

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD IN THE COUNCIL CHAMBERS ON NOVEMBER 17, 2014 AT 5:00 P.M.

At 5:03 p.m. on November 17, 2014 Mayor Kevin Gilmore called to order the Ottawa Hills Zoning Commission meeting. In attendance were Commission members Katherine O'Connell, Sam Zyndorf, Paul Bishop, Zac Isaac, and Mayor Kevin Gilmore. Also in attendance representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

In attendance were Mary Ann Brown, Steve Gillenwater, Todd Kime, David Kelley, Charles & Johanna Riepenhoff.

Mr. Bishop made a motion to approve the minutes from the September 30, 2014 meeting. Mr. Isaac seconded the motion which passed unanimously.

Mayor Gilmore then administered the oath to Todd Kime, Steve Gillenwater, David Kelley, Mary Ann Brown, Marc Thompson and Chuck & Johanna Riepenhoff.

The first item on the agenda was the request for a fence location variance at 4718 Brittany Road. Because this item had been tabled at a previous meeting Mr. Isaac made a motion to remove the item from the table and put it on the agenda. Mr. Bishop seconded the motion which passed unanimously.

Mr. Thompson reported that two new drawings were provided to Zoning Commission providing additional detail related to the landscaping plans for the Memorial Garden. This specific variance relates to the location of a 3 rail split rail fence. The proposed location places the fence on the property line adjacent to the public right of way along Underhill Road.

Mrs. Brown indicated that she did not have much to add since the Zoning Commission already had received the plans.

Mr. Zyndorf stated that his opinion hadn't changed and he did not see the need for a fence at that location.

Mrs. O'Connell stated that she did not think that the fence would detract from the surrounding properties and further commented that the landscape removals which have occurred recently had been a bit of a shock to the neighborhood and has resulted in a loss of privacy. She understood the need to remove the evasive plant species and that the long term plan is to have the property reestablished with native plants. She also stated she is a member of St. Michael's Church and was familiar with the property.

Mr. Bishop stated that he did not see the need for a fence at that location but did not think that it was necessarily detrimental and generally agreed with the comments made by Mrs. O'Connell.

Mr. Isaac stated that he had no problem with the split rail fence, did not find it offensive and he thought that the landscape plan well-conceived.

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Mr. Isaac then made a motion to approve the proposed split rail fence as identified in the plan. Mr. Bishop seconded the motion. Upon call of the roll Commission Member Zyndorf voted no, Commission Member O'Connell recused herself and Commission Members Bishop, Isaac and Gilmore voted in favor of the proposed variance. Mayor Gilmore stated that while generally he was not a fan of fences, the proposed split rail fence was not out of character with the neighborhood.

Next item on the agenda was a request for a variance at 3432 Darlington Road.

Mr. Thompson provided the report stating that a permit was granted to the Riepenhoff family in 2002 for construction of a walkway and a deck along the side and rear of their home. The copy of the application and drawing had been provided to the Zoning Commission. It was recently discovered that the deck was not constructed in the manner consistent with the plans nor constructed in a manner consistent with the zoning code. Additionally, a hot tub has been added to the deck virtually on the property line. Finally, there are 2 or 3 sections of fence surrounding the hot tub which are greater than 48 inches in height which were not approved in any plan.

Mr. Thompson provided correspondence providing support for the variance received from the Colton family, the Kozy family and Avidor-Reiss family.

Mr. Riepenhoff then addressed the Commission saying that Mr. Thompson had come to the site based on a fence issue raised by his neighbor. At that time he discovered the inconsistency between the plans from 2002 and the actual construction. Mr. Riepenhoff stated that they were relatively new homeowners at that time and were not completely aware of all the rules and requirements.

Mayor Gilmore asked if the deck extended to the property line. Mr. Thompson replied that it was on or very close to the property line. Discussion followed about fencing including the height of the fence and the three different kinds of fence along the property line. Mr. Gilmore asked why the existing split rail fence was replaced with a solid fence and he also asked if the adjoining neighbor has said anything to Mr. Riepenhoff.

Mr. Riepenhoff stated that the neighbor on the east side has indicated that he has no issue with the deck and no issue with the hot tub.

Mr. Zyndorf stated that the neighbor certainly was very understanding and that he had more of an issue with the hot tub than he did with the deck. He mentioned the potential for noise from the hot tub in summer months when people frequently have their windows open.

Mr. Riepenhoff stated that he and his family have used the hot tub for several years with no complaints.

Mr. Zyndorf noted that the neighbor was not in attendance to express any complaint but also stated that such a variance would not have been approved had it been submitted prior to construction.

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Mrs. O'Connell commented that structures such as a hot tub would not typically be permitted in a side yard but because it was already in existence one possibility would be to grant a variance with the understanding that the hot tub would be removed when the Riepenhoff family moved. Discussion followed regarding previous actions by the Zoning Commission related to violations of the zoning code. Mrs. McHugh mentioned a fence on Falmouth Road that was reduced in height in order to comply with the zoning code.

Mr. Riepenhoff commented that he had spoken with the then neighbor at the time that the hot tub was installed.

Mr. Bishop stated that he did not like the idea of making the family move the hot tub but stated that the corner was very confusing with the hot tub on the property line, three kinds of fences, at least one in violation.

Mayor Gilmore asked if the fence was there when the Riepenhoff family bought the house. Mr. Riepenhoff indicated that it was.

Discussion followed regarding the potential for a deed restriction which would require the property to become in compliance with the zoning code when the Riepenhoff family sold the house.

Mayor Gilmore suggested that a possibility might be a temporary approval so long as the applicants and the neighbors continue to own the property.

After additional discussion Mr. Isaac made a motion to table the request pending additional review and consideration. Mrs. O'Connell seconded the motion which passed unanimously.

Attention then turned to the property at 4143 Brookside Road. This property received variances at a meeting in August which would result in construction of a new home. However, in the intervening time the applicant elected to change the materials and some of the design features of the home although the specific variances would remain unchanged. Substituted for the all brick home was a combination of brick and fiber cement siding and some of the roof lines changed resulting in gables where hip roofs were initially proposed.

Mr. Thompson stated that he thought since there were noteworthy changes it was appropriate to bring the issue back to the Zoning Commission to determine if further consideration was necessary.

Mr. Kelley state that the description provided by Mr. Thompson was accurate and that their original intent was to build an all brick home. However, it became very expensive and they hope to substitute equally attractive materials which would be less expensive.

Mr. Zyndorf confirmed that there would be no change in the height of the home which was confirmed by Mr. Kime.

Mr. Kime also stated that he hope to have the home appear as if it fits well into the neighborhood and has been there for quite some time. Substantial discussion followed

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regarding the color combinations provided in the rendering. Mr. Kime stated that the colors shown are not final colors although it was generally expected that the home would be dark in color with some lighter trim. The final selection of brick has not occurred.

Mrs. O'Connell asked about plans for screening particularly along the east side of the property. Mr. Kelley stated that several large trees have been left in place along the east side and additional screening is anticipated.

Mr. Zyndorf stated that he had no issue with the plans particularly because the same material is anticipated on all sides of the house. Mr. Bishop stated he had no issues with the proposed changes. Mr. Isaac suggested that the minutes should reflect that the Zoning Commission reviewed the proposed changes in materials and the proposed design changes and with the recognition that the actual variances did not change. Zoning Commission had no objections to the proposed change in materials so the variances granted at the August 27, 2014 meeting of the Zoning Commission will continue to apply to this property.

Discussion followed regarding fences with review of six photographs of white picket fences showing various percentages of "openness".

The staff will provide a draft of proposed legislation to the Zoning Commission with components including a prohibition regarding chain link fences, the requirement that fences will be 50% open, or more, height restrictions will remain at 48 inches. Other items will be provided in anticipation of a review by the Zoning Commission at an upcoming meeting.

The next meeting for the Zoning Commission was not established with the only pending agenda item being the variances requested by the Riepenhoff family.

There being no further business the meeting was adjourned at about 6:10 p.m.



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Kevin M. Gilmore