

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON JULY 12, 2016 AT 5:00 P.M.

Mayor Kevin Gilmore called the July 12, 2016 meeting of the Ottawa Hills Zoning Commission to order at 5:00 pm. Roll was taken with Sam Zyndorf, Katherine O'Connell, Paul Bishop, Zac Isaac, and Mayor Kevin Gilmore present. Also representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

In the audience were Jim Norman, Nasrin Afjeh, Amy Aasbo, John Williamson, Tony Bassett, Jim McGhee, Kathryn McGhee and Jessica Harker.

Mr. Bishop made a motion to approve the minutes from the June 16, 2016 meeting of the Zoning Commission. Mrs. O'Connell seconded the motion which passed unanimously.

Mayor Gilmore administered the oath to Mr. Norman, Mr. and Mrs. McGhee, Tony Bassett, Marc Thompson, and Amy Aasbo.

John Card entered the meeting at this time.

Mr. Thompson provided a report regarding the variance request by Mr. and Mrs. McGhee at 4122 Northmoor Rd. This request involved a variance related to the height of the fence and to the requirements that the finished side of the fence be on the outside. Mr. Thompson reported that the fence is approximately 6 feet in height and in certain locations the finished side is on the inside and in other locations it is on the outside. He mentioned that the fence has been erected without a permit.

Mr. McGhee informed the Zoning Commission that he did not realize a permit was necessary, particularly since he was replacing an existing fence. He said he has worked with his neighbor regarding the fencing on the west side of his property. As part of the project, a portion of chain-link fence had been removed. He reported that trees on the property line created some problems and that a split rail fence on the rear and east side of the properties was in bad condition. He originally put up rolls of bamboo as a temporary fence but took down the bamboo and lattice when he erected the subject fence.

James Norman of 4131 Central Ave. then addressed the Zoning Commission stating that the fence is in excess of 7 feet high in some locations along the rear property line. Mr. Norman confirmed that his property adjoins Mr. McGhee's property in the rear. He also stated that he did not support the variance and expressed concern about debris in the area behind the McGhee garage. Mr. Norman provided some photos for review by the Zoning Commission

Mr. Afjeh then took the oath so she could make a comment.

Tony Bassett said that he lives immediately to the east of Mr. and Mrs. McGhee and that the lots are very small and he understood that the fence was taller than the maximum fence height allowed. However, he said he was in favor of the proposed variance.

Mayor Gilmore stated that he understood from discussions with Mr. McGhee that the fence on the west side of the property is actually on the neighbor's property.

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON JULY 12, 2016 AT 5:00 P.M.

Mr. Norman expressed concern that the fence does not extend across the back of the garage at the rear of the McGhee property so that he sees fence across part of his rear yard and sees garage across the remaining portion of his yard.

Mr. Zyndorf stated that he had visited the site today and thought there was a great deal of fence particularly visible from the street. He also said that if Mr. McGhee had asked for a variance in advance of erecting the fence he would not have voted in favor of such a variance. He commented that he was not so concerned about the finished side being on the inside but was troubled by the height of the fence.

Mrs. O'Connell also visited the site today and said that she thought there was too much 6 foot high fence and, like Mr. Zyndorf, would not have approved a variance if it had been requested before the fence had been constructed. She also sympathized with Mr. Norman's comments and concerns.

Mr. Bishop stated he regretted that the investment in the fence had already been made, but concurred with his colleagues.

Mr. Isaac provided some background regarding the Zoning Commission and variance requests related to fences. He said that very few six-foot high fences have been granted and in the past the Zoning Commission has required some individuals to reduce the height of the fence to 48 inches. He said he was not bothered by the finished side being on the inside, but was very bothered by the height issue. He complimented Mr. McGhee on the quality of the rear yard.

Mayor Gilmore concurred that the rear yard is beautiful. He also said that there would be no way that the board would have approved a variance had it been sought before the fence was erected.

Mrs. Afjeh interrupted again stating that in 1986 her neighbor put up a 6 foot fence and no one did anything about it.

Discussion followed regarding the potential for any compromise and the potential for tabling the proposed variance to allow for further consideration.

Mr. McGhee said that security was important since they live close to Central Avenue. He mentioned that he had experienced some problems with people cutting through his yard from Central Ave. He also said that the difference between a 6 foot fence and a 5 foot fence did not matter to him and that he had lived in the community for 16 years and is appreciative of the quality of life and the concerns expressed by the Zoning Commission. He also apologized to his neighbor and said that he would clean up the area behind his garage

Mrs. O'Connell said perhaps some consideration should be given to allow for something between 4 feet and 6 feet in height on the west side although she would not support any such a suggestion on the front fencing. She also said that the bamboo must be removed.

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON JULY 12, 2016 AT 5:00 P.M.

After further discussion Mr. Isaac made a motion to approve the requested variance with the finished side being on the outside and the fence height at 6 feet. Mr. Bishop seconded the motion. Additional discussion followed. It was agreed that Mr. McGee would return to the next meeting with a proposed modification to the fence.

In light of that conversation Mr. Isaac made a motion to withdraw his prior motion and table the item until the next meeting. Mrs. O'Connell seconded that motion and it passed unanimously.

Mr. Bishop, referencing another commitment left the meeting at this time.

Attention then turned to the variance request for fence height at 2545 Westchester Rd. Mr. Thompson reported that a variance had been granted in 1995 for a fence height variance at this location. The applicants wish to remove the existing, deteriorating 6 foot high fence and replace it with another fence. He concluded by stating that the location and the materials of the proposed fence are consistent with the zoning code only the height is the subject for the variance.

Mrs. Aasbo described that the proposed variance is approximately 61 feet in length and is part of a larger plan to improve fencing around their swimming pool. A substantial amount of chain-link fence has been removed and replaced by a 4 foot wooden fence, which would be identical in style to the proposed 6 foot fence. Mrs. O'Connell stated that because the proposed variance would replace an existing approved 6 foot fence and it is buffered by vegetation in the front she has no objection to the proposed variance.

Mr. Zyndorf said that he had no problem with the proposed variance since it is replacing an existing 6 foot fence that was previously approved by a variance.

After brief additional discussion Mrs. O'Connell made a motion to approve the requested variance for a fence up to 6 feet in height as shown in the provided drawings for a length of 61 feet. She added that her motion was in recognition that a previously existing fence which had been granted a variance was to be removed and replaced with the proposed fence.

Mr. Isaac seconded the motion which passed 4-0.


Mayor Gilmore then provided a brief report from the public hearing which occurred during the Council meeting on the previous night. The public hearing related to the proposed new fence legislation. He said that comments from citizens and Council members focused on 1) replacement of existing fencing, 2) the proposed prohibition regarding chain-link fencing, 3) the 50% open requirement proposed in the new legislation, 4) the prohibition regarding high gloss white PVC fencing and, 5) the reference to stone and brick walls.

Since Mr. Bishop had left and the hour was getting late it was agreed that the staff would provide some possible modifications to the Zoning Commission related to these topics for consideration at their next meeting.

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON JULY 12, 2016 AT 5:00 P.M.

It was agreed that the next meeting of the Zoning Commission would occur at 5 pm on August 23.

There being no further business the meeting was adjourned.



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Kevin M. Gilmore, Mayor