Olmsted Township Board of Zoning Appeals
March 21, 2018

Called to order at 7:00 pm

Pledge of Allegiance

Roll Call:  David Gareau, Jeremy Dobos, Cindy Kelly, Stan Dobies, and Ken Barbarino
Dave Faciana, Building Official and Heather Serrano, Secretary

Mr. Gareau motioned to approve the meeting minutes of the October 18, 2017, Jeremy Dobos second, all in favor, minutes approved.
Mr. Gareau motioned to table the minutes of the June 21, 2017 meeting until those Board members present from that meeting are sitting on the board.

Old Business: No old business.

Hearings:

No. 18OLMT-ZBA001 Variance
Dan Colombo – 8767 Fairlane Drive – Addition to home would encroach side yard setback, less than five (5) feet from side yard property line (210.05)(2)(A)

No. 18OLMT-ZBA002 Variance
Connie Windland – 9100 Shady Elm Lane – In ground pool to encroach rear yard setback, less than twenty-five (25) feet from rear property line and pool filter equipment to encroach side yard setback, less than ten (10) feet from property line.

No. 17OLT-BZA009
• Homeowner, Dan Colombo, present to discuss need for the variance.  Mr. Colombo stated he has 5 children who live in the home with him causing a parking issues.  They have a total of 5 cars presently and will have 7 by next year.  He explained he completed renovations on the home to improve the appearance.
• The addition would be behind his current garage, on the side of the home.  Current garage is 18x20 and fits 2 cars and states it is completely full.  He states the garage currently harbors one car, for they cannot fit 2.  The new garage addition would allow them to pull 2 cars inside of it, and one on the side.
• His plan with the addition is to be able to have all vehicles parked inside of a garage, that they need the extra room for storing items, parking vehicles, and for security of the vehicles.  He feels the garage would prevent the cars serving as an eye sore to neighbors.
• Mr. Colombo explained that the neighbors across the street complained about his RV that was parked in the driveway and he since moved it.  He doesn’t want complains with amount of cars tin eh driveway. He stated this next door neighbor complies and has no issues with the addition being so close to their home.
• Mr. Colombo stated that there have been break-ins in the past at this house and neighboring homes, providing 4 police reports from the past summer, where 3 of those reports were his, other was a neighbor.  He feels by parking in the garage, the vehicles would be out of sight, out of mind, and would be more protected.
• Mr. Gareau asked Mr. Colombo why he cannot conform to the five (5) foot setback.  Mr. Colombo stated the addition would be 8 feet, not the 13 that he is proposing.  Mr. Gareau asked why he couldn’t
park one car behind another. Mr. Colombo states even if they parked cars behind each other they would extend over the sidewalk.

- Mr. Barbarino questioned the gazebo on the side of the home. Mr. Colombo stated he has a gazebo on the other side of his home and it is a stand-alone.
- Mr. Dobies stated his concern is the neighbor’s home, and what would happen if/when that neighbor decided to sell their home. Mr. Colombo stated his neighbors just had a baby, they are putting up a new fence, and they don’t plan on moving any time soon. Even though they have told Mr. Colombo this, Mr. Dobies stated it is a selling concern.
- Ms. Kelly asked about the current driveway. Mr. Faciana stated currently there is a bump off with a concrete pad. Ms. Kelly stated she lives close to him, and stated he has done a good job remodeling the home and went on to state that she has never had an issue with security of vehicles in her own driveway and doesn’t get that feel of insecurity of it; that they have 2 cars parked outside in driveway at all times and have never had that happen to them. Mr. Colombo stated unlocked car doors is the issues that his vehicles were ran-sacked but nothing was missing. He went on to state that he is trying to keep eyes off of the 5-7 cars and he feels having those cars would create attention and places to hide.
- Mr. Gareau stated this is an area variance and that there are special circumstances to approve a variance and having a large number of vehicles is the hardship in this situation, but this is not unique to the property, it is unique to Mr. Colombo personally. The circumstances are personal to him but not a hardship. He asked the board to weigh in on their thoughts. Mr. Faciana stated the setback is a concern and would be his concern. Mr. Gareau went on to state that as a member of the Board upholding the Zoning Regulations of the Township is their responsibility and seeing how they apply to unique situations. Having a home on the property line could be deterrent to neighbors and others, there is a concern of green space between structures, and feels this is a man-made problem and doesn’t vary in unusual circumstances.
- Mr. Gareau motioned to vote to approve the variance, Ms. Kelly second. Mr. Gareau=no, Ms. Kelly=no, Mr. Barbarino=no, Mr. Dobies=no, Mr. Dobos=no.
- Variance has been denied.

**No. 18OLMT-ZBA002**

- Mrs. Connie Winland presenting case and states they are proposing to build a pool and up against the 25 foot setback and 10 foot of side yard for the equipment. Mrs. Winland went on to state they are not building an actual structure, that nothing is above ground, the pool would be an in ground pool. Her lot does not have a straight back.
- Mrs. Winland directed the board to the pictures that were submitted of her yard, showing her son standing where the potential pool would be, stating that there would be a safety hazard if she had to move the pool 7 feet closer to the house by staying within zoning regulations. The safety hazard would be having the pool and steps into the pool too close to the back door of the house.
- Pool equipment would be on the side of the house, on the fence line. Mrs. Winland submitted a letter from the neighbor on the pool equipment side stating they do not mind the equipment on the side. Mrs. Winland stated due to the carbon monoxide from the pump, they have to have the equipment closer to the fence and not the house. The neighboring home sits 10-15 feet more forward than the Winlands home, giving more distance from the equipment.
- Mr. Dobies asked if the HOA approved their pool. Mrs. Winland stated yes they didn’t have a problem with it and said it was up to the Township. Mr. Dobies went on to state they have a beautiful home and
saw their yard is already fenced in and asked if the pump would be on the outside of fence and Mrs. Winland stated no its inside the fence.

- Ms. Kelly asked if they could have the pump on the other side. Mrs. Winland stated no because the windows would be too close to be in the fence. The pool equipment has to be 8 feet away from any window.

- Mr. Faciana spoke regarding the variance and stated as far as the set back, pool location he is fine with it. Setback was created by County with the plot plans. Location is no issue because it is behind fence anyway and also stated the now hearing the issues he has a better understanding of why the equipment and pool need to be in the proposed locations. He also asked how far inside the fence? Mr. Ken Winland was sworn in and replied it would be 4 foot off of the fence and 5 – 6 feet off of the property line. 10 foot span inside the fence, 8 feet away from windows because of the fumes from the gas heater. Mrs. Winland explained there is not window in the proposed location and is 8 feet away from any others and that is why contractor chose that specific area for the equipment.

- Mr. Gareau stated when the Board rules on this, they need to be precise with the variance. Mr. Faciana stated new pool sketch with filter and pad itself with all dimensions would need to be submitted for permit.

- Mr. Dobies asked the Winlands to explain the walkway. Mrs. Winland stated the pool filter can be turned to make it work on the pad next to the house.

- Mr. Faciana asked the Board if they are ruling on the filter or the pad location. Mr. Gareau stated ruling on the filter/pad location in regard to side of home and would be detailed in the permit if granted. Mr. Winland side yard is 4 feet away from neighbor's property line. Mr. Gareau asked both pad and filter? Mr. Winland said yes.

- Mr. Gareau stated for clarification on the ruling, no part of the yard or equipment can be within 4 feet of the side property line. Mr. Winland agreed, and stated it is all fenced in.

- Mr. Dobos asked if the HOA was putting a pool in the development. Mr. Winland replied no, and that they are only allowing inground pools.

- Mr. Gareau stated there are 2 variances here, placement of pool with setback (7 foot encroachment) and setback on side of house (4 feet). Mr. Gareau stated they will vote separate, (a) and (b).
(a) With respect to 10 foot side property line setback in the code, suggest require variance permit for pad and filer be no closer than 4 feet of property line.
(b) Placement of the pool itself, respect to one corner 4feet and the other corner 7 feet.
Mr. Gareau motioned to approve filter/pad location not to be constructed not more than 4 feet of property line. Mr. Dobies second, Mr. Gareau=yes, Mr. Dobies=yes, Ms. Kelly=yes, Mr. Dobos=yes, Mr. Barbarino=yes. Mr. Gareau motioned to approve pool location not to be constructed no more than 7 feet into the 25 foot setback. Mr. Dobies second. Mr. Gareau=yes, Mr. Dobies=yes, Ms. Kelly=yes, Mr. Dobos=yes, Mr. Barbarino=yes.
Variance is approved as indicated on record.

Meeting adjourned at 7:46 p.m.