

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON DECEMBER 16, 2015 AT 5:00 P.M.

Mayor Kevin Gilmore called the December 16, 2015 meeting of the Ottawa Hills Zoning Commission to order at 5:02 pm.

Roll was taken with Zoning Commission members Zac Issac, Kate O'Connell, Sam Zyndorf and Mayor Kevin Gilmore present. Commission member Paul Bishop was not present but was expected momentarily.

Sarah McHugh and Marc Thompson were also present representing the Village of Ottawa Hills. Members of the audience included Rick Brunner and Yarko Kuk.

Mayor Gilmore stated that he had a conflict related to the first item on the agenda and would not be participating in any vote related to that item.

Mr. Isaac made a motion to approve the minutes of the November 23, 2015 meeting. Mr. Zyndorf seconded the motion, which passed unanimously.

The oath was then administered to Mr. Brunner and Mr. Thompson.

Mr. Thompson provided a report for the first item on the agenda which was a fence variance request at 3873 Sulphur Springs Rd. He described that the variance related to the height of the fence and color of fence. The zoning code allows for a fence to be 4 feet in height and states that a fence should be of a color to minimize visibility from nearby properties. He described the location of the fence and that it is approximately 6'6" in height. The fence is approximately 20 feet long and serves as a privacy screen between the rear yards of the Brunner property and the neighboring property.

Mr. Brunner then addressed the Zoning Commission informing them that several trees had died in the area where the fencing has been placed. Those trees provided privacy for the rear yards of the two adjoining homes. These fence panels were put in place to create that privacy for both property owners to improve enjoyment of their rear yard. Mr. Brunner emphasized that the adjoining neighbors endorsed the fence.

The adjoining property owner, a master gardener, stated that the nature of the soils and other conditions indicate that it is unlikely that much vegetative screening will be successful in the area between the homes.

Mr. Bishop entered the meeting at this time.

Mr. Brunner continued stating that he believed the fence panels improve the appearance of the area and that the privacy issue is not only for the rear yard but for the orientation of windows in the Brunner home. He also stated that a 4 foot high fence would not provide the desired privacy and concluded by asking the Zoning Commission to grant the variance as requested.

Mr. Zyndorf stated that he had walked on the property recently and did not have a significant issue with the fence which has already been installed. He said he would have planted trees or

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shrubs if he was the property owner, but did not have a strong objection to what the Brunner family had done.

Mrs. O'Connell stated that during the recent discussions of the fence code the Zoning Commission elected not to include language which would allow for limited privacy screens. She thought that it might be appropriate to reconsider that decision.

Mr. Brunner reviewed the definition of a fence which refers to an enclosure or preventing access. He stated that he did not believe the structure he had erected was a fence, based on that definition. Mrs. O'Connell stated that there was no definition of a fence in the zoning code.

Mr. Bishop said that the role of the Zoning Commission was to pass judgment on variance requests keeping in mind the possibility of setting a precedent. He also mentioned that the Zoning Commission has granted fence height variances usually when the fence separated two different land uses, such as a rear yard and a parking lot. He said that it would be difficult to approve the requested variance without a compelling reason, noting that the fence panel which was erected was not consistent with the proposed new fence legislation regarding openness.

In response to a question from Mr. Isaac, Mr. Brunner stated that growing a vegetative screen would be difficult because of the high amount of shade and the large amount of deer activity. He said his neighbor, Kate Wolf, said that the area is not good for planting.

Mrs. O'Connell stated that this could be an issue which creates a precedent for future consideration and thought that the Zoning Commission should consider guidelines for structures of this type for this purpose. She said that she believed that this specific item should be tabled until it can be further analyzed. Mrs. O'Connell also said that on some occasions fences or trellises can be an architectural element which adds to the character and beauty of the property and perhaps there should be some recognition of this possibility.

Mrs. O'Connell then made a motion to table the variance request. Mr. Isaac seconded the motion and upon call of the role commission members Zyndorf, O'Connell, Bishop and Isaac voted in favor of the motion to table. Commission member Gilmore abstained from the vote.

The Zoning Commission was in agreement that the recommended changes in the zoning code should be put on hold and not forwarded to the Village Council at this time. The Zoning Commission will consider the potential for inclusion of legislation regarding privacy screens before moving forward with a specific recommendation to the Village Council.

The next item on the agenda was a request for a fence variance at 2415 Manchester Rd. It was noted that no representative of the owner was present and was also noted that this request was very similar to the request heard earlier in the meeting. As a result, Mr. Isaac made a motion to table the variance request at 2415 Manchester Rd. Mr. Bishop seconded the motion which passed unanimously.

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Discussion followed regarding reflective poles placed in the public right-of-way along Edgehill Road and Underhill Road. Mr. Thompson made clear that the authority of the Zoning Commission does not extend to the public right-of-way. The Zoning Commission regulates uses and structures on private property. Nevertheless, there was general consensus that these reflective poles detract from the appearance of the area.

Brief discussion also followed regarding the proposed outfield fence at Geresy Field. It appears that this issue is resolved and will not be a topic of discussion at this or future Zoning Commission meetings.

It was agreed that the discussion of plat restrictions in the Hasty Farms Plat would be deferred to an upcoming meeting.

There being no further business the meeting was adjourned at 5:55 PM.



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Kevin M. Gilmore