

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON OCTOBER 26, 2016 AT 5:00 P.M.

The October 26, 2016 meeting of the Ottawa Hills Zoning Commission was called to order by Mayor Kevin Gilmore at 5:00 pm. Roll was taken with Kevin Gilmore, Sam Zyndorf, and Katherine O'Connell present. Paul Bishop was absent and not expected, and Zac Isaac was expected momentarily. Also present representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included JoAnn and Martin McKelvey, John Delay, Mr. S. Talla, Yarko Kuk, and Jimmy McGhee, accompanied by an unknown person.

Mr. Zyndorf made a motion to approve the minutes from the August 23, 2016, meeting. Mrs. O'Connell seconded the motion, which passed unanimously.

Mayor Gilmore then administered the oath to Mr. McGhee, Mrs. McKelvey, Mr. Talla, Mr. Delay and Mr. Thompson.

The first item for consideration was a variance request related to the material of a fence erected at 3366 Indian Rd. Mr. Thompson described that the fence, which had already been constructed, is consistent with the zoning code related to its height and its location but that the material, white polyvinyl chloride, is inconsistent with the zoning code. He went on to describe that the fence was attached to an identical fence which had received a variance at the previous meeting.

Mr. Isaac entered the meeting at this time.

Mrs. McKelvey said that the fence was identical to the Williamson fence next door and was erected at the same time. The 10 foot section of fence extends from the Williamson fence to the McKelvey house.

Mrs. O'Connell stated that she had no objection to the proposed fence since it was attached to and the same type of fence that had recently received a variance.

Mr. Zyndorf stated that he generally has opposed fences of this nature and voted in opposition to the neighboring fence. However, he had no strong objection to this short section of fence particularly since it was identical to the recently installed fence.

Mr. Isaac and Mayor Gilmore both indicated they would have approved the fence request had it been brought in prior to construction.

Mrs. O'Connell made a motion to approve the request for a 10 foot section of white fencing which is consistent with and attached to the fence on the Williamson property next door.

Mr. Isaac seconded the motion and the motion passed unanimously.

The next item for consideration was a request for a variance regarding height of a fence in excess of four feet and the finished side on the inside of the fence at 4122 Northmoor Rd.

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Mr. Thompson provided background for the Zoning Commission related to this variance including a reminder that this request had been considered on two previous occasions, July 12, 2016 and August 23, 2016, and tabled at both meetings to allow for further consideration and site visits by members of the Zoning Commission. The Zoning Commission had been provided photographs indicating the current condition of the fence, since it had been modified somewhat from the original installation.

Mr. McGhee said that he thought the meeting was on Tuesday instead of Wednesday because Mr. Thompson had erroneously left a message at his home indicating the meeting was on Tuesday. As a result, his wife was unable to attend the meeting on this Wednesday. Mr. Thompson confirmed his message was in error. Mr. McGhee did not request that the matter be continued to allow for her to attend the meeting.

Mr. McGhee also said that he reduced the fence in the rear to four feet in height. He confirmed that the fencing along the east side of his property continued at 6 feet in height, although he stated that the six foot high section of the fence was not visible from the street. He denied ownership of the fence along the west side of his property, and reported that it actually belongs to his neighbor and is not on his property. That fence is also 6 feet in height and in violation of the four foot high fence code.

Mr. McGhee also stated that he had been respectful to the Zoning Commission and was offended by previous comments about culture made by a member of the Zoning Commission. He stated there were not many black families in Ottawa Hills.

Mr. McGhee also said that comments at the most recent meeting were, in his opinion, very disrespectful. He pointed out that a member of the Zoning Commission made reference to “not wanting to get shot” by someone for entering onto the property of another.

Mr. Zyndorf responded by stating that he has made a similar comment to the one at issue on other occasions and as a practice, would not enter onto someone else’s property without receiving permission from the property owner. Mr. Zyndorf further stated that he would not want someone coming onto his property without permission. He said that he thought Mr. McGhee was taking his comments “too far”.

Mr. McGhee stated that he had tried to be a model citizen but had been stopped by the police department twice and had applied for a teaching position at the Ottawa Hills School System, but was not given serious consideration.

Mr. Isaac stated that the Zoning Commission, in compliance with the terms of the Zoning Code had made a practice of denying variances for 6 foot high fences and that he did not think it would be appropriate to deviate from this consistent practice and start granting variances now. He indicated that his position had not changed from the last meeting.

Mr. McGhee said that his lot was relatively small and was not a “vista lot”. He said he put up a more expensive dog-eared fence. He then said that he had nothing further to say.

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Mrs. O'Connell responded by stating that while the fence code was being considered for some modifications, the fence that Mr. McGhee has installed without a permit or a variance would not be consistent with the proposed changes nor the current code. She said that she was having a difficult time finding any good compromise in this situation. She described her desire to be consistent with application of the zoning code, but also not wanting people to go away upset. She also expressed that she was sorry for the experiences Mr. McGhee had described.

Mayor Gilmore stated that the fence on the west side of the property is very visible and said that the backyard of the McGhee home was very attractive. He concluded by stating that if the Zoning Commission allowed this 6 foot fence it would begin to lose control of a consistently enforced public policy

Mr. Zyndorf stated that he could live with the idea of the finish side being on the inside.

Reference was made to the proposed fence code regarding privacy screens, but Mr. Isaac pointed out the privacy screens being considered would be limited to 12 feet in length and would be attached to the house and therefore could easily be distinguished from the facts of this application.

Mr. Isaac made a motion to put this topic back on the table since it had been tabled at the most recent meeting. Mrs. O'Connell seconded the motion, which passed unanimously.

Mr. Isaac then made a motion to approve the fence variance as requested, including 72 inches in height and with the finished side being on the outside at some locations. Mrs. O'Connell seconded the motion. Upon call of the roll commission members Isaac, O'Connell, Zyndorf, and Gilmore all voted no.

The next item on the agenda was a request for a variance at 2323 Hempstead Rd.

Mr. Thompson explained that this was a unique circumstance because the detached garage at this location had been recently destroyed by fire and in order for it to be reconstructed variances were necessary. He indicated that the garage would be moved forward from its original location somewhat. The original request included two specific variances although the applicant has withdrawn one of the requests. The remaining request is for side yard variance to allow the garage to be constructed resulting in a side yard of approximately 1 foot.

Mr. Delay provided some background, and letters from nearby property owners had been provided to the Zoning Commission.

After brief additional discussion Mr. Isaac made a motion to approve the requested side yard variance for the accessory structure so that the side yard on the north side would be less than the required 5 feet and would be approximately 1.16 feet. Mrs. O'Connell seconded the motion which passed unanimously.

The next item on the agenda was a request for a lot coverage variance at 2370 Evergreen Rd.

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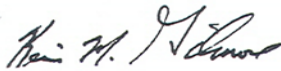
Mr. Thompson described that the home which was recently constructed at this location received a lot coverage variance prior to construction so the lot coverage currently exceeds the maximum allowed. The proposed addition of a storage shed would further expand the nonconforming use. The proposal is for an 8' x 12' storage shed totaling 96 square feet.

Mr. Zyndorf expressed that he thought some additional screening might be appropriate since the shed would be visible from the street.

Mrs. O'Connell stated that the proposed change in lot coverage was very small and confirmed that the shed would be made of wood.

Discussion followed between the applicant, Mr. Talla, and the Zoning Commission about screening of the proposed shed. With the understanding that some additional screening would be put in place, Mrs. O'Connell made a motion to approve the variance request to allow for 96 square foot accessory structure consistent with the site plan submitted, to be painted in colors consistent with the house. Mr. Isaac seconded the motion and upon call of the roll the motion was adopted.

There being no further business the meeting was adjourned.



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Kevin M. Gilmore, Mayor