

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD ON AUGUST 20, 2009 AT 5:00 P.M.

Commission member Jack Straub called the August 20, 2009 meeting of the Ottawa Hills Zoning Commission to order at 5:07 p.m. This was done because Mayor Gilmore indicated that he was running late.

Roll was taken with Commission members Sam Zyndorf, Katherine O'Connell, Zac Isaac and Jack Straub present. Mayor Gilmore was absent but was expected to be in attendance shortly. Also in attendance representing the Village of Ottawa Hills was Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included Todd and Devon McCain, Nasrin Afjeh, and Todd Berman.

Mr. Zyndorf made a motion to approve the minutes of the June 25 meeting. Mrs. O'Connell seconded the motion which passed unanimously.

Solicitor Sarah McHugh administered the oath to Todd McCain, Todd Berman, Zac Isaac and Marc Thompson.

Mr. Straub introduced the first topic as a fence variance for the property at 3923 Sulphur Spring Rd. and asked Mr. Thompson to provide a review.

This variance requested by Todd and Devon McCain involves the location of a proposed four foot high split rail fence. The Zoning Code states that 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. & Mrs. McCain, who have recently moved into the home on this corner lot wish to extend the fence from the side of the house toward Indian Rd. a distance of 20 feet. Photographs of the location were provided to the Zoning Commission as well as a drawing. Mr. Thompson informed the Zoning Commission that all other aspects of the proposed fence are compliant with the Zoning Code.

Mr. McCain reported to the Zoning Commission that he and his wife moved into the home about two months ago and that they are expecting their first child. They want to have an area where the child can safely play without being concerned about traffic on Indian Rd. or on Sulphur Spring Rd. He also mentioned that there is a substantial amount of vegetative screening which would reduce the visibility of the proposed fence from the street. Also, since it is a three rail fence it would not be particularly visible.

Mrs. O'Connell stated that she was initially concerned about visibility at the corner of Indian and Sulphur Springs and potential sight distance obstruction. However, since the fence was going to be located inside of the existing vegetation it will have no effect on site distance.

Mr. McCain confirmed that it would be a three rail fence.

After brief additional discussion Mr. Isaac made a motion to approve the erection of a three rail split rail fence 20 feet from the north side of the home as indicated in the drawing submitted by the McCain family.

Brief mention was made of one letter received in support of the proposed variance from the neighboring property owners Jill & Daryl Moreau.

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Mrs. O'Connell seconded the motion and upon call of the roll the motion passed 4 – 0.

Attention then turned to the request for a variance at 2620 Underhill Rd.

Mr. Isaac indicated that he was an immediate neighbor of this property and also a property owner across the street from 2620 Underhill Rd. He further stated that he had sold to the applicant part of the property upon which the proposed new home would be located. As a result, Mr. Isaac indicated his intention to step down from the Zoning Board during consideration of this item. At that point Mr. Isaac got up from the table and took a seat in the audience of the Zoning Commission.

Mr. Thompson then described the three variances requested by the applicant. The front setback variance involves an internal contradiction in the Zoning Code which establishes a front setback of 100 feet maximum but also requires that a new home meet the average setback of the other homes on the street. In this case the average setback is 124 feet. Therefore, regardless of the proposed setback a variance would be required. The applicants seek a variance which would allow them to build at 119 feet. Mr. Thompson pointed out the location of the river as identified in the site plan provided with the application.

A second variance relates to the location of the garage relative to the main part of the home. The Code prohibits an attached garage from sitting forward of the front line of the main part of the building. This proposed home has garages on both sides and both are in front of the main part of the building.

The third variance relates to the number of garage bays. This proposal includes space to accommodate five cars and Section 10.2 of the Zoning Code states that a dwelling unit should not have more garage space than necessary to accommodate four cars.

Mr. Straub asked how far in front of the main part of the structure the two garages were. It was established that on the left side the garages are 26 feet in front of the main structure and on the right side they are 19 feet.

Todd Berman, of the Berman Building Company then addressed the Zoning Commission stating that he represents Dr. & Mrs. Haselhuhn as the owners of the property and his clients. Mrs. Haselhuhn expected to be at the meeting but a last minute development required her attendance at another location.

Mr. Berman addressed the front yard setback by mentioning the internal contradiction in the Zoning Code and also mentioning that there is limited space in the rear of the property due to the location of the Ottawa River. The lot owned by the applicant actually extends into the river reducing the amount of usable rear yard.

Mayor Gilmore entered the meeting at this time.

Mr. Berman continued stating that the home next door is actually nine feet closer to the street than the proposed home.

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Regarding the garage location Mr. Berman stated that most of the homes he has built in the past several years have the garage located in front of the main portion of the house. He pointed out that these are both side load garages and that the overall design and stateliness of the home is not as adversely affected by the garage location.

Regarding the number of garages Mr. Berman pointed out that the garages are separate with a two car garage on one side and a three car garage on the other. Since they are separated the amount of garage space is not overwhelming.

Mr. Straub commented that the rendering was very stately.

Mayor Gilmore apologized for being late and stated that he could not vote on this application since the applicant is a client of Gilmore, Jasion & Mahler. He suggested that Mr. Straub continue to run the meeting since it had already begun.

Speaking from the audience, Mr. Isaac stated that he owns the property immediately to the south and the property immediately west of the property in question. He and his family support all three variances. He called the attention of the Zoning Commission to the location of the river and its implications for front setback issues. He also stated that the location of the garages was not a problem in his estimation and that there would be approximately 135 feet between his home and the applicant home so that the property would have a very large side yard. He confirmed that he was in full support of all three variances.

Mrs. O'Connell stated that the size and location of the garages looked to be proportionate to the size of the home and to the lot. The Zoning Commission had received a letter in support from Howard Ice and a letter in support from Thomas Tuschman was read to the Zoning Commission.

Mr. Zyndorf made a motion to approve all three variances, the front setback variance, the garage location variance and the garage size variance. Mrs. O'Connell seconded the motion and upon call of the roll Commission members O'Connell, Straub and Zyndorf voted in favor of the motion. Mayor Gilmore abstained as did Mr. Isaac.


Brief discussion followed regarding the variance granted to the Steven's residence in December. Work is expected to begin on that project in the near future.

Discussion also followed regarding the Gallegos residence on Indian Rd. Commission members noted that Mr. Gallegos seems to be proceeding with some aspects of the project even though the variance was denied. The portions of the project which are proceeding did not require any variance.

Solicitor McHugh reported that there was no ruling on the Boice lawsuit yet.

The next meeting was set for September 17 at 5:00 p.m. There being no further business the meeting was adjourned at 5:34 p.m.

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Mayor Kevin M Gilmore