

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON JANUARY 15, 2015 AT 5:00 P.M.

Mayor Kevin Gilmore called the January 15, 2015 meeting of the Ottawa Hills Zoning Commission to order at 5:00 p.m. Roll was taken with Commission members Katherine O'Connell, Sam Zyndorf, Paul Bishop, and Mayor Kevin Gilmore present. Commission member Zac Isaac was not in attendance and was not expected. Also in attendance representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included Paul & Lianne Genzman, Megan Radlinski, Bob Stutz, Chuck & Johanna Riepenhoff, Todd Kime and Nasrin Afjeh.

Mr. Bishop made a motion to approve the minutes from the November 17, 2014 meeting. Mrs. O'Connell seconded the motion which passed unanimously.

Mayor Gilmore then administered the oath to Paul & Lianne Genzman, Megan Radlinski, Bob Stutz, Chuck & Johanna Riepenhoff, and Marc Thompson.

First item on the agenda was a request for a variance related to the height of the roof on an accessory structure at 3417 Kirkwall Road.

Mr. Thompson reported that Mr. & Mrs. Genzman are reconstructing a detached garage at the rear of their property. They originally received a permit to reconstruct the garage with a 15 foot maximum height. Construction began and they elected to seek a variance to increase the height to 17 feet 11 ¼ inches. If the height were to increase as requested the slope of the roof on the garage would mirror the slope of the roof of the house.

Mr. Genzman had little to add to the staff report stating that they simply wish to have the appearance of the property improved by having the roof lines match.

Mr. Zyndorf asked if there had been a fence variance granted at this location a few years ago. It was confirmed that such a variance was granted at the request of a prior owner.

Mr. Bishop asked if there were any restrictions related to front load garages. He was informed that detached garages in this zone are permitted to have garage doors in the front.

Mr. Zyndorf stated that he walks frequently through this neighborhood and has noted that many homes have garage roofs which are higher than the 15 foot height restriction in the zoning code and that he had no issue with the proposed variance.

Mrs. O'Connell stated that the requested variance is not a large deviation from the permitted height and that she had no problem.

Mr. Bishop stated that he agreed with comments from his colleagues.

Mrs. O'Connell then made a motion to approve the roof height variance as requested at 3417 Kirkwall Road to a maximum of 17 feet and 11 ¼ inches in order that the slope of the garage roof would match the slope of the house roof. Mr. Bishop seconded the motion and upon call of the roll the motion passed unanimously.

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The next item on the agenda was a request for fence location variance at 3005 Scarborough Road. Mr. Thompson reported that the proposed fence is an aluminum alloy fence 4 feet in height. The variance relates to the proposed location of the fence and the unusual nature of the lot. This lot is surrounded by Scarborough, Northmoor and Sheraton Roads. The zoning code states that “no fence shall be erected nearer to the street line than the setback line for any house or building constructed on the lot where such fence is located”. He continued by stating although the proposed fence is in the rear of this lot, it is nearer to the street line than the setback line so that a variance is necessary if the fence is to be constructed.

Mrs. Radlinski verified some aspects of the drawing provided stating that there are two sections of stone wall on the property and on the north side the fence would be placed between the stone wall and the street and on the south side the fence would meet the stone wall and incorporate it as part of the fencing.

Mr. Zyndorf asked if the fence could be installed in a manner which matched the curvilinear drawing.

Mr. Kime commented that the fence would typically be in 8-foot sections so that there would be straight sections that would be angled in a manner to create an overall curved appearance.

In response to a question from Mrs. O’Connell, Mrs. Radlinski stated that the fence would be a black aluminum fence intended to keep their two small dogs on the property.

Robert Stutz objected generally to fences in the Village. He lives on Central Ave. and believes that problems on Central Ave. are having an adverse impact on the Village and particularly in this neighborhood.

He hoped that the Zoning Commission would make efforts to assure that the Village did not become boxed in with solid fences. He has had issues with a fence adjacent to his property. He concluded by stating that he has lived here for many years, has great affection for the community and does not want to do anything that would hurt Ottawa Hills.

Mr. Gilmore responded by stating that the Zoning Commission is not typically a proponent of fences and certainly not a proponent of stockade type fences.

Mrs. O’Connell stated that the property in question is certainly unique and that the proposed fence is an open attractive fence and would not seem to violate the sensibilities of nearby property owners. She continued by stating that it is within the height limits of the existing ordinance and confirmed that it is not in the front yard. She also mentioned that it is consistent with some of the discussions that the Zoning Commission has had about future changes to the fence code and concluded by stating that she did not have an objection to the proposal.

Mr. Zyndorf stated that he did not have an objection to this proposal but was concerned about the curvilinear aspect of the application.

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Mr. Bishop commented that although regulations are being reviewed with potential changes in mind the Zoning Commission is compelled to apply the existing regulations to this application. He said the proposed plan is generally consistent with the current application.

Mrs. O'Connell then made a motion to approve the fence variance for 3005 Scarborough Road consistent with the January 6<sup>th</sup> drawing with the understanding that the fence will be made of aluminum, would be black in color and will be a picket fence consistent with submission. Mr. Zyndorf seconded the motion which passed unanimously.

Attention then turned to the property at 3432 Darlington Road and the request for variances related to the deck and the fence height. Since this item had been tabled at the prior meeting, Mr. Bishop made a motion to remove this item from the table and have it be open for consideration at the January 15<sup>th</sup> meeting. Mrs. O'Connell seconded the motion which passed unanimously.

Mr. Thompson briefly reviewed the specifics stating that a permit had been issued to construct a deck but the deck was constructed in a manner inconsistent with the permit and inconsistent with the zoning code. The existing deck violates the side yard requirements for the property. In addition, a hot tub has been placed on the deck in a manner which also violates the provisions of the zoning code. Finally, a fence in excess of 4 feet in height has been constructed which violates the zoning code.

Mr. Riepenhoff commented that as a result of the last meeting that he understood that some type of arrangement was being considered which would allow them to keep the fence, deck and hot tub in their current configuration until they sold the property at which time it would have to be brought into compliance.

Mr. Zyndorf asked about enforcement of such an agreement. Substantial discussion followed regarding whether or not a deed restriction could be put in place which would assure all parties that the property would be brought into compliance at the time of any potential sale.

Mr. Zyndorf stated a responsible seller would have to make a potential buyer aware of the requirement.

Mrs. McHugh reviewed three letters in support of the proposed variance.

Mr. Zyndorf stated that the proposed variances certainly would not have been approved had they been brought to the Zoning Commission initially. He also stated that he might be willing to compromise only if there was a certainty that the deed restrictions could be put in place and properly enforced.

Mrs. McHugh recalled that in the past citizens have been required to reduce fence height in order to comply with the zoning code.

Mrs. O'Connell stated that it might be appropriate to allow the deck and the hot tub to remain while the Riepenhoffs own the property but to require that the fence be reduced to 4 feet in height.

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Mr. Bishop expressed concern that there were three different styles of fence along the property line which added to the problem. There is a 6 foot stockade fence, a 4 foot solid wood fence and a split rail fence.

Mr. Riepenhoff volunteered that the fencing could be replaced with a consistent fence throughout and that perhaps some type of vegetation could replace the 6 foot fencing. He agreed to make any adjustments to the fencing that were necessary.

Mayor Gilmore confirmed that none of the variances would have been granted had they been applied for originally but stated a compromise might be appropriate if such a compromise included a strong deed restriction. After additional discussion Mr. Zyndorf suggested that additional work be done related to the potential for deed restriction and that the issue should be brought back at the next meeting. Mrs. O'Connell made a motion to table the subject until the next meeting. The motion was seconded by Mr. Bishop and passed unanimously.

Brief discussion followed regarding proposed changes to the fence code. Draft legislation will be prepared for consideration by the Zoning Commission. It was explained that the Zoning Commission actually makes a recommendation to the Village Council regarding any changes in the zoning code. Village Council will hold a public hearing and through legislation make any changes in the code.

It was suggested that the portion of the zoning code dealing with deer fencing be reviewed by the Deer Committee which is exploring wildlife management options in the Village.

There was general confirmation that the "openness" question regarding the proposed fence code would remain at 50%. Photographs of various fences were reviewed.

Discussion also involved the thin sometimes reflective rods that are placed along pavement on the uncurbed streets. They are often placed to provide guidance for snow plow operators. It was agreed this was not a subject for consideration by the Zoning Commission because the posts are placed in the public right-of-way. The Zoning Commission deals with private property issues. The issue will be brought to the Village Council because the Zoning Commission perceived that the placement of the posts and the duration they are left in place is detrimental to the appearance of the community.

There being no further business the meeting was adjourned at about 6:06 p.m.



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Kevin M. Gilmore