

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO, HELD ON AUGUST 28, 2019 AT 5:00 P.M. IN THE JEAN W. YOUNGEN MUNICIPAL BUILDING

Mayor Kevin Gilmore called to order the August 28, 2019 meeting of the Ottawa Hills Zoning Commission at 5:00 pm.

Roll was taken with Commission members Todd Seifried, Patricia Koury, Katherine O'Connell, and Mayor Kevin Gilmore present. Commission member Paul Bishop was absent but expected momentarily.

Also, in attendance representing the Village were Village Solicitor Sarah McHugh, Police Chief John Wenzlick, and Village Manager Marc Thompson.

In the audience were Roger Smith, Yarko Kuk, Nancy Schiciano, Jim Walter, Jeannie Hardman, Nasrin Afjeh, Gary Grup, Rich Effler, Todd Kime, Jenica Dille, Adam Walter, Megan Walter, Hindea Markowitz, and Village Council member Rex Decker.

Mr. Seifried made a motion to approve the minutes from the June 27, 2019, meeting. Mrs. O'Connell seconded the motion which passed unanimously.

The oath was administered to Roger Smith, Jim Walter, Jeannie Hardman, Nancy Schiciano, Gary Grup, Jennica Dille, Rich Effler, Todd Kime, Adam Walter, Megan Walter, Rex Decker, Sarah McHugh, John Wenzlick, and Marc Thompson.

Mr. Thompson provided a report on the first item on the agenda which was a request for a variance for the electronic sign installed at Hope Lutheran Church. Mr. Thompson described that the church received a special use permit to install this sign originally. The church then filed a variance request to allow for color display on the electronic sign.

The Zoning Commission originally heard this request in February 2018 and tabled the request until such time as the sign installation was completed.

Mr. Thompson reported that the church has had the sign operating with a color display for the last few days to allow the Zoning Commission to view the sign in its proposed color format.

Jim Walter, representing Hope Church, confirmed that the sign has displayed color for the last few days.

Mr. Bishop entered the meeting at this time.

Mr. Walter continued stating that they have received positive comments regarding the color display and shared with the Zoning Commission that color allows for much better communication. For example, he said that trees or pumpkins can be displayed when color is allowed, whereas the amber on black requirement of the zoning code limits communication.

He also mentioned that the sign is available for community purposes such as encouraging people to vote, noting that Hope Church is a voting location. He mentioned other activities taking place in the church such as AA meetings and noted the sign can be helpful in that regard. Mr. Walter concluded by stating that color is common now on signs of this nature.

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Brief discussion followed regarding the safety of electronic signs near intersections. It was reported that there seems to be some relationship between moving signs and accidents at major intersections. There is no evidence that was found by the administrative staff that addition of color would have an adverse impact on safety.

Rex Decker then addressed the Zoning Commission stating that the sign was originally approved as a special use after review by both the Zoning Commission and the Village Council. He said that if the church wanted to have movable images on the sign, he felt that request should come back to the Village Council.

Regarding the color display requested by the church, Mr. Decker thought that it was inappropriate for this to be considered as a variance. He said if the Zoning Commission thought that the legislative restriction was unnecessary, then there should be an effort made to change the legislation.

Mrs. Schiciano commented that there would be no movement in the sign images. There are only still images that changed instantly.

Mrs. Schiciano asked about approval of the color display of the sign at the Ottawa Hills High School. Mr. Decker commented that the Zoning Commission approved that variance request because it did not qualify as a special use.

Discussion followed regarding the location of the existing Hope Church sign with Mr. Decker suggesting that perhaps it should be relocated.

Mayor Gilmore stated that Mr. Decker did have a valid point regarding the Zoning Commission and involvement by the Council. He commented that he thought it would be appropriate for Council to be involved in the decision regarding the color display request.

Mr. Walter pointed out that the sign at the high school was allowed to have color and it is not located on either Secor Road nor Central Avenue, which is also a requirement for any electronic sign according to the zoning code.

Solicitor McHugh reviewed the differences between a special use and a variance request, concluding by stating that the Zoning Commission has the authority in this case to grant the variance from the sign code if they are so inclined.

Mayor Gilmore concurred with Solicitor McHugh stating that he understood that legally the Zoning Commission could take action, but he thought that in this case the Council should be involved.

Mrs. O'Connell suggested that this may constitute a policy change and maybe the Zoning Commission and the Council should take time to look at it more thoroughly.

Mr. Bishop said that this was an evolving issue particularly as it related to color signs.

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Mrs. Koury said that perhaps it would be appropriate to consult with the high school related to their sign since there have been no negative comments regarding that sign. She said she thought the Hope Church sign was too bright.

Mr. Decker commented that the school sign was very attractive.

After additional discussion Mrs. O'Connell made a motion to table the requested variance and to suggest that the Zoning Commission make a recommendation to the Council regarding a modification in the ordinance. Mr. Seifried seconded the motion which was unanimously approved.

Mrs. Schiciano thanked the Zoning Commission for their time and effort.

The next item on the agenda was a request for variances related to fence height, openness and paved area at 2333 Manchester Rd.

Mr. Thompson described that the Hardman family wishes to replace an existing 6-foot-high fence which is in disrepair with a 6 foot high shadowbox fence, which exceeds the 48 inch height limit and the 50% openness requirement. He reminded the Zoning Commission that the rear of the Hardman property adjoins the elementary school parking lot and storage facility.

The Hardmans also wish to add additional paved surface which will increase the amount of paved surface to 21% on the property.

Mrs. Hardman stated that the existing fence was falling down and needed to be replaced. They hoped to do so in a manner which matched the fence on the adjoining property while providing some privacy from the elementary school parking lot. She mentioned that the additional paving would be between the garage and the rear property line and would be a matter of convenience for her family.

Mr. Seifried commented that the area of the proposed additional pavement is basically unusable for any other purpose.

Mr. Bishop reflected that the Zoning Commission has approved fence variances in situations like this in the past.

Mrs. O'Connell made a motion to approve the request at 2333 Manchester Rd. for a 72 inch shadowbox fence and to approve an increase in the paved area from its current 18% to 21% of the lot area. Mr. Bishop seconded the motion and upon call of the roll, the motion passed unanimously.

The next item on the agenda was a request for variances at 2105 Hawthorne Rd. and 3706 Edgehill Rd. Solicitor McHugh stated that she would be presenting this request to the Zoning Commission as Mr. Thompson has a potential conflict related to this request and potential post retirement employment opportunities.

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Ms. McHugh stated that Adam and Kathryn Walter, owners of the property at 2105 Hawthorne Rd., seek a variance to add approximate 249 ft.² of additional pavement in order to allow for a paved access from their property to the adjoining property at 3706 Edgehill Rd. She commented that 3706 Edgehill, owned by Megan Walter, is also seeking a variance to allow for construction of a carriage house on the property.

Todd Kime addressed the Zoning Commission stating that this is part of a major renovation and is the final piece of a significant investment by the Walter family on both properties. He reminded everyone that the house at 3706 Edgehill had been removed to allow for this new construction. He pointed out that the proposed variances substantially reduce the amount of paved area on both properties compared to what had existed previously.

Reference was made to photographs and renderings that had been provided related to the proposal.

Mr. Bishop commented that the proposal allows for improved functionality of the two properties noting that the proposed carriage house access does not need a curb cut.

Mr. Kime commented that the location was identified in order to maximize green space and, potentially accommodate a separate sale of the property at some point in the future.

Mr. Bishop said that he thought that the carriage house would not be particularly visible from the street and that the plan appears to take into account the interests of the neighbor.

Gary Grup stated that he was representing the neighbor, Jenica Dille, immediately to the north who is in full support of project. He expressed some concern about drainage in times of heavy rain because the driveway slopes away from the road toward the garage at the neighboring property at 3718 Edgehill Rd. During heavy rains he thought that the existing retaining wall may be damaged and suggested that a catch basin could be built to accommodate waterflow.

Richard Effler representing the Walter family stated that the family had an engineer develop a drainage plan with a very thoughtful design which could be modified if necessary to address any drainage concerns.

Solicitor McHugh reminded the Zoning Commission that there were two variances; one for paved area at 2105 Hawthorne and the other for a front yard setback at 3706 Edgehill.

Adam Walter commented that it is their intention to deal properly with any water related issues. They have had some experience with the adjoining home and recognize the damage that water can do to a home.

John Wenzlick suggested that the Village could have their engineering firm, Northwest Consultants Inc. look at the proposed plan.

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Megan Walter stated that she wants to make the improvements in such a manner that benefits all parties. Jenica Dille stated that she did not want to do anything to delay the start of the project and is very much in favor of proceeding with the project.

Megan Walter commented about their desire to continue their strong investment in the community. They understand that it is unlikely that they will receive a positive return on their investment when it is time to sell.

After brief discussion Mrs. O'Connell made a motion to table the variance at 2105 Hawthorne. Mr. Bishop seconded the motion which passed unanimously.

Discussion then turned to the variance request related to the front setback at 3706 Edgehill.

Solicitor McHugh stated that the zoning code has a maximum front setback of 62 feet while the front setback is proposed to be 90 feet in this case.

Mr. Bishop confirmed that no other variance is necessary.

Mrs. O'Connell stated this was a very unique situation and that she wished she had known about the house being removed before it came down.

Mr. Bishop stated that there was nothing to prohibit the removal of the home when it occurred earlier this year.

Mr. Grup mentioned the possibility of a mutual agreement with the Village regarding the driveway and the potential drainage issues.

Mrs. O'Connell made a motion to approve the front setback at 90 feet for the property at 3706 Edgehill Rd. conditioned on the owners agreeing to any necessary revisions in the drainage plan. Mr. Bishop seconded the motion which passed unanimously.

Mr. Bishop then made a motion to bring the proposed variance at 2105 Hawthorne back from the table. Mrs. O'Connell seconded the motion, which passed unanimously.

Mr. Bishop made a motion to grant the paved area variance at 2105 Hawthorne Rd. for an amount of 2880 ft.² or 12.5%. Mr. Seifried seconded the motion and upon call of the roll the motion was adopted unanimously.

It was agreed that the next meeting of the Zoning Commission would be at 5:00 pm on September 19.

There was no further business and the meeting was adjourned.



Mayor Kevin Gilmore