

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON MAY 19, 2016 AT 5:00 P.M.

Mayor Kevin Gilmore called the May 19, 2016 meeting of the Ottawa Hills Zoning Commission to order at 5:02 PM. Roll was taken with Commission members Sam Zyndorf, Katherine O'Connell, Paul Bishop and Mayor Kevin Gilmore present. Commission member Zac Isaac was not in attendance but was expected.

Also present representing the Village of Ottawa Hills was Solicitor Sarah McHugh and Village Manager Marc Thompson.

Citizens present included Mark Kruse, Nasrin Afjeh, Truman and Diane Irving, David Feniger, Paul Abendroth, Andrew Beevis, Yarko Kuk, Joel Beren, and Lynn Fruth.

Mr. Bishop made a motion to approve the minutes from the April 27 meeting. Mr. Zyndorf seconded the motion which passed unanimously.

Mayor Gilmore then administered the oath to David Feniger, Paul Abendroth, Lynn Fruth, Diane and Truman Irving, Mark Kruse, Andrew Beevis, and Marc Thompson.

The order of the agenda was changed and the first item to be considered was the request for a fence height and fence location variance at 3883 West Bancroft Street. Mr. Thompson described that the property was owned by the University of Toledo Foundation and until recently served as the home of the President of the University. The property is for sale and the UT Foundation has entered into an agreement to sell the properties to the applicants, the Mahlonrose Trust. The University Foundation has consented to the purchaser's seeking of the variances.

The applicants seek two variances; one related to the height of the proposed fence and a second variance related to the location of the fence. Specifically, the fence is to be 6 feet in height and located nearer to the street than the setback line for the house.

Andrew Beevis, representing the Trust, provided renderings of the property and identified some errors in the renderings for the Zoning Commission. He confirmed that the entire fence would have a 2 foot stone base, that the fence would be 6 feet in height with columns every 24 feet, and that in front of the home there will be decorative gas lamps on the columns. Additionally there will be lamp posts lining the driveway in front of the house.

Mr. Isaac entered the meeting at this time.

Mr. Beevis continued his review stating that the lamp posts shown on the drawings are too high and that the lamp posts will be reduced to result in a better "scale".

Mr. Beevis informed the Zoning Commission that the fence as shown on the drawings would be approximately 100 feet off of Bancroft Street, but their plan has been revised to move the fence much closer to the house so that it would be approximately 50 feet in front of the house. He indicated that the setback from Bancroft Street would be approximately 200 feet.

Mr. Irving asked if the proposed change would mean there would be no fence along the side of their property, which Mr. Beevis confirmed.

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Mayor Gilmore asked why the fence needed to be 6 feet in height and why it needed to be in front of the home. Mr. Beevis responded stating that the aesthetics of the property and the size of the property were the reason for the height and location of the fence.

Mr. Zyndorf asked if security concerns were one of the reasons for the size and location of the fence. Mr. Beevis responded that security concerns were not a motivator but rather aesthetics.

In response to a question from Joel Beren regarding cottonwood trees, Mr. Beevis said that the cottonwood trees would be removed and the rear lots would be kept clean and mowed regularly.

David Feniger of 2138 Boshart said that it would be nice to have someone take care of the property, expressing concern that the University of Toledo has allowed the property to deteriorate. He concluded that he had no objection to the fence and thought the proposal would benefit everyone.

Mr. Beevis stated that they expect to invest approximately \$950,000 plus the initial purchase price and that there will be a family there with four children, dogs, etc.

Mrs. Irving commented that although people lived there in the past it was never a home but rather simply a house and she said she appreciates the effort that the applicant has expended to make this application and is excited about having new neighbors.

Mr. Beevis stated that he has lived in the community for 17 years and understands the significance of this property.

Mr. Irving stated that he appreciates that a family is going to be moving into the property and that a house of this size on a property this large needs a 6 foot fence.

Lynn Fruth stated that a 4 foot fence on this property would not be of the right proportion and that the Mahlonrose Trust is making an extraordinary investment in this property and this community.

Mrs. O'Connell stated that she had some initial concerns about the height but noted that the fence along the Sunset House is 6 feet in height and very attractive as is the proposed fence. She also said her concerns were reduced because the fence in front of the home was moving up the hill substantially closer to the home and away from the street. She asked about the proposed lighting.

Mr. Beevis stated that the proposed lighting is for ambience only and would not be a nuisance for neighboring properties. In front the lights will be natural gas and in the rear the lights will be LED. The lights will not be on every pillar. There will be lamp posts along the driveway which will be similar in style to the streetlights in the Village.

Mr. Abendroth of 2115 Whitehall said that the house has not been taken care of for years and he was excited about the possibility of a family moving into the home.

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Solicitor McHugh reminded the Zoning Commission that they had received two letters in support of the project, one from James Wolfe and one from Mick Perillo, both on Bancroft Street, and one letter in opposition to the proposed variance from Norma King on Whitehall Road.

Further discussion followed regarding the lighting.

Mrs. Afjeh asked why so many citizens came to the meeting. Mr. Irving responded he had never met Mr. Beevis but had received notice of the meeting.

Mr. Bishop asked if there was any consideration by the applicant for placing the fence somewhere other than the front yard.

Mayor Gilmore stated that he was impressed by the strong neighbor support but continued to be concerned about the fence in the front yard.

Mr. Feniger stated the fence would be over 200 feet back from the street and that no one would see it.

Mayor Gilmore remarked that he did not recall making an exception for aesthetics for fencing and did not want a Village full of 6 foot high fences.

Mr. Isaac said that the Zoning Commission tries very hard to not create precedents that would influence subsequent variance requests.

Mr. Beren stated that the fence would be 200 feet from the street on a very large lot and suggested that perhaps the zoning code should be modified to address fence size as a proportion to the size of the lot.

Mr. Zyndorf noted that he did not have an issue with the proposed variance since this was a very unique estate-like lot. He did not think that it would be setting a precedent since the fence is going to be at least 200 feet off of the street. He commended the applicant for the investments they are about to make, noting that neighbors are not in opposition to the fence. He also stated that he did not think it was setting a precedent because of the extraordinarily unique nature of this property, referring to the size of the property, the size of the structure and the large setback from the street and other homes. The fence will not create a visual barrier or blockade.

Mr. Beevis stated that their goal was to make it a pleasant, attractive fence which will add to neighborhood.

Mrs. O'Connell indicated she was inclined to support the variance particularly since the fence would be so far from the street. She also stated that she did not previously know of the concerns that the neighbors have regarding the upkeep of the property.

Mr. Beevis stated that they do not intend to build anything on the rear two lots.

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Mrs. O'Connell said that she thought it was possible to distinguish this property from other properties because of its size and the setbacks from the street and from nearby properties.

Mayor Gilmore noted that he tries to take into account the concerns of the neighbors and the neighbors have been very supportive.

Mr. Bishop stated the fence looks gorgeous but is concerned about how the Zoning Commission deals with the concept of setting a precedent on this situation and in the future. He said he would prefer to amend the ordinance and that because the neighbors like it is not a sufficient reason for granting a variance.

Mr. Zyndorf stated that he was in favor of the proposed variance because it fits the house and it is the right scale given the size of the lot. He said anyone else with a 200 foot setback on a similarly sized property could seek a variance as well. He also noted he is generally an opponent of fence variances.

Mr. Isaac specified that he was troubled by the precedent and expected that there will be additional requests for 6 foot fencing. He expected to vote against the variance, but commended the applicant for their efforts. In response to a question from Mayor Gilmore, Solicitor McHugh stated that she thought there would be ability on the part of the Zoning Commission to distinguish this property and the proposed variance from other variances based on the discussion that has occurred.

After substantial additional discussion Mrs. O'Connell made a motion to approve the variance request of Andrew Beevis representing the Mahlonrose Trust for the property at 3883 West Bancroft St. with the following stipulations:

- fence height being 6 feet with 2 foot stone base and 4 feet of wrought iron or similar metal material, as depicted in the presentation, and
- fence section across the front of the property would be 200 feet, plus or minus 10 feet, from the street, and
- light fixtures no more frequent than every third pillar with LED lights in the rear and on the side and gas lamps in the front, and
- light fixtures not more than 12 inches in height, and
- light poles in the front yard will be as shown in the plan, although not as tall as shown in order to be of proper scale.

Consideration of the variance recognizes and is dependent upon:

- the unique characteristics of this historic home
- the large size of the property
- the front setback of over 200 feet from the street
- the size of the structure and setbacks from nearby properties
- strong support from neighboring properties
- the unique design and appearance of the fence

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Mr. Zyndorf seconded the motion and upon call of the roll Commission members Zyndorf, O'Connell and Gilmore voted in favor of the variance. Commission members Bishop and Isaac voted against the variance.

Attention then turned to the fence variance request at 2345 Manchester Rd. After substantial discussion related to the height and location of the proposed fence it was agreed that the variance would be tabled and the applicant, Virginia Ryan, would be informed that the Zoning Commission suggests that the type of fence be modified from a stockade fence to a shadowbox fence. If such a modification is submitted the Zoning Commission will consider the variance at its next meeting.

The Zoning Commission agreed that the next meeting would be at 5 pm on Tuesday, June 14.

There being no further business the meeting was adjourned.



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Kevin M. Gilmore, Mayor