

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON FEBRUARY 20, 2014 AT 4:30 P.M.

Mayor Kevin Gilmore called the Ottawa Hills Zoning Commission to order at 4:30 p.m. on Thursday, February 20, 2014. Members present included Sam Zyndorf, Kate O'Connell, Paul Bishop, Zak Isaac, and Mayor Kevin Gilmore. Also in attendance representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included Dave Filas from Berman Building, Aaliya Hasan, and Nasrin Afjeh.

Mayor Gilmore welcomed new member Paul Bishop to the Zoning Commission and thanked him for his willingness to serve the community.

Mrs. O'Connell made a motion to approve the minutes from the November 11th meeting of the Zoning Commission. Mr. Zyndorf seconded the motion which passed unanimously.

Mayor Gilmore administered the oath to Dave Filas, Aaliya Hasan and Marc Thompson.

First on the agenda was a request for two variances for the vacant property at 2341 Edgehill Road. If granted the variances would result in a construction of a new home on this property.

Mr. Thompson reported to the Zoning Commission that the first variance involves the front yard setback. The zoning code requires that the front yard meet or exceed average of the other front yard setbacks on that side of the street. In this case, the required setback would be 79 feet. The proposed setback is 64 feet resulting in a request for a 15 foot variance.

Mr. Thompson pointed out that the lot in question is shaped differently than other lots on the street and is not a traditional rectangular lot. The street also curves at this location impacting the setback considerations.

The second item for consideration by the Zoning Commission is the location of the proposed garage. Mr. Thompson reported that Section 10.2c states "no part of an attached garage may sit forward from the front line of the main part of the building". The proposal includes a portion of the garage in front of the main part of the building.

Mr. Thompson also mentioned that over the past few years the Village has sold part of the public right of way along Hasty Road which would be at the rear of this property. The applicants have expressed interest in purchasing the additional 40 feet however, their zoning application is being considered without inclusion of that proposed 40 feet.

Mr. Thompson informed the Zoning Commission that the property in question actually consists of two parcels. A requirement, should be variances be granted and the home proceed would be that the two parcels be joined to become one parcel.

Dave Filas then addressed the Zoning Commission reviewing a booklet that he had provided to the Zoning Commission which details the variances requested, the proposed home, and its relationship to nearby properties. Among the items discussed was the location of garages on

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nearby homes. Mr. Filas provided an inventory of such homes, including 2 new homes on Underhill Road.

Dr. Hasan entered the meeting at this time.

Mr. Kevin Merrill also entered the meeting at this time.

Brief discussion followed regarding the right of way at the rear of the property.

Mr. Isaac stated that he thought the design of the home was well laid out on a somewhat difficult lot. He complimented Mr. Filas on his presentation.

Mrs. O'Connell stated she was not particularly concerned about the garage but was more concerned about the front setback.

Mr. Filas said he had tried to contact the adjoining neighbor Cam Smith several times and had not been able to do so. After additional discussion Mr. Isaac made a motion to approve the front setback at 64 feet and proposed location of the garage in front of the front line of the house as shown on page 16 of the booklet provided which clearly indicates a 64 foot front setback.

Mr. Bishop seconded the motion which passed 5 to 0.

Brief discussion followed regarding a section of zoning code related to nonconforming uses. Mr. Thompson reported that recently an appraiser has emphasized the language in the zoning code which would prohibit reconstruction of a nonconforming use if it was destroyed to the extent of 60% or more. Mr. Thompson and Mrs. McHugh will review further and report, if necessary, back to the Zoning Commission.

The reason for the concern was that the appraiser's reports were beginning to cause some problem among lending institutions. It was generally agreed that the language in the Ottawa Hills zoning code is not substantially different than the language in other zoning codes so it was unclear why this issue was developing.

Next item on the agenda was a request for a fence variance at 4369 Indian Road.

Mr. Thompson reported that the applicant, Kevin Merrill requested a variance to allow a 6 foot high shadow box fence along the eastern property line of his lot and wishes to have the fence extend beyond the front of his home toward the street. Section 8.7a of the zoning code states "no fence shall be erected nearer to the street line than the setback line for any house or building constructed on a lot where such fence is located".

Mr. Thompson reported that the house immediately to the east has a variety of fences, some of which are nonconforming because they extend beyond the front of the house. It is presumed these fences predate the zoning code.

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Mr. Merrill then took the oath and addressed the Zoning Commission stating that he and his family have a dog which provides some of the motivation for the fence request. He also mentioned that the neighbor's swimming pool is very close to their yard and is trying to increase privacy. He stated that his neighbors agree to his request for a 6 foot fence along a portion of their common boundary.

Mr. Zyndorf stated he was not in favor of a 6 foot fences particularly when the problem could be solved through landscaping. He indicated that he owns a dog and has invisible fencing which works keeping his dog on the property.

Mr. Isaac mentioned that the Zoning Commission was striving to maintain Village landscape in an open manor as contrasted with some suburban communities which have tall fences around rear yards. Mr. Merrill commented that the proximity to the pool and the amount of vegetation already existing would make the fence, as proposed, virtually invisible but he stated he understood the position of the board.

Mrs. O'Connell stated that she agreed with Mr. Zyndorf and Mr. Isaac and that this situation does not fit the typical exceptions that have resulted in variances in the past.

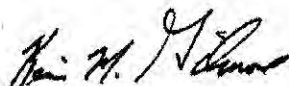
Mr. Bishop concurred with comments previously made by his colleagues on the Zoning Commission. Mr. Isaac encouraged the use of vegetative screening and reviewed the typical situation which has resulted in variances.

Mr. Gilmore informed Mr. Merrill that if there was a no vote on the variance request he could not re-apply for a one year period of time. He asked Mr. Merrill if he would prefer to have the vote which maybe an adverse vote or would he wish to withdraw the proposed variance. Mr. Merrill asked that the vote proceed.

Mrs. O'Connell then made a motion to grant the height and location request as submitted for the property at 4369 Indian Road for a partial 6 foot high fence and an extension of the fence beyond the front of the house. Mr. Zyndorf seconded the motion upon call of the roll the vote was 5 to 0 in opposition to the proposed variance.

It was agreed that the next meeting of the Zoning Commission would be on March 13th, at 5:00 p.m.

There being no further business the meeting was adjourned.



Kevin Gilmore, Mayor