeded to the Township and will not be developed by Sharp Development.
Mr. Chohan asked what the buffering will be along Schady Road. Will the buffering be the same as the PRD area? He would also like to know the style or size of the buildings.
Mr. Martynowski stated that the style of the units is not know at this time.
Mr. Bolander stated that at the request of the applicant this application will be held until the next meeting of the Board of appeals.

#01-6058
Mr. Bolander asked the secretary to read the public notice for application 01-6058, regarding required garaged parking spaces for multi family units, submitted by Sharp Development and Gross Builders.

Mr. Gerber stated that in condominium units, these regulations are more common. In apartment complexes, there is less use of garage space by the residents.

Mr. Strelau asked if there will be an additional charge to the renter to have a garage. That would be a major factor in the use of garage spaces. Most residents would choose to park a car outside, rather than pay a fee to park in a garage.

Mr. Gerber stated that these issues could be answered at the next meeting. If possible they would like to continue the hearing until next month.
Mr. Bement asked how many units are planned and how many garage spaces are proposed? Mr. Gerber stated 348 units and 775 parking spaces. 507 open parking spaces and 268 garages.

Mr. Chokin stated that there is only one access drive. Would it be advantageous for public service vehicles to include another entrance? Mr. Martynowski stated that the intent was to keep the traffic area maintained to one driveway.

Mr. Strelau stated that he would like to see any provisions made for handicapped parking and access, He would like to know where these areas are as well as any bike racks or additional information.

Mr. Bolander asked Sharp Development to request in writing their desire to continue this hearing. Mr. Bolander moved to accept the request to continue this hearing until March. Seconded by Mr. Strelau. Roll call, all approved.

Floor Discussion

Mr. Strelau moved to adjourn. Seconded by Mr. Maser. Roll call, all approved.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, chairman date

3/21/01
The regular meeting of March 21, 2001 of the Olmsted Township Board of Zoning Appeals was called to order at 8:00 PM. Present was Chairman James Bolander, Larry Maser, Ed Lege, and Martin Streval. Alla Workman was absent due to a prior commitment.

The secretary read the minutes from the meeting of February 14, 2001. Mr. Maser moved to approve as read. Seconded by Mr. Lege. Roll call, all approved.

Correspondence
The secretary read a letter received from Pulte Homes, withdrawing applications # 01-6054, 6055, 6056.

The secretary read a letter from the Olmsted Township Zoning Commission regarding a requested meeting to update the current zoning Resolution and Comprehensive Land Use Plan for March 4, 2001.

Application # 01-6057 Sharp Development and Gross Builders.
Variance for height of Mounding within RMFA District

Mr. Bolander asked for the applicant to come forward. Mr. Ken Starrett of Gross Builders was sworn in. Mr. Starrett presented a preliminary design for the RMFA site on the North side of Schady Road, East of Jennings Road. Mr. Starrett stated that Gross builders currently owns 3500 apartment units. The company has never sold a property they have developed and all properties are managed by Gross Builders. Also, on site resident managers are at all apartment complexes. Mr. Starrett stated that there are 34 acres located at this site and 348 units are proposed. Mr. Starrett stated that the site has been designed to keep natural areas behind the complex along the Ohio Turnpike. Also, Several large trees will be kept and the complex will be designed around those. The complex will consist of 3 story Georgian Colonial style units. Also, a clubhouse and a pool will be available to residents of the complex. All buildings have secured entrances and have 12 units per building. Mr. Starrett provide proposed sketches and landscaping designs for the site. Also presented were photos of existing complexes that are owned by Gross Builders.

Greg Antole, Schady Road, would like to know if the buildings will be visible from Schady Road. Mr. Starrett stated yes, the area is very flat and the buildings will be seen from the road.

Tony Leanza, Sprague Road, is concerned that the surrounding roads will not be adequate to handle additional traffic created from these developments. Mr. Tom Gerber, representing Sharp Development, stated that engineering plans are being done now to create turning lanes and traffic signals at the intersection of Stearns and Schady Roads.

Mr. Starrett stated that this will be a private development. All services will be provided by Gross Builders. Trash removal, snow plowing and all road maintenance will be provided.

Ken Barbarino, Sprague Road, asked what measures are taken to control mud and construction dirt. Mr. Starrett stated that there are regulations regarding construction debris. All county regulations must be met.
Mr. Bolander stated that the mound at the rear of the property is the application before the Board. Please address any questions regarding that item to the Board.

Mr. Strelau asked if any policing of the area is done, such as to prevent any destructive activity behind the mound. Mr. Starrett stated that Gross currently has mounds of this height on other properties and has had no problems with vandalism.

Ryan Thomas, Westwood Lane, would like to know if the decision of the Board of Zoning Appeals nullify the Zoning Commissions review. The Zoning Commission has not been presented with a development plan yet.

Mr. Bolander asked why this has not been heard by the Zoning Commission. That issue needs to be worked out by the Boards. Mrs. Tabor stated that The Cuyahoga County Planning Commission has requested that Gross Builders receive the necessary variances before a plan will be reviewed by them.

Mr. Bolander asked if the audience had any further questions. Being none, Mr. Strelau moved to approve application #01-6057 as submitted. Seconded by Mr. Lege. Roll call, all approved.

Application #01-6058 Gross Builders and Sharp Development
Variance for number of required garage spaces

Mr. Starrett explained that the required spaces determined in our Zoning Resolution are applicable to condominium type housing. The number of required spaces far exceed the demand for apartment type units. Most residents prefer to park near the door of their building. Since there is an additional charge for garage parking most residents choose to park outside.

Mr. Strelau asked if each unit will have a separate garage door and are the garage units separated. Also, if needed will indoor parking be available to tenants if outdoor parking is unavailable. Mr. Starrett stated that each garage has a two car bay and a two car garage door. Mr. Starrett stated that the garages will be available for parking only by lease.

Mr. Strelau asked if there are regulations regarding junk car parking. Mr. Starrett stated that all vehicles must be licensed and currently tagged or the management will remove the vehicle. Mr. Strelau asked if there are any provisions for motorcycle or bicycle parking. Mr. Starrett stated that currently there are no plans for bike parking and motorcycles are frowned upon due to the noise created.

Mr. Strelau asked if there is parking available at the club house.

Mr. Lege asked what percentages do Gross builders have for parking spaces at other complexes. Mr. Starrett stated that at some developments, 1 available garage space per unit has vacancies and others have a waiting list to obtain garage space. Mr. Starrett stated that if the demand for garage space is higher, additional garages can be built or additions to existing garages is possible.
Matt Haney, Sprague Road, asked if there are sidewalks and where would children park there bikes? Mr. Starrett stated that there are sidewalks from the parking area to the front doors of each building.

Mr. Starrett stated that this type of housing generally does not attract families with children. In the past these type of developments do not need racks for bikes. However the entire area will be accessible to fire trucks and school buses.

Mr. Lege moved to approve application #01-6058 as submitted. Seconded by Mr. Maser. Roll call, all approved.

Application #01-6060
Tony Leanza, variance for lot split

Mr. Leanza was sworn in. Mr. Leanza stated that he is requesting a lot split on his property. At the time he purchased the property, it was presented as two separate lots. The lot consolidation had been done prior to Mr. Leanza’s purchase. Mr. Leanza stated that the taxes he is paying on the consolidated parcel is well above what it would be if the lots were separate. Mr. Leanza stated that due to a one acre parcel sold to the property owner to the west, the remaining lot would be non-conforming. Previous Zoning Inspector Michael Moir approved a lot split and consolidation for this property. Do to the configuration of the property and the placement of the home on the property, the lot that Mr. Leanza planned to sell as a buildable second lot, was now part of one lot. A lot split now would be non-conforming do to the amount of road frontage, available to split these lots. Mr. Leanza stated that he could allow 60 feet of frontage for the second lot. Although that portion would not be buildable, the property opens up wider at the rear of the lot.

Yvonne Hullinger is the realtor that represented Mr. Leanza at the purchase of these lots. She stated that at the time of the property transfer, it was stated on all documents that this was two lots.

Mr. Strelau stated that the resolution of this issue lies with the County Recorder. Mrs. Tabor stated that the lot split and consolidation was filed correctly. Former Zoning Inspector Michael Moir, required the remaining lots to be consolidated after a parcel sold to Mr. Lucas created a non conforming lot. It is Mr. Leanza’s issue to have these lots returned to the state they were presented to him for sale. He may go to the previous owner for restitution, the Township and the County are not responsible.

Mr. Leanza stated that, upon advise of council, he is requesting this variance before proceeding with legal action against the previous property owner.

Mr. Bolander stated that he was not willing to create a non conforming lot. He stated that a conforming lot could be created by creating an angled lot. The lot would not necessarily be standard, but it would be conforming.
The board discussed Mr. Leanza's options. Following discussion Mr. Leanza withdrew his application. The board recommended that Mr. Leanza talk with Zoning Inspector Fred Maurer on conforming ways to split the lot.

Application # 01- 6072 Randy Kanz
Varience for shed
The secretary read the public notice for application #01-6072. Mr. Kanz was sworn in. Mr. Kanz stated that due to the amount of lawn maintenance equipment, he was unable to park his vehicles in his garage. Mr. Kanz is requesting a variance to allow a larger than permitted shed to accommodate all of his yard equipment. Mr. Maser asked if the variance is requesting an increase of 2 square feet. Mr. Bolander asked how tall the walls were. Mr. Kanz stated that the side walls would be 6 feet high.

Mr. Maser moved to approve as submitted. Seconded by Mr. Strelau. Roll call, all approved.

Floor Discussion

Mr. Maser moved to adjourn at 10:05 PM. Seconded by Mr. Lege. Roll call, all approved.

Respectfully submitted,

[Signature]

Tammy Tabor, secretary

[Signature]

James Bolander, Chairman  4/18/10
The Olmsted Township Board of Zoning Appeals regular meeting of April 18, 2001 was called to order at 8:00 PM. Present was Chairman James Bolander, Martin Strelau, Alla Workman, Edward Lege and Larry Maser. Also present was secretary Tammy Tabor and Assistant County Prosecutor Joycee Dodrill. Mr. Bolander asked the audience to stand for the Pledge of Allegiance. The secretary read the minutes from the meeting of March 21, 2001. Mr. Strelau moved to approve as read. Seconded by Mr. Lege. Roll call, all approved.

Conditional Use application # 01-6085, Stearns Road Mini Storage

Mr. John Hocevar was sworn in. Mr. Hocevar stated that at the time of application for construction at the mini storage, he was unaware that a conditional use was necessary for outdoor storage. Mr. Hocevar stated that due to his father's health, the facility is being sold. The prospective buyer would like to be assured that outdoor storage is permitted.

Mrs. Workman asked how long the mini storage facility has been in operation. Mr. Hocevar stated that the facility has been in operation for six years and has offered outdoor storage since that time. Mr. Hocevar stated that the zoning inspector has never mentioned that a conditional use permit was needed to offer outdoor storage. The outdoor space is used for motor homes, campers, boats, etc.

Mrs. Workman asked if Mr. Hocevar could show where the outdoor storage is located on the property. Mr. Lege asked if the area is paved. Mr. Hocevar stated that a portion is paved and another area is gravel. Mr. Hocevar stated that he does not use the gravel area for parking other than when the asphalt was being repaired. Mr. Bolander asked if there are vehicles on the gravel area currently. Mr. Hocevar stated that there are vehicles parked on the gravel. Mr. Lege stated that all parking areas must be paved. Mr. Hocevar stated that he could have all vehicles currently on the gravel moved to the paved area. Mrs. Workman asked if the paved area is currently being repaired. Mr. Hocevar said no.

Mr. Lege asked why the entire area was not paved to allow parking. Mr. Hocevar stated that the area is only for temporary parking. Mr. Lege asked how much outdoor area has increased since the opening of the storage facility. Mr. Hocevar stated that they have added several new buildings and the need for outdoor storage has decreased. The prospective buyer has requested that a conditional use be approved before purchasing the property.

Mr. Bolander stated that all areas for parking must be paved and at this time Mr. Hocevar does not comply with that regulation. Mr. Hocevar stated that, within a day he could have all of the vehicles moved onto the paved areas. Mr. Bolander asked what the stone area is used for. Mr. Hocevar stated that it is used for parking. Mr. Hocevar stated that he has not had an opportunity or a need to pave that area. Mr. Bolander stated that if the area is used for parking, it does not comply with the Zoning Resolution. Mr. Hocevar asked what does not comply. Mr. Bolander stated that all parking areas must be paved. Mr. Hocevar stated that all needed area for parking is paved, he will have all vehicles moved from the stone to the paved area.

Mr. Bolander asked if the prospective buyer will not purchase the property without a conditional use permit. Mr. Hocevar stated yes. Mr. Bolander stated that Mr. Hocevar is not willing to comply with the requirements to obtain the conditional use permit. Mr. Hocevar asked what does not comply. Mr. Bolander stated that all areas must be paved. Mr. Hocevar stated that he can
park everything on the currently paved areas. The stone area was used while the parking areas were being repaired and striped for parking. Mrs. Workman asked if it became a permanent area for parking then. Mr. Hocevar stated that people did not immediately return to move their vehicles.

Mr. Strelau asked if the setback regulations are currently complied with and the fencing requirements are met. Mr. Strelau stated that the paved areas must be 25 feet from the residential property. Mr. Hocevar asked if that means where the paving starts or the buildings. Mr. Strelau asked if Mr. Hocevar could show where his fence is and if it is on the property line or inside of the line. Mr. Hocevar stated that the fence is on the property line. Mr. Strelau stated that he has some concern that the side setback abutting the residential areas is not within regulations. The fencing was permitted, however we have nothing on the application showing parking areas. Mr. Strelau asked what type of fence is there around the parking area. Mr. Hocevar stated that is a chain link fence. Mr. Bolander stated that since it was previously permitted, it would be allowed. The secretary read the requirements for outdoor storage in commercial districts.

Diane Scott, Stearns Road, was sworn in. Mrs. Scott stated that she lives at the property north of the mini storage. Mrs. Scott stated that her privacy has been an issue with the Mini Storage. The lights are a nuisance, the fencing is not adequate and the Board of Health has had to ask Mr. Hocevar to move the outhouse to the other side of his property, away from the residents. Mrs. Scott stated that the outhouse has blown over and landed on her property. Mrs. Scott stated that the sign and the lights are on all night. Mr. Hocevar stated that he has installed a 64 foot section of board on board fencing along the property line between the Scott’s home and the mini storage. Mr. Hocevar stated that the outhouse was placed along the driveway because of hunting in the Township. He was afraid that someone could be shot if the out house was along the railroad tracks.

Mr. Dale Roser, Stearns Road, was sworn in. Mr. Roser stated that the property used for outdoor parking is behind his property. Mr. Roser would like to know if any plans for drainage are proposed for the area. Mr. Roser stated that the mini storage site has been raised approximately 3 feet above the grade of the surrounding properties. Will the outdoor area be raised as well, and how can the property owners be assured that Mr. Hocevar will not create another flooding problem for the neighbors?

Ryan Thomas, Westwood Lane, was sworn in. Mr. Thomas asked if the conditional use permit will be transferable to the new owner and will the new owner be responsible for complying with the code.

The board discussed the issue of the conditional use being transferred to the new owner provided all conditions are met and the Zoning Inspector approves of the conditions.

Mr. Bolander stated that as the property stands, it does not comply. The Inspector would not be able to approve the transfer. Mr. Bolander stated that no vehicles are permitted to park on gravel areas, and the setback requirements must be met. Mr. Bolander stated that the board could table this hearing and allow Mr. Hocevar time to comply with the Zoning Resolution. Mr. Hocevar agreed.

Mrs. Workman moved to table until the next meeting of the Board of Zoning Appeals. Seconded by Mr. Strelau. Roll call, all approved.
Variance request DiSanto Enterprises

The secretary read the legal notice for application # 01-6083

Bruce Rincor and Tony Coyne attorneys for DiSanto Enterprises were present. Michael DiSanto and John Buckey were also present representing DiSanto Enterprises. Mr. Rincor informed the board of the court ruling allowing 150 multi family units on the 27 acres of DiSanto property. Mr. Rincor stated that the requested variances are practical and reasonable.

Michael DiSanto was sworn in. Mr. DiSanto stated that he has owned the property for three years. He had requested that the property be zoned to allow a higher density because water and sewer were becoming available to the property. The Olmsted Township Zoning Commission had denied that request. Mr. DiSanto, along with another developer, had entered into a lawsuit with Olmsted Township. The Court allowed a judgment for 150 multi family units on that property. According to the multi family requirements in the Olmsted Township Zoning Resolution 190 units are permitted, Mr. DiSanto stated that he is requesting 138 units to be permitted. Mr. DiSanto stated that the units he is proposing are single detached units. He feels that it is a better product and provides the least impact to the surrounding area. Ryan Homes is currently building this type of home in Olmsted Falls. Mr. DiSanto stated that these homes will create a larger tax base for the Township, have more curb appeal, provide side yards and more green space around the homes. Mr. DiSanto stated that this plan will provide a 25 foot setback around the entire development and provide 10 % common space within the development. Mr. DiSanto stated that the O.T. zoning code only requires a 10 foot buffer. Mr. DiSanto stated that the residents in the area have concerns about the buffering around this development. Mr. DiSanto stated that he has met with the residents and has discussed what type of buffering would be adequate. Mr. DiSanto stated that a market study has determined what type of housing would be best for the community. Mr. DiSanto stated that the detached units are more desirable than attached units.

Mr. Strelau asked who would own the buffer area around the development? Mr. DiSanto stated that the buffer area would be owned by the homeowners association. Mr. DiSanto stated that the Board of Trustees had requested a donation of $300.00 per unit towards a new fire station in the Township. Mr. DiSanto stated that he agreed as long as his plan was approved and the variances were granted he would donate to the fire department fund.

Mr. DiSanto stated that he was able to meet informally with each of the Trustees. Mr. DiSanto stated that two of the Trustees were pleased with the overall plan and one has remained neutral to allow the BZA, the Zoning Commission and the residents to form their own opinion.

Mrs. Workman asked if the market study done was a formal study or one done within DiSanto Enterprises. Mr. DiSanto stated that the study was done within his company. Mrs. Workman asked why the homes needed to be moved so far forward to need a variance? Mr. DiSanto stated that the perimeter lots could be set further back but, would not allow for the 25 foot buffer zone. Mr. DiSanto stated that he is requesting less density. He feels that the Olmsted Township market would support single family detached units rather than multi family. The surrounding neighbors would rather have single units than large condominium buildings.

Mr. Strelau stated that all of the variances need to be considered before any one could be approved.
Mr. Bolander stated that his view of the plan does not show houses on the lots. Mr. Bolander asked if as a developer, does Mr. DiSanto feel that the type of housing he is proposing, single detached homes, is more desirable than townhouses. Mr. DiSanto stated that yes, and people are willing to pay more for it. Mr. DiSanto stated that either of the products would sell in the Township, however single detached units are more desirable. That opinion is based on the study done with Ryan Homes in the last year. Mr. Bolander asked if the revenue from the development would be more for single family homes. Mr. DiSanto stated that his company would gain approximately the same revenue from townhouses or single family units

Michael Stallard, Schady Road, was sworn in. Mr. Stallard stated that he prefers the single units over townhouses. Mr. Stallard stated that the buffering is a real concern. He stated that the 3-4 foot mounds would not be adequate. Mr. Stallard stated that approving this may set a precedent. The NRP Group has the same type of approval through the court judgment and will request the same type of housing be approved. Mr. Stallard stated that the buffering is not shown along the soccer field. Mr. DiSanto stated that the buffering will continue along the entire development including along the soccer field. Mr. Stallard would like a better definition of buffer zone. Mr. DiSanto stated that he will not remove heavy vegetation to install mounding. He will put in buffering mounds where vegetation is not present.

Mrs. Workman asked how many bedrooms would these units have. Mr. DiSanto stated that the units would have 2-3 bedrooms. Mr. Lege asked how many square feet will be in each unit. Mr. DiSanto stated that townhouse units would be approximately 1100 square feet 2-3 bedrooms, single detached units are 1300- 1800 square feet and have 3 bedrooms. Mr. Stallard asked if the County Planning Commission has returned any recommendations. Mr. Bolander stated that the county does not need to review this. Don Haurin, Stearns Road was sworn in. Mr. Haurin asked how it is determined that trees will be left and when is it necessary for a buffering mound to be created. Mr. Stallard asked how the continuing of a buffer zone is enforced. Also what is to keep the home owner form destroying existing buffers. Mr. Coyne stated that the HOA will hold the homeowner responsible. The Township should also be able to enforce the agreement.

Peter Zwick, Stearns Road was sworn in. Mr. Zwick stated that he is in favor of this development. The lower densities and detached lots are more desirable than multi family units. Mrs. Workman asked where Mr. Zwick’s property is in relation to the development area. Mr. Zwick stated that his property is on the west side of Stearns Road. Mr. Stallard stated that Mr. Zwick owns several lots on Stearns Road and may want to develop in the same manner in the future.

Christ Samikos, Stearns Road was sworn in. Mr. Samikos asked what the cost would be to provide the buffering that Mr. Stallard is asking for.

Mr. DiSanto is offering mounding and vegetation and fencing where vegetation does not exist. Mr. Lege asked what the distance is between the units, and are there other developments that have this type of housing. Mr. Coyne stated that 15 feet will be between each unit and Quail Hollow in Westlake has this type of development.
Mr. DiSanto stated that other communities are less restrictive than Olmsted Township. Mr. DiSanto stated that in Painsville Township he is building homes with 5 foot side lot lines. Mr. Lege asked what type of development is that. Mr. DiSanto stated that it is a PUD.

Mr. Lege asked if sidewalks are proposed for this development. Mr. DiSanto stated that if the code requires sidewalks, they will be included in this development. Mr. DiSanto stated that this is a private community, no Township dollars will be needed to maintain this area.

Mrs. Workman stated that our regulations require 100 feet between main walls and Mr. DiSanto is proposing 50 feet between main walls. The variance does seem to be substantial. Mr. DiSanto stated that the RMFT zoning is very restrictive. The houses are much closer in other RMFT zones. In RMFT zones, there are no lot lines, they are zero lot line properties.

Mr. Rincor stated that whether you are building 6 units or 2, you have common walls and common roofs. This plan separates those units. The variances, the nine criteria, imply that there is something that you don't want to lose, something problematic. Mr. Rincor would like to know what the problem is. What is the difference that is wrong. Mr. Rincor asked if the Board is worried about a precedent.

Mr. Strelau asked what the problem is with meeting the regulations. Mr. Rincor stated that what he is hearing from the developers is that this is a product that people want and will pay more for it. It is a better quality product. Mr. DiSanto stated that it is a more beautiful product. Mr. Strelau stated that the zoning code does not deal with either of those issues. From a zoning standpoint, Mr. Strelau asked what the problem is with meeting the criteria of the zoning code. Mr. Coyne stated that they have met 7 of the steps. Mr. Strelau stated that they have not established that 7 of the steps have been met. Mr. Coyne stated that they feel that they have met the 7 points. Mr. Coyne stated that they have heard from the audience that this is a much better product, and if there is an issue from the residents, they want to make sure that the buffer is adequate. Mr. Coyne stated that what has been proposed, a 25 foot buffer is better. If you take into account, it is appropriate that DiSanto come to the Board and get a variance. Mr. Coyne stated that what is proposed and what the judgment entry states is in variance. Mr. Strelau asked what is in the judgment entry that varies. Mr. Coyne stated that the judgment entry states 150 units, they are proposing 138 units. Mr. Rincor stated that the RMFT allows 190 units. That is greater than what the judgment entry allows. They are not changing the use of the land. A land owner is entitled to develop the property within reason. When the govt. imposes restrictions you are asking for an irrational relationship. It is the right of the property owner to develop. We are not asking to change the use. Mr. Strelau stated that the regulated use is townhouse and the proposed development is single family. Mr. Strelau asked Ms. Dodrill what the definition of RMFT is. Ms. Dodrill stated that the RMFT implies single family attached units, the use is residential, the purpose is single family. Mr. Rincor asked what the problem is, if the units are detached or attached. what is the problem if they detach units. Mr. Rincor stated that you eliminate common walls and add privacy and create more open space around detached units.

Mr. Strelau asked why they cannot meet the current zoning resolution, he has still not received an answer. Mr. Rincor stated that practically this is a better way to go.
Mr. Strelau asked Ms. Dodrill to address section 540.06 of the zoning resolution. What type of latitude does the board have on granting variances. Further information and approval of the actual buffering along the perimeter of the development. Mr. Strelau would like to see the landscaping and the buffering around the property. Ms. Dodrill stated that the board may include conditions that it deems necessary. Ms. Dodrill stated that the Board may include conditions to the variance that are within the spirit of the resolution. Ms. Dodrill stated that they could include conditions related to the buffering in the variance granted.

Marty Strelau stated that this is, in his opinion, spot zoning. There is nothing in the area that is like this. It exists some distance down the street and there are physical barriers between the homes and the development. This seems to be hybrid zoning. Instead of R1-40 it may be considered R1-5. It is in the best interest of this board to protect the surrounding properties. If trees die, they should be replaced. If the developer wants to build this type of development, let’s buffer it from the rest of the township.

Mr. Coyne asked if this would be approved if they agree to this contingency. Mr. Strelau stated that he is suggesting some contingencies if the board should choose to approve this variance. Mr. Bolander asked what Mr. Strelau was intending for contingencies. Mr. Strelau stated that the buffering issue would be a main item. Mr. Bolander asked the board if they could like to see Mr. DiSanto return with a formal plan for buffering. Mr. Strelau stated that Ms. Dodrill feels that it falls within the authority of the Zoning Commission, he would defer to that board. Ms. Dodrill stated that the variance contingency can be with the BZA, the final plan approval is with the Zoning Commission.

Mr. Coyne stated that the board could move to approve the variance with the condition that was mentioned, buffer and maintenance of the buffer though the HOA.

Mr. Strelau stated that they could table the application to carefully determine that motion.

Mr. Coyne stated that Mr. DiSanto is trying to work with the community and the surrounding neighbors. If the board would like to table this application to work on the language with the lawyers, we can table the hearing to a special meeting where this would be the only item on the agenda that would be acceptable. If any additional cost would be involved, that would be handled by Mr. DiSanto. Mr. Strelau stated that to avoid any precedent being set, he would like time to review this application with Ms. Dodrill.

Mr. Stallard asked if the homeowners will get a chance to review this agreement with their lawyers before a vote is taken. Mr. Stallard stated that the developers will go off behind closed doors and decide what they want to do. Mr. Bolander stated that at the next meeting the audience will have a chance to review the decision. Mr. Coyne stated that anything that is done will be made available to the public before any action is taken. Mr. Coyne stated that nothing is done behind closed doors. Mr. Stallard asked if the parties have met with the Trustees and the attorneys prior to the public hearings.

Ms. Dodrill asked what the board would like included in the conditions. Mr. Bolander stated that the maintenance of buffering is continued as well as the amount and size of buffer zones should be included. Ms. Dodrill stated that she will work with the board on the conditions of the approval.
Mr. Strelau asked Mr. Thomas, a member of the Zoning Commission, if the Commission had any comments on what they have seen with this proposal. Mr. Thomas stated that he has no comment on the application.
Mr. Strelau moved to table this application until May 2, 2001 at 8:00 PM. Seconded by Mr. Lege. Roll call, all approved.
Mrs. Workman moved to adjourn. Seconded by Mr. Maser. Roll call, all approved.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman
The Olmsted Township Board of Zoning Appeals special meeting was called to order May 2, 2001 at 8:00 PM. Present was chairman James Bolander, Edward Lege, Alla Workman and Martin Strelau. Also present was secretary Tammy Tabor and David Lambert and Joyce Dodrill from the Cuyahoga County Prosecutors Office. Mr. Bolander asked the audience to stand for the Pledge of Allegiance. Mr. Strelau moved to approve the minutes from the April 18, 2001 meeting as submitted. Seconded by Mr. Lege. Roll call, all approved.

Correspondence
The secretary reported that a draft of proposed conditions for DiSanto Enterprises request for variances, was received from Joyce Dodrill. Mr. Strelau worked with Ms. Dodrill to draft possible conditions for approval of requested variances. Mr. Lambert provided the Board with a response to literature that was placed on mailboxes in the Township. The literature claimed private illegal meetings by the Board of Zoning Appeals and Joyce Dodrill. The information received from Mr. Lambert explained that the meetings with legal council did not fall under the Sunshine Act of meeting notification.

DiSanto Enterprises
Mr. Bolander requested that all documents presented be marked and submitted as exhibits to the Board of Zoning Appeals. Mr Michael DiSanto and Mr. Rinker were present representing DiSanto Enterprises.
Mr. Rinker stated that the Density study #1 for Townhouses be marked Exhibit #1.

Exhibit #2 - Density study #2 Townhouse plans

Exhibit #3 - Product for Density studies #2 & #3, multi plex townhouses.

Exhibit #4 - Density Study #3 Single detached units

Exhibit #5 - color photos of product submitted for density plan # 3.

Exhibit #6- Listed benefits to the Township if variances are granted to the submitted plan

Mr. Lambert requested that a copy for the Board’s record be made and smaller copies for the Board members.

Mr. Bolander explained that the request for variances be tabled at the April meeting to allow members time to work with Ms. Dodrill on language describing requested buffer zone. Mr. Bolander read the recommendations submitted by Mr. Strelau and Joyce Dodrill.

Don Haurin, Stearns Road, was sworn in. Mr. Haurin requested that trees and vegetation that were already existing be left on the property instead of creating mounds. Mr. Rinker stated that the mounding would only be created if the vegetation does not currently exist.

Mr. Strelau asked if a plan shows how the structures will be placed on the lots. Mr. DiSanto stated that the lots are shown on Density study #3.
Mr. Strelau asked how tall the structures would be. Mr. DiSanto stated that they would be less than 35 feet.

Mike Stallard, Schady Road, was sworn in. Mr. Stallard is concerned that the buffer along the east side of his property is not adequate. If the buffering is not required he will have 25 back yards facing his lot. Mr. DiSanto stated that the buffer zone will be completely around the property and will comply with the Board’s conditions if this is approved. Mr. DiSanto stated that the plan he is requesting will have a 25 foot buffer. If he builds townhouses, the buffer required will only be 10 feet.

Mr. Bolander asked if the trees would remain if plans #1 and #2 were developed. Mr. DiSanto stated that very little buffer would remain. With a 25 foot buffer, staggering of trees and vegetation and construction of mounds is possible.

Mr. Stallard stated that other developers are requesting higher mounds and required to provide 50 foot buffer zones around developments. Mr. DiSanto stated that higher mounds are not easily maintained. Mr. Stallard stated that this type of home is preferable to townhouses, but would like to be guaranteed a definite buffer zone.

Mr. Lege asked if the same density of the buffer would remain around the entire development. Mr. DiSanto stated that what is shown on the rear of the parcel exists, the rest will be created by the developer. Mr. Stallard stated that if nothing is added to the rear portion a buffer will not exist.

Mr. DiSanto stated that a landscaping plan will be submitted before construction can begin.

Mr. Bolander asked if single family detached units are not approved, will townhouses be built? Mr. DiSanto stated that if it is not approved, he will go to court to get his request approved.

Mr. Rinker stated that the requested variances will allow for a nicer, better quality, more expensive product.

Mr. Bolander asked why Mr. DiSanto did not request single family housing when he filed a lawsuit to gain the RMFT zoning. Mr. DiSanto stated that he did not have time to figure out what type of development he would like. He stated that 150 units would be the maximum number of units.

Ms. Dodrill stated that the judgment entry stated that the cost of the sewer project that is to be divided between the developers along Schady Road was determined by the density of the project. Ms. Dodrill stated that it was discussed with Mr. DiSanto that the issues of maximum density and the zoning were the only items to be determined by the judgement. Mr. DiSanto did not want to bear more of the cost due to an incorrect unit number. Mr. Strelau asked if the court would only grant a judgment for a zoning classification that existed at the time of the judgment. Ms. Dodrill stated that yes, nothing was included in the judgment other than zoning classification and density, and anything else was required to receive a variance through the Township.

Mr. Strelau stated that in reference to a previous question, the request for a 15 foot mound was along the Turnpike and was not a required buffer. The mound was still on the developer’s property and did not buffer anything other than the Turnpike. Mr. Strelau stated that the concerns he heard were that a dike might be formed around the entire development if mounds were
created. Mr. Lege stated that he felt that mounding mat help to decrease the water runoff from the development.

Mr. Bolander stated that if some of the units were eliminated or attached, the need for drastic variances would not be necessary. Mr. Bolander asked if the homes were set further back on the lot the need for a setback variance would not be necessary. Mr. DiSanto stated that if homes were placed further back, the buffer zone would be that much smaller. Mr. Bolander stated that smaller back yards would not encroach the 25 foot buffer. Mr. Bolander asked if some units were eliminated, could the lost revenue be added to the remaining lots? Mr. DiSanto stated that the lost revenue could not be made up by increasing the cost of remaining lots. Mr. DiSanto stated that the Township’s RMFT zoning lacks in comparison to other communities. Mr. DiSanto stated that they wanted to build homes that would be very comfortable for the residents that would live here.

Mr. Rinker stated that market factors determine Mr. DiSanto’s interest. The standard for use variances is practical difficulty not hardship.
Ms. Dodrill stated that there are 2 types of variances, area variances and use variances. Area variances refer to lot size and setbacks. The use variances would apply to how the area would be used, residential, commercial, etc. Area variance are considered for setbacks. For area variances you would go through the criteria in the Zoning Resolution. For use variances you use hardship as a criteria, a more strict standard for deciding variances.

Mr. Bolander asked who requested the fee per unit for the fire department fund? Mr. DiSanto stated that he was approached by a Trustee and was agreeable with that idea as long as the variances were approved. Mr. Bolander stated that if the townhouse plan was approved, the developer would pay $300.00 per unit. Mr. DiSanto stated that only if he was happy with the plan that the board approved, would the funds be paid toward the fire department fund.
Mrs. Workman stated that, according to the zoning resolution, the plan would not be a detriment to the surrounding community. Would the character of the surrounding area be substantially altered or detrimental as a result of the variances. Mr. Rinker stated that he feels that there would be more open space, no governmental services would be needed and increased taxes to the community. There are several more reasons that this development would not be a detriment to the surrounding area.

A resident of Usher Road was sworn in. He feels that the developers come in do what they want and leave. The increase on police and fire departments and schools is greater. The developers should donate to the schools, a school is needed more than a fire department. Mr. Bolander stated that the resident should voice his concerns to the trustees. Mr. Bolander stated that the BZA cannot change the fact that the developer may build up to 150 units.
Mr. Rinker stated that what Mr. DiSanto is proposing will bring in less families with children and it is a much nicer product than townhouses. Mr. Bolander asked if Mr. DiSanto feels that less children will live in this type of development. Mr. DiSanto stated statistically less school aged children live in this type of development.
Mr. Clough, Brentwood Drive, was sworn in. Mr. Clough stated that the setback of 19 and 25 feet from the road is very close. New homes built do not increase the revenue to the schools. The only time the schools will receive more funding is through a levy. Until that time the revenue is spread over more residents. The buffer zone does add more green space, however as the trees grow, the foliage is at the top of the trees and the ground level is bare. Mr. Clough also stated that increased traffic will be on Schady Road.

Mr. Rinker began reading the draft from Ms. Dodrill to the Board regarding the buffer zone conditions. Ms. Dodrill stated that the draft was for the Board's review only and should not be construed to be anything other than that. Mr. Strelau explained the draft he worked on with Ms. Dodrill regarding opacity requirements for the buffer zone.

Mr. Bolander asked if Mr. DiSanto is asking for approval of all variances or denial of all variances requested. Mr. DiSanto stated that if all variances are not approved, he will go to court.

Mr. Peter Zwick, Stearns Road, was sworn in. Mr. Zwick is in favor of the single family houses rather than attached homes.

Mr. Stallard asked for more regulations on buffer zones around this development. Mr. King, Stearns Road, was sworn in. Mr. King is in favor of the single family homes. Mr. Stallard asked if the Zoning Board has seen these plans. Mr. Bolander stated that if the variances are approved the plan will go to the Zoning Commission and the County for approval.

Mr. Bolander asked if Mr. DiSanto would agree to a 35 foot setback from the street. Mr. DiSanto stated that a 35 foot setback is unreasonable. Mr. DiSanto stated that people would prefer to have a larger back yard than front yard. Mr. Bolander asked if sidewalks would be in this development. Mr. DiSanto stated that if sidewalks are required, they will put them in. Mr. Bolander stated that if children are in the development, school buses must stop at each home where sidewalks do not exist. Mr. DiSanto stated that school buses do not go into a private development and there will not be many children in this development. Mr. DiSanto stated that he could agree to a 30 foot setback from the road, however the interior lots would not require a 44 foot setback from main wall to main wall. Mr. Clough stated that if there were no sidewalks it is not practical for children. The children would need to walk in the street, possibly with snow or rain on the road. It would probably be dangerous for the children.

Mr. Strelau made a motion to approve as submitted with conditions set forth in Ms. Dodrill's draft, regarding buffer zones, and be further modified to include that all natural buffers be preserved, and allow for 30 foot setbacks from the road and 44 foot setbacks from main wall to main wall on interior lots. Seconded by Mr. Lege. Mr. Stallard asked for discussion on this motion. Mr. Stallard requested that the board require the buffer zones to be more visible around the development. Roll call Mr. Lege-yes, Mr. Strelau-yes, Mrs. Workman-no, Mr. Bolander-yes.
Mrs Workman moved to adjourn. Seconded by Mr. Lege. Roll call, all approved.

Respectfully submitted,

[Signature]

Tammy Tabor, secretary

[Signature] 8/8/01

James Bolander, Chairman  Date
The Olmsted Township Board of Zoning Appeals regular meeting of June 20, 2001 was called to order at 8:00 PM. Present was chairman James Bolander, Edward Lege, Larry Maser, Alla Workman and Martin Strelau. Chairman James Bolander asked the audience to stand for the Pledge of Allegiance. Mrs. Workman moved to table the approval of minutes from the previous meeting of May 2, 2001 until the next regular meeting of the Board. Mrs. Workman would like time to review those minutes.

Correspondence
The secretary reported that 2 Items were received. Vita Mix has requested tabling the public hearing for a variance until recommendations on proposed rezoning from Cuyahoga County have been received.
John Hocevar submitted photos of the improvements made at the Stearns Road Mini Storage Facility.

Stearns Road Mini Storage, Conditional Use
John Hocevar and Tom Pavlik, attorney representing the Stearns Road Mini Storage were present. Mr. Pavlik stated that all outdoor parking areas have been paved. A buffer of 30 feet of the property abutting residential property has been created. The Board members reviewed photos of the improvements to the property. Mrs. Workman moved to approve the conditional use for application #01-6085 with the provision that all vehicles are stored on pavement and a barrier be created so that vehicles do not park on unpaved areas. Seconded by Mr. Maser. Roll call, all approved.

Justice & Bragg, Today’s Child, Conditional Use
The applicant was not present at the public hearing. The Board members discussed the fire that has destroyed the Greenbrooke Plaza, where Today’s Child had planned to operate the day care center. Due to the absence of the applicant and no communication regarding this request Mr. Strelau moved to deny application #01-6125 for conditional use. Seconded by Mrs. Workman. Roll call, all approved.
Mrs. Workman moved to accept Vita-Mix request to postpone the public hearing until the next meeting of the Board of Appeals. Seconded by Mr. Lege. Roll call, all approved.

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

Respectfully submitted,

[Signature]
Tammy Tubor, secretary

[Signature] 7/18/01
James Bolander, Chairman Date
The Olmsted Township Board of Zoning Appeals was called to order July 18, 2001 at 8:00 P.M. Chairman Bolander asked the audience to stand for the pledge of allegiance. Present was Chairman James Bolander, Martin Strelau, Edward Lege and secretary Tammy Tabor. Alla Workman and Larry Maser were absent.

Correspondence
Resolution from Cuyahoga County Planning Commission recommendation on Resolution D-01 Vita-Mix request for rezoning, also a letter and photos from James Jocke regarding the proposed Vita-mix variance.

Mr. Strelau moved to accept the minutes of June 20, 2001 as submitted. Seconded by Mr. Lege. Roll call, all approved.

Mr. Strelau moved to table the minutes from May 2, 2001 until the full board is present for approval. Seconded by Mr. Lege. Roll call all approved.

Vita-Mix, variance for building variance
The secretary read the public notice for application # 01-6155. Mr. John Barnard was present representing Vita-Mix and was sworn in. Mr. Barnard showed aerial photographs of the existing area. Mr. Barnard explained that currently some of the Vita-Mix corporation has rented space in Berea due to the lack of space at the Olmsted Township location. Mr. Barnard would like to build a structure on the property. Due to the Plumb Creek behind the property, the building will be closer to the side property lines than Olmsted Township allows. A resident asked if the property was in the Township or the Falls. Mr. Barnard stated that the creek is the defining line between the Falls and the Township. Mr. Barnard stated that all buildings and proposed building are on the Township property. Doug Smith from Vita-Mix was sworn in. Mr. Smith showed a topographical drawing of the property with the proposed building. The back of the proposed building will be approximately 70 feet from the creek. Mr. Smith stated that Vita-Mix has agreed to provide planting and landscaping along the adjacent properties, at Vita-Mix expense, if the property owners request it. Mr. Smith stated that the only properties that may see the buildings will be to the north of Vita-Mix. In the winter when trees lose there foliage, the buildings may be visible from adjacent properties on the north. Jim Jocke was sworn in. Mr. Jocke is the third property to the north. Mr. Jocke is concerned that his view will be disturbed by an additional building. Mr. Jocke stated that his view will be ruined by removing trees. Mr. Smith stated that any trees not within the building site will be left. Vita-Mix is leaving all trees possible around the site. Mr. Smith stated that Vita-Mix wants to keep the site completely surrounded by trees, all transplantable trees will be moved to other areas on the lot. When approaching Vita-Mix from the street, you cannot see what type of structures are behind the front entrance. Mr. Jocke stated that he sees a lot of wildlife in his back yard. He is afraid of losing his view and the wildlife. Mr. Jocke feels that all of the trees will be removed and he will only see a large building. Mr. Smith stated that all of the trees will not be lost.

Mr. Don Schade, Columbia Road was sworn in. Mr. Schade asked if the building could go further to the south and further from the north. Mr. Smith stated that the truck access would need to be further to the north, the creek does not allow for the truck access. The creek would have to be redirected which is not advisable. Mr. Barnard stated that the engineers and architects have
reviewed the site and determined that this is the best use of the land. The two properties to the north have been advised of the plans and have no objection to the building. Mr. Jocke stated that the view of his property would be ruined. Mr. Bolander stated that he feels that Mr. Jocke would not be happy with any landscaping that would be done. Mr. Jocke stated that landscaping would ruin his view. Mr. Lege stated that anyone may remove trees and vegetation from their property. Mr. Lege stated that even if the property remained residential, developers may build apartments, or 200 houses. The trees would be gone and Mr. Jocke’s view would be changed. As long as the building did not encroach on his property, the neighbor could remove as many trees as he wanted. Mr. Lege stated that the area at the rear of Mr. Jocke’s property is an easement for the utility poles. Mr. Smith stated that he feels that some of the trees would be left and the building would not be visible from Mr. Jocke’s property. Mr. Lege asked if there is a problem with Vita-Mix creating a buffer zone between the adjacent properties. Mr. Smith explained that the Fire Chief, John Cecelich, has requested a 30 foot wide road around the building. That will cover the original 30 foot buffer between the building and the structure. Mr. Strelau asked how tall the building would be. Mr. Smith stated that the new building will be approximately 32 feet at its peak. The new structure will try to match the height and pitch of the existing structures. Mr. Strelau asked if the Vita-Mix corporation is seeking an amendment to the Zone Map to change from residential to industrial. Mr. Smith stated yes. Mr. Strelau asked that anything agreed to today by this board should be contingent on the approval of the rezoning. In a LI district you have a minimum of 20 foot buffer zone, inclusive of the fence that Vita-Mix has requested. Mr. Strelau asked what type of outdoor storage is also being requested as a conditional use in a LI district. Mr. Smith showed photos of storage of pallets and cardboard packaged for recycling. Mr. Smith stated that the fire chief has no objection to the storage and fence requested. Mr. Strelau asked what type of fencing was requested. Mr. Smith stated that the fire department has requested that a gated fence be installed, the type of material for the fence would be determined by the fire department. Mr. Strelau stated that the setback would only be 10 feet. Mr. Smith stated that the original plan was for 15 feet of paving along the building, then a fence and a 15 foot buffer zone. Since the fire department has requested 30 feet of road, there would be no setback or a very small setback. Mr. Smith stated that Fire Chief Cecelich may be able to lower his request for road distance. Mr. Strelau asked how often the cardboard is removed from the site. Mr. Barnard stated at least twice a week. Mr. Strelau asked what type of fence would be used. Mr. Smith stated that they would prefer wood, however whatever the fire department requested would be acceptable. Mr. Strelau asked what the exterior of the structure would be. Mr. Smith stated that it would be built to match the existing structures. Mr. Lege asked where the nearest fire hydrant is. Mr. Smith showed on the site map where three fire hydrants would be on the property. Mr. Lege asked what type of material the structure is made out of. Mr. Barnard stated that the structure is steel and wood. Mr. Lege asked if a sprinkler system is in the facility. Mr. Barnard stated that the original building does not have a sprinkler system, however the newer section does.

Mr. Lege stated that there would be no buffer zone. Mr. Lege stated that he would feel uncomfortable approving this at this time. Mr. Bolander stated that he could not find a reason within the zoning resolution to deny this request based on the fire departments request for a 30 foot driveway around the proposed structure. Mr. Lege stated that he is concerned about the buffer between residential and commercial properties. Mr. Strelau stated that he is sensitive to the applicant’s request for a larger structure. The Vita-Mix company has been good to the
community and had a positive impact on the environment around the facility. Mr. Strelau stated that the square footage requested could be fit onto the site and reduce the impact on the surrounding homes. Mr. Strelau is in favor of tabling this item and requesting a report from the fire chief regarding the need for a 30 foot drive around the building. Mr. Lege requested that Vita-Mix review the plans to possibly move the structure to the south and allow for a buffer area. Mr. Bolander asked if they have reviewed the possibility of moving the structure to accommodate the buffer regulations. Mr. Smith stated that the 30 foot drive could be eliminated if that would please the board. Mr. Lege stated that when the building is up and the driveway is in, there would be no trees left and no buffer between the residential properties. Mr. Lege feels that there is not enough information to make a decision on these issues. Mr. Lege would like to see what property and trees would be left after the structures are built. Mr. Smith asked if the fire department’s requests do not matter to this Board. Mr. Lege stated he would like to know what is necessary and why from the fire department.

Mr. Strelau moved to table applications # 01-6178 and #01-6155 until August 8, 2001 at 8:00 PM. and asked the secretary to request a report from the fire department on the 30 foot driveway around the building. Seconded by Mr. Lege. Roll call, all approved.

Mr. Strelau stated that for both the Board and Vita-Mix Corp. he is requesting this information. Vita-Mix may want to consult with their architects and engineers as to various changes that could be made. Mr. Strelau would like to have the property staked and marked where the building would be, the driveway and the property lines would be. Also, the turning radius for the proposed truck docks may determine the needed space to the south. Mr. Smith stated that they should be able to have the property staked within the next few days and have the Board out to view the site.

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

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman Date
The regular meeting of the Olmsted Township Board of Appeals was called to order Wednesday October 17, 2001 at 8:00 PM. Present was Chairman James Bolander, Alla Workman, Martin Strelau and Larry Maser.

Mr. Bolander asked the audience to stand for the Pledge of Allegiance. Mr. Strelau moved to approve the minutes of August 8, 2001 as submitted. Seconded by Mr. Maser. Roll call, all approved. The secretary received correspondence including but not limited to, letter from a concerned citizen regarding accessory structures and a response from Mr. Nelson regarding clarifications to application #01-6248.

Krofta Variance # 01-6236
The secretary read the public notice for application #01-6236. Vince and Jill Krofta were sworn in. Mr. Bolander asked why the structure would need to be that tall. Mr. Krofts stated that because of the design of the roof, there would be a second floor, the structure exceeds the height limit for residential zones.

Mrs. Workman asked what the second floor would be used for. Mr. Krofta stated that the second floor would be used for storage. Rather than a larger structure he built a taller structure. Mrs. Workman asked if this was built without a permit.

Mr. Krofta stated that the accessory structure is currently under construction. Mr. Krofta stated that he was unaware that permits were needed for construction of out buildings. Mrs. Workman asked when the building was constructed. Mr. Krofta stated that during the past summer construction began. Mr. Krofta stated that he is unable to finish construction since the zoning inspector told him to stop.

Mr. Bolander asked what the building would be used for. Mr. Krofta stated that the building would be used for storage. In the future it could be used for agriculture. Mr. Krofta stated that he currently has berry bushes planted and may grow trees in the future. Mrs. Workman asked what the larger building would be needed for. Mrs. Krofta stated equipment. Mrs. Workman asked how tall the doorway is. Mr. Krofta stated that the door would be approx. 8 feet. Mrs. Workman asked how they would house equipment with a small door. Mrs. Krofta stated that the upstairs would be used to store hay & straw. Mrs. Krofta stated that they have not reached the point of using the structure for agricultural. Mrs. Krofta stated they would like to receive approval for residential use, in the event the agricultural business failed, they would need to come before the Board for residential approval. Mrs. Workman asked how many berry bushes the Krofta’s have. Mr. Krofta stated that approximately 200 bushes are planted on their property. Mrs. Krofta stated that they would like to plant trees in the future to sell as Christmas Trees. Mr. Krofta stated that they are not currently trying to get a variance under the agricultural use, they would like to have the structure approved for residential use. Mr. Bolander asked what they needed a building that high for. Mr. Bolander asked what the hardship is, to allow a building that high. Mr. Krofta stated that the hardship would be the expense. Mr. Bolander stated that the applicant chose the size of the structure. Mrs. Krofta stated that there are several buildings in the area that are the same height. Mrs. Workman asked if the structures have been approved by the BZA. Mrs. Krofta stated that one was approved by the zoning inspector and another had not been issued a permit.

Mrs. Workman asked if that would make their structure permitted. Mr. Bolander stated that it is the job of the zoning inspector to regulate building. Mr. Bolander stated that anyone can register a complaint if they feel a resident is in violation. Mr. Bolander stated that he drove by the Krofta’s home from the east, and did not see any tall non conforming structures. Mrs. Krofta
stated that they are on Stearns Road and west on Schady Road. Mrs. Krofta stated that since it is a small barn they need a second level. Mr. Bolander asked if the area was zoned agricultural. If the area was zoned for agriculture it would be possible. Mrs. Krofta stated that they have enough land and are not in a development, why can't they be agricultural. Mr. Bolander read a letter from a concerned citizen that was delivered to the zoning office stating disapproval of tall accessory structures. Mr. Bolander stated that he received a phone call from a resident stating the disapproval of this type of variance. Mrs. Krofta stated that the building is shorter than the house, what is the problem. Michelle Alai was sworn in. Mrs. Alai is the neighbor to the east of the Krofta's. Mrs. Alai stated that she does not disapprove of the structure. Mrs. Alai feels that the height of the structure is not out of proportion for the lot, the structure does not deter from the property value and is not an eyesore. Dino Alai was sworn in. Mr. Alai stated that he is a contractor and familiar with this type of structure. Mr. Alai stated that the gambrel trusses are consistent with the style of building. Mr. Alai stated that the city of Cleveland recently raised the allowable height to 20 feet.

Mr. Bolander asked if that type of roof is required on that type of building. Mr. Alai stated that no, it is the owners preference. The look is more of a country look. Mr. Maser asked if it is possible to lower the walls of the structure. Mr. Krofta stated that the structure would need to be taken down and started over.

Mrs. Workman asked if Mr. Krofta is building the structure himself. Mr. Krofta stated yes. Mrs. Workman asked what qualifications Mr. Krofta has to build this structure. Mr. Krofta stated that he has construction experience. Mrs. Workman stated that he should have known to receive permits before beginning construction. Mrs. Krofta stated that they had alot of hassle from the county when they were building their house. Mr. Krofta stated that he was under the assumption you did not need permits for accessory structures.

Mrs. Workman moved to disapprove application # 01-6236. Seconded by Mr. Maser. Roll call, all approved.

Mr. Bolander stated that the applicant would be receiving notification of the Board's decision and the applicant has a right to appeal the decision through the Court of Common Pleas. Mrs. Krofta stated that several buildings are in the Township that do not conform or were not permitted. Mrs. Workman stated that issue would need to be brought to the attention of the Zoning Inspector and this Board has denied several similar issues in the past. Mrs. Krofta stated that they are only here because our neighbor has a problem with us. Mr. Bolander stated that if you have a problem with your neighbor, that needs to be dealt with between you, that issue is not before this Board. Mr. Krofta asked how would you qualify for agriculture. Mr. Bolander asked if the property would need to be rezoned. The secretary stated that no, the property would not need to be rezoned. The determination for agricultural use would be done by the Zoning Inspector, he may require documentation from the County Auditor's Office. You would need to contact the Inspector.

Nelson variance # 01-6248
The secretary read the public notice for application #01-6248. Mr. James Nelson was sworn in. Mr. Bolander asked why such a large building was needed. Mr. Nelson explained that he owns a recreational vehicle that is currently being stored at his parents home. He would like to park the RV at his home in the Villages of Lakeside. The Villages of Lakeside Homeowners Association
require recreational vehicles to be stored within a garage. Mr. Nelson would like to build a structure that is 35 feet x 25 feet in his rear yard.

Mrs. Workman asked what the size of the RV is. Mr. Nelson stated that the vehicle is 27 feet long, 8 feet wide and 11 feet high. Mr. Bolander asked how tall the proposed structure would be. Mr. Nelson stated 15 feet. Mr. Strelau asked how the trusses would be placed on the structure, 25 foot or 35 foot span. Mr. Nelson stated 25 foot. Mrs. Workman asked how old the RV is. Mr. Nelson stated that it is a 1993 model. The newer replacement models are at least 29 feet in length.

Mr. Bolander stated that the distance from Mr. Nelson’s current garage to the property line is 12 feet. The driveway would need to be kept at least 5 feet from the property line. Mr. Nelson stated that the driveway to the proposed structure would tie into the existing drive.

Mrs. Workman asked if the vehicle has been stored indoors before. Mr. Nelson stated that for the past 3 years he has stored the RV inside for the winter.

Mr. Bolander asked if alternative storage was investigated. Mr. Nelson stated that outdoor storage facilities are available year round, however indoor storage is usually not available all year. Mr. Nelson stated that having the garage in the rear would not detract from the curb appeal of the home.

Mr. Bolander asked how close to the neighbors the structure would be.

Mr. Nelson stated that the proposed structure would be approximately 75-100 feet from the neighbors. Mr. Bolander stated that the garage would only be 5 feet from the property to the north.

Mr. Strelau stated that the vehicle is only 8 feet wide, why is the request for a 25 foot structure. Mr. Nelson stated that he would also like to place an additional car and lawn equipment in the structure. Mr. Strelau asked if Mr. Nelson considered adding to the existing garage. Mr. Nelson stated that he was advised by the building inspector that an addition to the existing structure was not possible.

Mr. Randy Kanz was sworn in. Mr. Kanz is the property owner to the north of Mr. Nelson’s property. Mr. Kanz presented photos of the area and property proposed for the accessory building. Mr. Kanz is opposed to having such a large structure directly behind his home.

Mary Gaspar was sworn in. Mrs. Gaspar lives behind Mr. Nelson’s property. Mrs. Gaspar would not like to see such a large building in the rear of the property.

Mr. Bolander asked if the residents in attendance had any problems with an addition to the existing structure. There was no objection from the audience.

Mr. Bolander stated that he would like to see a plan that would allow an addition to the existing home. Mr. Nelson stated that he would try to match the roof line of the home. The only change would be a twelve foot high garage door.
Mr. Bolander stated that the board could vote today, table the application and Mr. Nelson could revise his application to allow for an attached structure or withdraw his application. Mr. Nelson stated that he would revise his plan and present it at the next meeting of the Board of Appeals.

Mrs. Workman moved to table application #01-6248, at the request of the applicant until the next regular meeting of the Board of Appeals. Seconded by Mr. Maser. Roll call all approved.

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

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, chairman

Date 12/19/01
The Olmsted Township Board of Zoning Appeals regular meeting of December 19, 2001 was called to order at 8:00 PM. Present were chairman James Bolander, Edward Lege, Larry Maser and Alla Workman. Also present was secretary Tammy Tabor. Mr. Bolander asked the audience to stand for the Pledge of Allegiance. The secretary read the minutes from the meeting of October 17, 2001. Mr. Maser moved to approve the minutes as read. Seconded by Mrs. Workman. Roll call, all approved.

Nelson Variance #01-6248

Appeal # 01-6248 is being continued from October 17, 2001. The Board requested that Mr. Nelson revise his initial plan and return those plans to the Board. James Nelson was present and was reminded that he is still under oath. Mr. Nelson is requesting a variance to construct an accessory building on his property. Mr. Nelson explained that he has changed his plans from a detached accessory building to an attached garage. Mr. Nelson stated that the original plan was for a 25 foot by 35 foot detached garage in the rear of his property and has changed that plan to a 12 foot by 35 foot attached garage at the side of his property. The driveway will be extended another 8 1/2 feet wide.

Mr. Bolander asked what the proposed distance is from Mr. Nelson’s driveway to the property line. Mr. Nelson stated that the driveway will be approximately 3 1/2 feet from the property line on the west.

Donna Marie Reeves was sworn in. Ms. Reeves has been elected as the President of the Homeowners association for the Villages of Lakeside. Mrs. Reeves stated that whatever the Board decides the Villages of Lakeside must also approve of the structure. Mr. Bolander stated that the Olmsted Township Board of Appeals decides requests for variances. If the Homeowners Association does not approve, that is between the property owner and the Homeowners association.

Mr. Al Kozak was sworn in. Mr. Kozak is a neighbor of Mr. Nelson and stated that he was not notified of this hearing.

Mr. Dolph Reeves was sworn in and stated that many structures in the Villages of Lakeside have not been approved by the Home Owners Association, (HOA), and all plans must be reviewed by the HOA.

Mr. Kozak stated that a Zoning Inspector was out and the pin placement for the lot may be incorrect.

The Board discussed the building setback line for the proposed structure. The discussion was whether to have the structure conform to the side setback and the structure would extend deep into the rear yard, or accept the request of the applicant and the garage would blend in to match the existing home.
Mr. Lege moved to approve application #01-6248 as amended, to be no closer than 3 and 1/2 feet at one point of the driveway and no closer than 3 feet at another point, to the property line on the west side of the lot. Seconded by Mrs. Workman. Roll call, all approved.

Application #01-6274 Hollenbeck Variance

Tom Hollenbeck was sworn in. Mr. Hollenbeck is requesting a variance to construct an accessory garage on his property on Nobottom Road. The request exceeds the size permitted and the property is currently vacant.

Mr. Bolander asked why there is a need for such a large structure.

Mr. Hollenbeck stated that he is planning to construct a home at 24410 Nobottom Road in the spring and would like to build a garage to house recreational equipment and property maintenance equipment. Mr. Hollenbeck has a tractor and attachments to care for the property.

Mr. Bolander asked what the height of the building will be. Mr. Hollenbeck stated 15 Feet. Mr. Bolander asked what type of driveway will be constructed. Mr. Hollenbeck stated that the driveway will be concrete from the street to the accessory building. Mr. Hollenbeck amended his application to show a concrete drive from the street to the accessory building.

Mary Beth Hollenbeck was sworn in. Mrs. Hollenbeck stated that they plan to begin construction on the home in March of 2002. Mr. Maser asked what the building material would be. Mr. Hollenbeck stated that the exterior of the accessory building would be the same material as the house.

Mrs. Workman asked where the equipment is currently stored. Mr. Hollenbeck stated that the equipment is currently at his residence, his parents home and a brothers home. Some of the equipment is currently stored outdoors.

Mrs. Workman asked if there will be a garage attached to the proposed residence and what size will that garage be.

Mr. Hollenbeck stated that the proposed garage is a standard 2 car garage, 20 feet by 22 feet.

Mr. Lege asked if this proposed structure is sold as a package and what the next smaller size garage was possible.

Mr. Hollenbeck stated that he believed that the next size down is 24 feet by 30 feet. He does not believe that the tractor and trailer would fit.

Mrs. Workman asked what is the size of the equipment. Mr. Hollenbeck stated that the camper is approximately 17 feet, the tractor and trailer are approximately 19 feet long.
Mr. Maser moved to approve application #01-6274 as submitted with provision to build the accessory structure prior to completion of the primary structure.

Respectfully submitted,

Tammy Tabor, secretary

James Bolander, Chairman Date

3/20/02