

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON DECEMBER 12, 2018 AT 5:00 P.M.

At 5:01 pm on December 12, 2018, Mayor Kevin Gilmore called to order the meeting of the Ottawa Hills Zoning Commission.

Present were members Kevin Gilmore, Paul Bishop, Katherine O'Connell, Zac Isaac, and Todd Seifried. Also present representing the Village of Ottawa Hills were Solicitor Sarah McHugh and Village Manager Marc Thompson.

In the audience were Sam Zyndorf, Nasrin Afjeh, Duane Ankney, David Novak, Ryan Wharry, Laura Wharry, Tom Timmers, Yarko Kuk, Edwina Ledgard, Henry Ledgard, JP Ankney, Rachel Novak, and Michael Harding.

Mayor Gilmore then asked Mr. Zyndorf to step forward and presented him with a proclamation expressing appreciation on behalf of the Zoning Commission and the entire Village for Mr. Zyndorf's 12 years of service on the Zoning Commission.

Mr. Zyndorf expressed his gratitude for the recognition and said that he enjoyed his service and missed living in Ottawa Hills.

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

The next item on the agenda was a request for a variance at 2087 Carriage Hill. Mr. Thompson reported that this variance request was tabled at the last meeting and that the Novak family has made some modifications to their original proposal and have brought it forward for reconsideration.

Mr. Isaac made a motion to remove this variance request from the table so it could be further considered. Mr. Bishop seconded the motion which passed unanimously.

Mr. Thompson stated that this request is for a fence location variance. The proposed fence is a two rail split rail fence approximately 18 feet from the curb on Hillandale and on Carriage Hill. He said that the revised proposal includes a lower fence which is further away from the curb, although still located between the house and the street line.

Mr. Novak said he would be happy to answer any questions.

Mr. Seifried stated that he would be abstaining from any action on this request since he has a business relationship with Mr. Novak.

Mr. Novak identified the differences between the current proposal and his initial proposal stating that the proposed fence is a two rail fence with wire on the outside. He said that the proposed fence is 18 feet from the curb compared to 13 ½ feet in the initial submission. He said that the entire perimeter would be landscaped, some of it on the inside and some on the outside of the fence. He commented that there would be approximately 176 feet of fencing along the curb.

Mr. Novak continued stating that he had also adjusted the location of the fence based on concerns expressed by Mr. Harding at the previous meeting. That adjustment amounted to a four foot offset

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from the existing fence. Mr. Novak said that the maximum height of the fence would be 42 inches.

Mayor Gilmore then asked for citizen comments and Mr. Ledgard responded stating that he was the primary objector at the last meeting and he thought that the modifications were a step in the right direction. He asked about moving the fence further off of the road to line up with the existing house immediately to the west. He also stated that he did not care for the wire proposed to be attached to the fence, but was primarily concerned about location. He suggested a “sunset” clause related to the wire on the fence.

Mr. Novak commented that the wire was not a long-term issue but was needed currently as his children are of a young age. He said the location was very important and commented that he does a lot of work in the Village and noted that there were several fences, many in similar locations. He reminded the Zoning Commission that this is a unique lot and he is trying to do what is best for his family and for the community.

Mr. Harding stated that the Novaks have completely addressed his original concern and that he is satisfied with the proposal as revised, stating it was a good compromise.

Mrs. Novak stated that nothing prohibited them from planting a tall wall of the vegetation which would be less open than the proposed fencing.

In response to a question for Mrs. O’Connell, Mrs. Novak confirmed that they would not be putting any play structure in the side yard.

Mr. Bishop stated that he supported the revised plan recognizing the unique circumstances of this lot. He recommended that the landscaping be placed on the outside of the fence.

Mrs. O’Connell stated that she continues to have some reservations but that the revised plan was a big improvement and she also thought that the landscaping should be on the outside.

After additional discussion Mr. Isaac made a motion to approve the fence location variance for a two rail split rail fence not less than 18 feet from the curb with wire on the outside and plantings on the outside.

Mr. Bishop seconded the motion and upon call of the roll, members Bishop, Isaac, Gilmore, and O’Connell voted in favor of the motion. Mr. Seifried abstained.

The next item on the agenda was a discussion item related to the property at the intersection of Brookside Road and Indian Road, near Central Avenue.

Duane and JP Ankney of Gulfstream Development are considering submitting a request through the planned unit development chapter of the Ottawa Hills zoning code to allow for construction of four single-family homes on this lot. Mr. Ankney addressed the Commission stating that there were a large number of variances needed for such proposed development and that before he submitted a formal application he wanted to get some sense of if the Zoning Commission would entertain such a proposal.

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Mr. Thompson stated that the zoning code has provisions for a pre-application conference and that after several meetings with Mr. Ankney he thought it might be wise to have a very brief pre application conference with the Zoning Commission.

Mr. Ankney stated that he thought that there was a market for housing of this nature, generally for people 55 and over who are looking to downsize into a well-built home with a number of amenities.

Brief discussion followed and it was commented that the proposal seemed to be consistent with the results of community surveying which indicated the desire for more housing choices in Ottawa Hills. Former Zoning Commission member Sam Zyndorf stated that this was exactly what was needed in Ottawa Hills.

Mr. Ankney said that he would be meeting with nearby property owners prior to making a submission to the Zoning Commission.

The next item on the agenda was an update related to the special use permit issued to Epworth United Methodist Church.

Sarah McHugh said that she and Mr. Thompson had recently visited the Wharry home to assess the nature of the problem. Ms. McHugh shared photos with the Zoning Commission members that were taken from the Wharry home at night.

She continued by stating that the lights are quite bright and an annoyance for the Wharry family. She said that before releasing the report she hoped to be able resolve the issue.

She continued by stating that there was a recent meeting which involved representatives of Epworth Church, Gary Wilson and David Richardson, along with Mr. Wharry and Attorney Timmers.

Solicitor McHugh stated that she recently received an email from Mr. Wilson recommending that the lights in the rear parking lot be turned off except when there was a specific event and also that the rear parking lot not be used when not necessary. She saw this as a show of good faith from Epworth Church.

Solicitor McHugh also reported that a letter had been delivered to Epworth Church notifying them that they are in violation of the Village property maintenance code related to lighting. They were given 15 days to comply with the requirements of the ordinance. In the absence of compliance the Village may seek court intervention.

Attorney Timmers then addressed the Zoning Commission stating that he lives in Ottawa Hills, adjacent to a commercial lot so he has both professional and a personal interest in making certain that requirements related to parking lot lights are properly met. He identified three areas of concern: overhead lighting, an inadequate barrier between the parking lot and the Wharry home, and the detention pond.

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He referred back to 2017 when this issue was first brought to the Zoning Commission. He said that the Wharry family had concerns but based on representations made by the church at that time, the Wharrys supported the request. He said that they were only asking for what was promised over a year and a half ago.

Solicitor McHugh stated that she felt things were moving in the right direction, but probably not at a speed that the Wharry family would appreciate.

Mr. Isaac said that engineers had been retained to address the detention pond situation and that the detention pond was supposed to hold water no longer than 48 hours.

Mr. Wharry commented that about one and one half years ago it was identified that headlights of the parking lot would be a problem and that the vegetative screen was to effectively eliminate headlights shining on them in their home.

Mr. Seifried asked if it was gaps in the vegetation that caused the headlight problem.

Mr. Timmers commented that inside the Wharry home one can see headlights from cars in the parking lot in several of the lower-level rooms. Additional discussion followed regarding the nature of the problem and the importance of its resolution.

Mayor Gilmore then stated that Mr. Isaac has indicated his desire to go off of the Zoning Commission as soon as a replacement can be found.

It was agreed that the next meeting of the Zoning Commission would be at 4:30 pm on January 17. There being no further business the meeting was adjourned.



Mayor Kevin Gilmore