

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON NOVEMBER 1, 2018 AT 5:00 P.M.

The November 1, 2018, meeting of the Ottawa Hills Zoning Commission was called to order at 5:05 pm by Zoning Commission member Katherine O'Connell. Roll was taken with members Katherine O'Connell, Paul Bishop, and Todd Seifried present. Village Solicitor Sarah McHugh and Manager Marc Thompson were also present. Commission member Zac Isaac was not in attendance but was expected. Mayor Gilmore was not in attendance and not expected.

In the audience were David and Rachel Novak, Ryan and Laura Wharry, Ricky and James Decker, Henry Ledgard, Yarko Kuk, Kristina Green and Michael Harding.

Mr. Bishop made a motion to approve the minutes from the September 20, 2018 meeting. Mr. Seifried seconded the motion which passed unanimously.

Mrs. O'Connell then administered the oath to David and Rachel Novak, Ryan and Laura Wharry, Henry Ledgard, Kristina Green, Michael Harding, and Marc Thompson.

Mrs. O'Connell pointed out that Mr. Isaac was not in attendance but was expected momentarily. She also said that Mr. Seifried felt he had a conflict on the first agenda item and would be unable to vote.

Mrs. O'Connell asked if anyone in the audience wished to address the Zoning Commission on items that were not on the agenda.

Ryan Wharry of Valley View Drive addressed the Zoning Commission regarding the expansion of Epworth Church. He expressed dissatisfaction regarding the progress that had been made on the retention pond, lighting, landscaping and mounding.

He described concerns with each including mosquitoes at the retention pond and the amount of light still shining on his property from headlights and from the parking lot lights. He stated that his recollection was that there was to be an impenetrable screen to protect his home from lighting.

Mr. Isaac entered the meeting at this time

Mr. Wharry stated that the evergreen plantings along the south property line blocked approximately 60% of the light. He also commented that the lighting from the parking lot lights has been improved, but additional work is necessary. He stated that he had hired an attorney to represent him regarding the adverse impact. He commented that the attorney was a Village resident, Tom Timmers.

Laura Wharry said that they have small children and they had not been sleeping well at night. She does not feel like the church has adequately addressed these concerns.

Solicitor McHugh suggested that she would reach out to Mr. Wharry and his attorney and report back to the Zoning Commission at the next meeting.

Mrs. Wharry stated that the situation is putting a great deal of stress on their family. Mr. Wharry commented that he felt that Epworth Church has not fulfilled any part of the requirements related to the special use permit which was granted by the Village.

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Mrs. O'Connell asked Mr. Thompson to provide a report related to the next item on the agenda which was a fence location variance at 2087 Carriage Hill Dr.

Mr. Thompson reported that Rachel and David Novak seek a fence location variance which would allow the placement of a 48 inch split rail fence along the side of their home. The variance is necessary because the fence would be located between the building line of the home and the street. The request is consistent with the zoning code in all other aspects.

Commission member Seifried stated that he has a business relationship with Mr. Novak and therefore felt that it would be best if he did not participate in the discussion or in the vote.

Mr. Novak then addressed the Zoning Commission stating that because of the placement of his home on the lot, the side yard is really their backyard. He said that he and his wife have a four-year-old and a two-year-old and that they wish to add the fencing to provide for safety for the children. He also commented that there are number of people who walk in the area and cut across the southern portion of their lot, noting that often there are dog walkers who fail to clean up after their dogs.

Mrs. Novak said that safety of their children was their primary concern, and that they will keep the property in a very attractive manner, commenting that they own a landscape business.

Mr. Ledgard asked if the Zoning Commission had received his letter objecting to the fence variance. The Zoning Commission confirmed they had received the letter. He continued by stating that he believed the proposed variance was an extreme violation of the fence code and that Ottawa Hills is basically a "fence-less" community. He said the proposed fence would bracket the entire corner. He also commented that the applicants had promised to keep the area as open space in their previous request for a variance.

Mrs. O'Connell stated that this is a substantial amount of fence.

David Novak stated that directly across the street is virtually the same fence as is being proposed, on a corner lot. He said there are several other similar fences in the area and in the community.

Michael Harding, the adjacent neighbor on Hillandale, said that he didn't like the idea of fencing and was trying to determine a workable solution. He was concerned that the proposed fence would be very close to his driveway and that it might get hit during normal driving activities.

Mr. Ledgard commented that in a few years the Novak children will not be playing outside as they get older.

Mr. Bishop commented that this was a particularly difficult lot and that everyone appreciated the Novak efforts to build on this lot and improve the community. He also commented that it seemed like an extreme amount of fence, and that the Zoning Commission tries to weigh neighbor viewpoints very carefully. He also commented that he had sympathy for the safety concerns and would favor an alternative to the current proposal.

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Mr. Isaac commented that Mr. Novak has been on occasion a contractor for the Isaac family. He felt that there was no conflict which would prohibit him from expressing his opinion and voting on this topic. He suggested that it might be possible to enclose a smaller area with the fence and still have a safe area for children to play.

Mr. Novak confirmed that it is a challenging lot and that the safety of his children is their top priority.

Mr. Bishop asked if it was possible to build another house on the lot. It was reported that there were no longer two parcels of land at that location. The prior two parcels had been combined.

Mrs. O'Connell walked the property the other day and stated that it appeared to be too much fence and she was particularly concerned about the fencing in front of the house. Additional discussion followed with Mr. Isaac encouraging the Novak family to speak with their neighbors. He then made a motion to table the requested variance. Mr. Bishop seconded the motion and upon call of the roll Mr. Bishop, Mr. Isaac and Mrs. O'Connell voted to table the motion. Mr. Seifried abstained from voting.

The next item on the agenda was a request for a special use permit at 4718 Brittany Rd., St. Michael's Episcopal Church. Mrs. O'Connell said that she was a member of the church and therefore would abstain from voting.

Mr. Thompson described the special use process and the specific request in this regard to expand and relocate an outdoor playground

Kristina Green, representing the church, said that there would be no fence involved and the playground was intended for community use as well as church use.

Mr. Bishop stated that he had many fond memories of going to the former playground and thought that it was a great community benefit. After brief additional discussion Mr. Isaac made a motion to recommend to the Village Council to permit the expansion of the playground facility at St. Michael's Church. Mr. Bishop seconded the motion. Upon call of the roll Commission members Isaac, Bishop, and Seifried voted in favor of the motion. Mrs. O'Connell abstained from the voting.

It was agreed that the next meeting of the Zoning Commission would be on December 12 at 5 pm. There being no further business the meeting was adjourned at 6 pm.

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Katherine O'Connell