

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD ON SEPTEMBER 17, 2009 AT 5:00 P.M.

At 5:02 p.m. on September 17, 2009 Mayor Kevin Gilmore called the Zoning Commission meeting to order. Roll was taken with Commission members Katherine O'Connell, Zac Isaac, Jack Straub and Mayor Kevin Gilmore present. Commission member Sam Zyndorf was not present. Also in attendance representing the Village of Ottawa Hills were Village Solicitor Sarah McHugh and Village Manager Marc Thompson.

Members of the audience included Timothy Heckler of 4124 Sheraton Rd. and Nasrin Afjeh of 3616 W. Bancroft St.

Mr. Straub made a motion to approve the minutes from the August 20 meeting. Mrs. O'Connell seconded the motion which passed unanimously.

Mayor Gilmore then administered the oath to Mr. Heckler and Mr. Thompson.

Background was then provided regarding the request for a variance submitted by Tim and Ann Heckler of 4124 Sheraton Rd. Mr. Thompson informed the Zoning Commission that Mr. & Mrs. Heckler wish to improve their home by expanding their garage. Although their home is attached to the structure, in order to enter the house they must step outside of the garage.

The Heckler home is located in an A-8 zoning district which has a minimum side yard requirement of 10 feet. The existing side yard is nine feet four inches and the proposal submitted by Mr. Heckler would reduce the side yard to about three feet, four inches. Other aspects of the proposed garage improvement are consistent with the Zoning Code so the issue before the Zoning Commission is the side yard variance. Mr. Thompson stated that he understood Mr. Heckler had some revised plans he wished to submit based on discussions between Mr. Heckler and the neighboring property owner.

Mr. Heckler then provided revised drawings stating that the revisions are a result of the recent meeting he had with his neighbors on the west side. The modifications would result in a side yard of five feet as opposed to the originally proposed three feet, four inches. The proposed garage would still need a variance due to the side yard being less than ten feet.

Pam Burns of 4132 Sheraton Rd. entered the meeting at this time. Also, Pradeep Vij and Mr. Shallal entered the meeting. Mayor Gilmore administered the oath to Ms. Burns, Mr. Vij and Mr. Shallal

Mr. Heckler continued with his review of the proposed changes which would have the front of the garage not be as far forward as originally proposed.

Mrs. Burns stated that she was concerned about the resale value of her property as well as the Heckler property and thought there needs to be a larger side yard than originally proposed. She said that she thought the revised proposal would be more advantageous for both properties in terms of resale value.

Mrs. O'Connell said that she had concern about the proposed side yard of slightly over three feet, commenting that no area in the Village has a side yard requirement of less than five feet. However, the revision creates a five foot side yard which is an improvement. She said she still

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had some reservations and wished to discuss the pitch of the roof on the garage because it appears that it will be different than the pitch on the home.

Mr. Heckler confirmed that the pitch of the garage roof would be different than that of the home primarily because of the location of a window on the side of the house. He said that he would have the garage pitch be as steep as possible because he also wanted it to be as close to the pitch on the roof of the house as possible. He pointed out that currently there is no pitch on the roof whatsoever.

Mr. Straub stated that he visited the site and shared some of the same concerns expressed by Mrs. O'Connell. He also said that since the most directly affected neighbor was satisfied with the revised plan and there seems to be some screening between the garage area and the neighbors he was less concerned.

Mr. Isaac asked if Mr. Heckler could still get two cars in the garage with it being narrower than originally proposed. Mr. Heckler responded by saying he would raise the grade of the garage approximately eight inches which would allow for one of the two steps into the home to be removed. Therefore, the parking area could be slightly closer to the house than anticipated.

Discussion followed regarding landscaping along the side of the new garage. Mr. Heckler said his intention was to put something that was evergreen at that location that would not exceed ten feet in height.

Yousif Al-lous entered the meeting at this time.

Mr. Isaac confirmed that Mrs. Burns seemed to be in agreement with a five foot side yard and evergreens along the side of the garage.

In response to a question from Mr. Gilmore, Mr. Heckler said that he can get two cars in the existing garage but not very well because it is too small. The proposal will create a two car garage with room for storage of bicycles, lawnmowers, etc.

Mr. Heckler confirmed that the garage will have the same vinyl siding as does the house and that the roofing material will match the house as well. He commented that he may reroof the entire house as part of the project.

After brief additional discussion Mr. Isaac made a motion to approve the five foot variance with the provision that evergreens be planted along the west side of the garage. The specific details of the size and location of the garage are to be as shown on the exhibits presented by Mr. Heckler at the meeting.

Mr. Straub seconded the motion and upon call of the roll all members present voted in favor of the variance.

The next item on the agenda was a discussion item involving 2600 Hasty Rd. Mr. Thompson provided background regarding a verbal request by Yousif Al-lous regarding a gate across the driveway at the newly constructed home at 2600 Hasty Rd. The Zoning Commission had been provided with photographs of the existing situation at this location. Mr. Thompson said that he

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was seeking some guidance from the Zoning Commission as to whether a variance would be needed to allow a gate that matched the existing fence at this location. He told the Zoning Commission that the fence was put at this location as a result of a variance granted several years ago and that there had always been an opening in the fence where the driveway is currently located.

Discussion followed regarding other examples of structures in front yards which required review and approval by the Zoning Commission through the variance process.

Mr. Thompson identified the photograph of a proposed gate that included stone piers and wrought iron gate approximately eight feet in height.

Pradeep Vij, the contractor on the home, said that the existing fence is four feet in height and that the proposed gate would be set slightly behind the existing fence and two piers are envisioned to be seven to eight feet in height with the gate less than eight feet.

Mr. Al-lous said that he has two children who have sometimes run out into the street and he is concerned about their safety and hopes that a gate would provide additional protection. He said that there is a lot of traffic on Hasty Rd. He also commented that he hopes to make the gate something that will look nice with the house.

Mayor Gilmore commented that if the purpose of the gate is to keep children from running into the street then the height of the gate is not so important. Mr. Al-lous agreed that the primary purpose was safety and keeping children from running into the street.

Mr. Straub commented that he believed that whatever would be put there would require a variance even if it was a gate which appeared to continue the character of the fence.

Mayor Gilmore excused himself from the meeting and left at that time.

Mr. Straub continued stating that he did not have a problem with the existing fence and said that it was different in appearance than the home. He said generally he thought he would be in favor of something that was consistent with the fence more so than matching the existing home.

Mr. Al-lous said that the entrance to the Stable subdivision was a stone wall of at least eight feet in height and he suggested that he might use the same stone as part of the proposed gate.

Mr. Vij mentioned that there would need to be solid masonry columns of some type to support the weight of the gate.

Mr. Isaac confirmed that a variance would be appropriate regardless of what was to be installed at the location.

Commission members agreed to look at the entire site including the entrance to the Stable subdivision. Mr. Isaac said that height of any proposed gate was of significant concern to him. Mrs. O'Connell said she thought the fence was attractive and thought that a continuation of the appearance of the fence might be appropriate but pledged to look at the entire site again. Mr. Al-lous said that he would do what the Zoning Commission wished.

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Mrs. O'Connell confirmed Mr. Isaac's statement that the Zoning Commission would be very sensitive to the height of any proposed gate and that a seven to eight foot gate is probably too high.

After brief additional discussion it was agreed that the Al-lous family would put together a proposal and submit it for consideration as a variance.

Mr. Vij asked about a retaining wall in the front yard. Mr. Thompson suggested that Mr. Vij contact him directly.

Village Solicitor Sarah McHugh said that the deadline for appeals in the Boice lawsuit was September 27.

It was agreed that the next meeting of the Zoning Commission be on October 15. The meeting was adjourned at 5:50 p.m.



Mayor Kevin M Gilmore