

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD ON SEPTEMBER 24, 2008 AT 4:00 P.M.

Mayor Kevin Gilmore called to order the September 24, 2008 meeting of the Ottawa Hills Zoning Commission at 4:02 p.m. Roll was taken with Commission members Sam Zyndorf, Katherine O'Connell, Jack Straub and Mayor Kevin Gilmore present. Also present were Village Solicitor Sarah McHugh and Village Manager Marc Thompson. Commission member Issac was not present but was expected soon. A list of visitors to the meeting is attached.

Mr. Straub made a motion to approve the minutes from the July 15, 2008 meeting. Mrs. O'Connell seconded the motion which passed unanimously. Mayor Gilmore administered the oath to those who intended to provide testimony before the Zoning Commission.

Mayor Gilmore then elected to change the order of the agenda and ask that the staff report be provided related to the variance at 47 Exmoor.

Mr. Thompson reported that Mr. & Mrs. Ankney recently purchased the last vacant lot in the Exmoor subdivision, 47 Exmoor. They seek variances in order to construct a new home on that lot. Mr. Thompson reminded the Zoning Commission that the recently revised Zoning Code was in conflict with much of the Exmoor design concepts and that there is also an Architectural Review Committee for new construction in Exmoor.

The requested variances include lot coverage, front setback, side setback, rear setback and garage. The specifics of each of the variances were reviewed in detail.

Mrs. Ankney was in the audience and commented that she had nothing to add to the report. Todd Kime of Kime Design also reviewed the specifics of the variance on behalf of the applicant stating that the proposed home was generally consistent with the other homes in the area.

Bob Herman, president of the Exmoor Home Owners Association, stated that the association would like to get this approved although the Architectural Review Committee had not yet issued final approval. He commented that any home that was not consistent with the overall concept would be turned down by the Architectural Review Committee but anticipated that this one would be approved. Items such as colors and finishes would also be reviewed by the committee.

Mr. Straub asked if this home was going to be erected adjacent to the wall around Exmoor.

Mr. Isaac entered the meeting at this time.

Mrs. Ankney responded stating that there is approximately 25 feet between the edge of the lot line and the wall so that there will be open space on the east side of the house.

A letter from the adjoining property owners Dr. & Mrs. Talmadge was received and provided to the Zoning Commission.

Mr. Isaac commented that he would not participate in this decision since he has a business relationship with Mr. Ankney.

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Brief additional discussion followed. Mrs. O'Connell then made a motion to approve the requested variances including the lot coverage variance, the front setback variance, the side setback variance, the rear setback variance and the garage variance. She stated that the basis for her motion was because Exmoor was designed as a zero lot line community.

Mr. Straub seconded the motion. Upon call of the roll Commission members Zyndorf, O'Connell, Straub and Gilmore voted in favor of the variance. Mr. Isaac abstained from voting.

The next item on the agenda was a variance request by Rick and Karen Wolkins of 2454 Hempstead Rd. Mr. & Mrs. Wolkins erected a fence along their eastern property line without receiving a permit. Although the location of the fence is consistent with the requirements of the Zoning Code, a portion of the fence is in excess of the four foot maximum height limitation. The fence is 56 feet in length and they seek a variance for that portion of the fence which is in excess of the height limitation, approximately for a distance of 40 feet.

Mrs. Wolkins offered her apologies to the Zoning Commission for doing this process in reverse. She said that it was not a malicious attempt to break the rules regarding fence heights. She commented that she and her husband looked at various options and talked to a variety of neighbors regarding their proposed fence. She commented also that several neighbors have written letters in favor of the proposed variance.

Mrs. Wolkins continued by stating that their side yard is very unusual and the location of the neighboring house relative to their side yard is unlike any other in the Village. The portion of the fence which is six feet in height is as small as possible to provide any level of privacy. She also stated that the fence can barely be seen from the street. That portion of the fence which is near the street is consistent with the requirements of the Zoning Code.

Mrs. Wolkins emphasized that she and her neighbors get along very well and it is their desire to provide some privacy for a patio at the rear of their property.

Johanna Riepenhoff of Darlington Rd. stated that the fence as constructed is not offensive and has improved the area. She asked that the Zoning Commission grant the variance.

Kevin Murnen of 3443 Darlington Rd. stated that he is the adjoining property owner and that his property has a small backyard with a rather awkwardly shaped lot. He confirmed that the Wolkins and the Murnens get along very well and that the fence is a very nice improvement to the area and both property owners benefit.

Gerry Kincade of Kirkwall Rd. stated that this was really a non-issue and that no one can really see the fence.

Zoning Commission member Zyndorf stated that at first he was not in favor of the proposed variance particularly because the applicants had erected the fence without a permit. However, Mr. Zyndorf stated that he thought it appropriate to take into account the strong support from the neighbors.

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Mrs. O'Connell stated that she was troubled about the fence being erected without a permit and the possibility of setting a precedent. She mentioned the possibility of the variance being temporary in nature so long as the Wolkins owned the property. Mr. Isaac suggested that the variance could be granted while the Wolkins owned the property also.

Ms. McHugh stated that the unusual shape of the neighboring lot and the proximity between the houses might be a way to distinguish this proposed variance from others. Mr. Straub agreed stating that the shape of the corner lot and the location of the houses create a strange configuration which may distinguish this from others and also commented that perhaps it could be limited to a time during which the Wolkins own the property.

Mrs. Wolkins asked how that might impact the future sale of the property.

Mr. Straub reviewed the history of fences in the Village and the expressed desire of the community to keep high fences to a minimum.

Mr. Isaac stated that he did not want Ottawa Hills to begin to look like Sylvania with the tall fences in every backyard. He said that he didn't have a better idea in this specific example particularly when the strong support of the neighbors was taken into consideration.

Mayor Gilmore stated that he was bothered by the fact that the fence was over four feet in height and was done without approval and commented further that approval may have been granted based on the unusual nature of the lots and the neighboring support.

David Arnold stated that he understood the concern about precedent but reminded the Zoning Commission that they have the authority to make their judgment based on the shape of the lot, the support of neighboring property owners in an effort to do the right thing. He stated that a deed restriction was not necessary.

Mr. Isaac made a motion to approve a variance for a fence six feet in height for a distance of 40 feet due to the particular configuration of the lots, the proximity of the homes and the very strong support from the neighbors. Mr. Zyndorf seconded the motion which passed unanimously.

The next item on the agenda was a request for a corner lot side yard variance at 4357 Brookside Rd. Mr. Thompson reported that the Stevens family wishes to add an attached garage on the west of their home. The minimum side yard for this property is 50 feet and the proposed side yard if the variance was to be granted would be 28 feet.

Cari Stevens, the applicant, provided copies of the plan to the Zoning Commission members. The Zoning Commission had already been provided with several letters from nearby property owners supporting the proposed variance.

Todd Kime stated that the proposed expansion to the home would actually result in a slight reduction of pavement. He told the Zoning Commission that they had worked very hard to improve the curb appeal to the house while expanding the structure. Not requiring a variance but part of the plan was to change the appearance of the front of the house in a manner which will give the house a more classic look.

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Review followed regarding the specific dimensions of the requested variance. The Zoning Code requires a 50 foot side yard on this corner lot but the proposed side yard would be 28 feet. Therefore, the variance is requested at 22 feet.

Mr. Straub made a motion to approve the variance for the corner lot side yard as submitted. Mrs. O'Connell seconded the motion commenting that corner lots are particularly difficult.

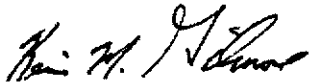
Upon call of the roll the motion was passed unanimously.

Discussion followed regarding non agenda items including the location of the fountain at the Goodell residence on Brookside Rd. It was agreed that Mr. Goodell would be required to appear before the Zoning Commission. The fountain was not built in a manner consistent with the photographs or application shown.

Also, discussion followed regarding the two small piers placed near the front of the Suhy home at 3000 Valleyview. It was agreed that Mr. Suhy would be contacted regarding his plans at that location.

The next meeting of the Zoning Commission was scheduled for October 15.

There being no further business the meeting was adjourned.



Mayor Kevin M Gilmore