Olmsted Township Board of Zoning Appeals
September 20, 2017 called to order 7:03 p.m.

Pledge of Allegiance

Roll Call:  Tom Cole, John Phillips, Jeremy Dobos, Cindy Kelly, David Gareau
            Stan Dobies (Alternate)
            Also present was Township Trustee Lisa Zver
            Dave Faciana, Building Official and Heather Serrano, Secretary

Mr. Cole motioned to move the approval of the June 21, 2017 minutes to the next meeting, Mr. Gareau second and all were in favor.

Old Business:  No old business.

Hearings:  No. 17OLMT-BZA008 Variance
             Settebello Ltd – 27240 Sprague Road – Install an electric fence

No. 17OLT-BZA009 Variance
Michael Mossman – 9454 Usher Road – Peak of accessory building exceeds 15’ (210.08)(2) and size of accessory building exceeds 1% of lot area (210.08)(2).

No. 17OLT-BZA008
• Mr. Angelo Russo present to express the need for the fence.
• Mr. Russo explained the fence would be a pulse fence, not electric fence, and the touch of the pulse fence would hurt if the wire(s) were grabbed, but allows a person to let go once shock happens. 3 joules is the limit needed for horses; not enough current to kill a squirrel.
• There are 8 horses on the property currently.
• The fence would be vinyl (currently installed) on the outside and the electric would run inside on the top and bottom of fence with 2” pipe every 10 feet.
• Mr. Russo explained that reasons for the pulse fence and stated that the horses have gotten lose 2 or 3 times in the past month, that they are stronger than the shock of the fence and can cause more harm if they escape by trampling area kids, neighbors, and could cause vehicle accidents on nearby streets/roads.
• Mr. Russo brought in a hinge from the current fence they are using and showed how easily the horses can break thru, stating they have had to replace 3 times in the last month. Mr. Faciana also confirmed they were lose and that the Township police helped round horses up; they were lose in Woodgate Farms.
• Mr. Russo also went on to explain that the horses were there first and he has spoken to some of the area residents whom have expressed concerns and expressed approval stating the neighbors
on the East side of the property are ok with having the electric fence, the neighbors on the South side have no problem with the fence that they enjoy having the horses and being able to see them. The North side of the property

- Area neighbor, Mr. Caso, expressed concerns in writing that proposed a privacy fence be put up along his side of the property to keep the horses and fence separate from his yard and family and also proposed that the fence be inspected to make sure it is working properly.

- Mr. Russo explained that when an energizer breaks on the fence, the pulse action is deactivated, and also stated he would agree to have the fence inspected on a regular basis. There is also someone living in the home on the property whom would be there to monitor as well.

- Mr. Dobos asked if there are another alternatives to keep horses contained. Mr. Russo explained he has researched alternatives but there are not any that are effective, that electric fences are the top method of keeping the horses contained and that they are the most used method and that there are a few other electric fences in and around the Township.

- Mr. Cole asked why the electric portion of the fence was installed if they did not have variance or permit for it. Mr. Russo explained the wires are there but they are not energized and that they were installed and tested to see if it would work and also wanted to get the neighbors aware and show them so they can understand it is safer than the horses getting out. Signs were also put up.

- Mr. Russo stated there is a ravine that runs alongside the north and west of the property; with the shortest side being 24 feet which would not be easy to get through if someone wanted to get onto the property by the fence. Mr. Faciana was asked if he thought crossing the ravine could be possible, which he stated always a possibility but not likely anyone, especially young children, would be able to cross the ravine.

- Mr. Gareau asked if a fence all the way around the property would be an idea, but due to cost and the size of the property, along with the ravine, it would very expensive and would not guarantee the horses would stay inside, they are very strong (weighing around 1500 pounds of muscle) and could push through the fence.

- Neighbor, Nancy Benko of 9820 Tuttle Road, was sworn in and went on to state she likes to see the horse farm and would object to a fence going all the way around and that many neighbors like to view the farm and see the horses, and then questioned the Board as to why anyone would be worried about a zap from a fence but not a horse kicking or biting someone.

- Trustee Zver was present and states some concerns such as if the property is sold, how would that work with the fence and what would happen to the fence? Also wants to know if this is approved what kind of precedence does this set in the Township for future types of fences.

- Submission to Board for conditions if variance were to be granted. Mr. Faciana stated that stipulations can be put on the approval of the variance that Board can set contingencies. Mr. Russo states he would be willing to abide to the conditions. The following conditions are attached with the following changes:
  
  - The fence is to be inspected by a Licensed Electrician and not the Building Department.
Inspections must be completed twice a year and are due to the Building Department on the 15th of January and July.
An initial inspection must be completed within 7 days of turning the electricity to the fence on.
Applicant agrees to provide a copy to any potential buyers of the property/
This variance is binding upon successive orders. Applicant agrees and signed the conditions.
Mr. Russo understands that failure to follow these conditions will revoke the variance if granted.

- Mr. Faciana and the Building Department will keep a log with all reports of the inspections being conducted at the property.
- Mr. Gareau makes a motion to approved variance with the modifications of the contingencies made (Exhibit “A”, attached.) Mr. Cole second, Roll call and vote, Mr. Cole = yes, Mr. Dobos = yes, Mr. Phillips = yes, Ms. Kelly = yes, Mr. Gareau = yes. Variance granted.

No. 17OLT-BZA007
- Mr. Mossman present and sworn in. Explained he would like to use the building as a wood shop/boat restoration shop so he can work on his boat. He has a rare (the only one of its kind that remains) 35 foot Express Cruiser. Currently he rents a place to keep said boat which is more than an hour away and that is the closest place he could find that has big enough doors (12.5 feet wide) that will fit his boat.
- Mr. Mossman feels if he has his own work shop and can move his boat to his own property he will be able to get more work done and would save money being able to store on own property.
- The building he chose was a modern style building that had the highest section in the middle of the building for the boat; more attractions than a standard barn with wood siding. Visibility of barn would be obscured by the trees on the lot/property and would be hard to see from roads. Mr. Mossman stated that a barn was on the property up until 1978 when it was destroyed.
- Mr. Gareau asked what kind of access would be available to the building. Mr. Mossman explained that his driveway has a “U” shape and would align driveway to building after having to remove one tree.
- Mr. Cole explains most variances can be contributed to and could be granted based on a type of hardship and asked Mr. Mossman what hardship that would be in his case. Mr. Mossman stated time and money. He is gone 17 days out a month with work and driving 2 hours to get to his boat takes too much time and money, along with storage costs. More convenient at home. No rental shops in the area that would fit that boat.
- Mr. Cole asked when the boat was purchase. Mr. Mossman responded stating he purchased the boat in 2010 and has had significant progress to fixing the boat up and wants to continue so he can go and enjoy it. Mr. Cole also asked when he purchased his home and Mr. Mossman stated 3 years ago and that he did not research the zoning codes at that time.
- Ms. Kelley asked why such a high peak on the building? Mr. Mossman explained that the extra height would be needed so he could work on the boat; needs the room for the frame of the boat; needs to be able to clear a span for the pieces to maneuver around and put together.
• Mr. Gareau explains that the variance is a significant with such a large structure. Mr. Mossman states the building would be tucked back on his property and the visual impact would be minimal.

• Mr. Cole asked stated the property shows as 2 separate parcels. Mr. Mossman said they were but all the same address; they were purchased as one and show as one on mortgage paperwork.

• Mr. Faciana explained that the building would be on one of those parcels, would be just the building itself on the parcel, which is not allowed in the Township; stated that they show as 2 parcels, with 2 different parcel #’s and recommends a lot consolidation to make one parcel so owner would not be able to sell one of those parcels by itself. Mr. Mossman stated he has no problem with consolidating the parcels with the County.

• Mr. Cole states this would need to be completed with the County first since having a building on a parcel is not allowed and said if consolidated would have better chance but should go through the County first.

• Mr. Gareau states there is a major issue with the submission and flaws in the application. Mr. Faciana stated that in report, could be contingent on proof of consolidation of parcels.

• Mr. Cole suggests a continuance on said application and Mr. Mossman can re-submit at a different date that it is up to the applicant and can pull the application at this time; states application should be withdrawn. Mr. Mossman agreed with withdrawing application for variance at this time and will return after parcel consolidation has taken place with the County.

Meeting adjourned at 8:28 p.m.