

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON MARCH 5, 2018 AT 5:00 P.M.

Councilmember Katherine O'Connell called the March 1, 2018 meeting of the Ottawa Hills Zoning Commission to order at 5:00 pm. She noted that Mayor Gilmore was delayed in traffic but would be in attendance momentarily. Until then, some aspects of the agenda could be addressed.

In attendance were members Sam Zyndorf, Paul Bishop and Katherine O'Connell. Commission member Zac Isaac was absent and not expected, and Mayor Gilmore was expected momentarily.

Also present representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson. Members of the audience included Delance and Keitha Sheares, Brett and Lucy Penrod, Scott Lewis, Cary and Mark Stout, Sherry Wilkins, Heather Phillips, and Melissa Burden.

Mr. Bishop made a motion to approve the minutes of the January 18, 2018 meeting. Mr. Zyndorf seconded the motion, which passed unanimously.

Mrs. O'Connell then administered the oath to Mr. Lewis, Mr. and Mrs. Penrod, Mr. Sheares, Mr. and Mrs. Stout, Mrs. Wilkins, Mrs. Phillips and Mr. Thompson.

Discussion followed regarding the next meeting date and it was agreed that, pending approval by the Mayor the next meeting would be on April 11, 2018.

After brief delay Mayor Gilmore entered the meeting.

Mayor Gilmore then asked Mr. Thompson to provide a report regarding the first item on the agenda which was a request for variances related to an accessory structure at 3404 Brantford Rd.

Mr. Thompson described that the applicants, Mr. and Mrs. Sheares have placed an accessory structure on their property and in order for it to remain they need variances related to its location, the number of accessory structures, its color, screening and its style of materials. Mr. Thompson described that the location of the accessory structure is in the side yard while our code requires it to be in the rear yard. This is the second accessory structure on the property and the zoning code allows only one such accessory structure. Our code requires that the color be such as to minimize visibility, that there be screening from nearby properties and streets, and states that the style and materials must complement the main home.

Mayor Gilmore then asked Mr. and Mrs. Sheares if they had anything to add, and Mr. Sheares indicated that they had no comments at this time.

Mayor Gilmore then asked for comments from citizens. Mrs. Stout asked if the Zoning Commission had received the email that had previously been sent from the Stout family. Mayor Gilmore reviewed the correspondence received from Mr. and Mrs. Stout, Mr. Steinbock, the Crider family and Will Lewis.

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After brief additional discussion Mr. Sheares stated that he did not realize that there was a prohibition against a second accessory structure. His son had asked for a playhouse for Christmas and this was the only location on the corner lot where a playhouse would fit. He committed to painting it as soon as possible and indicated that they would provide some type of screening so that structure would not be directly visible from the street. He commented that the nature of their lot means they don't have a backyard and there was no place else to put the play structure.

Sherry Wilkins stated that she also lives on a corner lot and understands some of the issues. She expressed concern that the structure was not properly screened.

Mayor Gilmore then called on Commission members for comments.

Mr. Zyndorf said that he did not have a problem with the second accessory structure. He commented that the color must change and that the structure looks temporary because it is placed on blocks. He continued by stating that if it was painted appropriately, screened and on a more permanent foundation he might be more supportive.

Mr. Sheares stated they will paint the structure as soon as weather permits.

Mrs. O'Connell said that she visited the property and the structure certainly does "stand out". She also stated that it was too large for the property and that painting would help. Screening by some type of evergreen bushes would be required. She commented that if she was living across the street from the property she would be distressed, commenting further that it would be hard to approve in its present location.

Mr. Bishop stated that the Zoning Commission takes the concerns of neighbors very seriously and that there have been a number of objections expressed regarding the structure. He mentioned the fact that the play structure was put in place without a permit is troubling. He also said that he was not particularly concerned about the second accessory structure variance, but that overall there were more negatives than there were positives at this point.

Mayor Gilmore asked if Commission Members O'Connell or Bishop would be more supportive if the color concerns in the screening concerns were properly addressed.

Mrs. O'Connell stated that the size of the structure would make it difficult to properly screen.

Mayor Gilmore commented that if this issue had been brought to the Zoning Commission ahead of time, the Commission would have required modifications. He reviewed the requirements for granting a variance which includes at least three affirmative votes.

Mr. Zyndorf stated that he thought he might be supportive if the structure were painted and properly screened.

Mr. Bishop stated that he was not likely to vote in favor of the variance.

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Mrs. O'Connell stated that she could not support the variance in its current form because the structure is too large and there were too many variances.

Mr. Sheares said that he understood the neighbors' concerns, but that he did not fully understand the rules. He asked about what height would be acceptable in order to have a variance be favorably considered.

Mr. Stout said that he lives across the street from the property and he also was on a corner lot. He told his children that they could not have a play structure because of the unique nature of corner lots. He also stated that the purpose of the structure, a children's playhouse, was not relevant for these discussions.

Mrs. Stout stated that she has had to look at this structure for the past two months. She expressed concern about the architecture in addition to the color and size of the structure.

Mayor Gilmore informed the Sheares that if a vote occurs to deny the variance request, they would be prohibited from seeking another variance for a period of 12 months.

Mrs. O'Connell stated that the Zoning Commission, in her opinion, would like to reach some middle ground on this topic. She said that the Commission was trying to provide some guidance as to what might be acceptable.

Mayor Gilmore concurred that the Commission was trying to reach a middle ground.

Mr. Thompson reconfirmed the prohibition from reapplying for a variance after a variance had been denied, in order that the applicants had a clear understanding.

Mr. Bishop asked about the time limits for removal of the existing structure, if the variance were denied or if the request was rescinded. Mr. Thompson said the code did not include a specific time limit, but suggested that an applicant would probably remove it quickly so that a subsequent variance would be more favorably looked upon by the Zoning Commission.

Mayor Gilmore said to Mr. Sheares that it was evident that the Zoning Commission was trying to reach some middle ground to accommodate their concerns while also addressing the concerns of the neighboring property owners.

Mr. Sheares said that he understood and that he wished to rescind the request. He said that he hoped there was an agreement that could be reached and was looking to get some direction as to what height and size of a structure might be acceptable.

It was suggested that some discussion among the neighbors may be appropriate. Mrs. Stout stated that she would be happy to discuss the situation once the structure was removed. Mrs. O'Connell commented that perhaps a height of 8 feet would be appropriate but would like to see some photos or pictures.

Mrs. Wilkins stated that she would not be opposed if a structure was properly screened.

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Mayor Gilmore suggested that specifics regarding screening should be included with any submission when they come back for consideration of another variance.

In response to a question from Solicitor McHugh, Mr. Sheares confirmed that the request for a variance was withdrawn.

Mr. Thompson suggested that a commitment from the Sheares regarding the time frame for removal of the structure would be appropriate.

Mr. Sheares said that the removal would be very simple. They will call the place where it was purchased and determine when they can come out and remove the structure and they will move expeditiously.

It was agreed that the structure would be removed in the very near future and that the Sheares would bring back a revised plan including screening and color for consideration by the Zoning Commission.

The next item on the agenda was a request for a variance at 2386 Evergreen Rd. Mr. Thompson described that this is a request for a variance related to the minimum side yard, the aggregate side yard and the front facing nature of the proposed garage. He commented that the existing garage is a nonconforming use because it is already a front facing garage which results in both the side and aggregate side yards being below the required size.

Mrs. Penrod stated that they had spoken with all the neighbors and that the neighbors are happy with the proposal. By expanding the garage the cars will no longer be parked in the driveway which should be an improvement for everyone.

Mr. Lewis, the anticipated builder, stated that the current garage is really a 1 ½ car garage so there is always at least one car parked in the driveway.

Mr. Zyndorf noted that the driveways are “back to back” with the neighboring property and therefore there appears to be enough open space between the houses.

Mrs. O’Connell said that she agreed and said that there were many very attractive garage doors and she hoped that since the variance involved a front facing garage door there could be selection of the garage door which would add to the beauty of the property.

Mr. Lewis said that the garage door had not been selected yet. Mrs. Penrod stated that they would do something very nice in terms of selection of the garage door.

Mr. Bishop noted that they were asking in advance of actually doing the project, that there was no opposition from the neighbors and that the project will increase property values.

Mrs. O’Connell then made a motion to approve the variance at 2386 Evergreen Rd. creating a side yard minimum of 5 ½ feet, and aggregate side yard of 17 feet and a front facing garage door. She commented that this was an expansion of existing nonconforming use. Mr. Bishop seconded the motion and upon call of the roll, the motion was adopted unanimously.

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Brief discussion followed regarding the property at 5059 Secretariat Rd. and a pending fence variance along the northern property line of this address. That property line adjoins the Central Avenue right-of-way. It is expected that the variance request will be considered by the Zoning Commission at its next meeting. The history of similar fence variance requests was briefly reviewed and it was generally thought that the Zoning Commission would review such a request favorably based on the history at that location, although no action was taken.

It was agreed that the next meeting of the Zoning Commission would be 5 pm on April 11. There being no further business the meeting was adjourned.



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Mayor Kevin Gilmore