

CITY OF HIGHLAND HEIGHTS, OHIO
MINUTES OF A PLANNING AND ZONING COMMISSION MEETING
HELD: SEPTEMBER 11, 2023 7:00 PM
Highland Heights City Hall Council Chamber

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy (City Council Representative), Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Law Director Michael Lograsso

ABSENT: None

Chairman Adamus called the regular meeting to order at 7:13 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held August 28, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the public hearing for Janet Nagel held August 28, 2023. Mr. Urban moved to accept the minutes as written; seconded by Mr. Milroy.

FURTHER DISCUSSION: None.

VOTE: Ayes Adamus, Mercurio, Milroy, Urban; abstain Hull. Motion carried.

SUBJECT: RALPH DICAMILLO, 600 LANDER ROAD
PZ23021 VARIANCES TO ALLOW TWO FENCES TO EXTEND FORWARD OF THE REAR BUILDING LINE OF THE HOUSE; VARIANCE TO ALLOW MULTIPLE FENCE TYPES IN THE REAR YARD

Ralph DiCamillo, homeowner, 600 Lander Road, Highland Heights, Ohio 44143, appeared before the Commission to obtain variances to permitted fence requirements for proposed fencing, on property located at 600 Lander Road. The public hearing was held immediately prior to this regular meeting.

VARIANCE #1 - MOTION: A motion was made by Mr. Milroy to grant Ralph DiCamillo, on property located at 600 Lander Road, Highland Heights, Ohio 44143, a variance of eleven feet from HHCO 1123.21(b)(4) "Fences; Permitted Fences; Privacy Fences", which establishes that privacy fences shall be permitted only in rear yards, to allow a 4-foot high aluminum fence to extend eleven feet forward of the northerly rear building line of the house, then extend south twelve feet to meet the house, for the purpose of enclosing the pool equipment pad/control box, per the drawing dated July 28, 2023; seconded by Mr. Urban.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

Mr. Adamus requested the clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for granting the variance to allow

a 4-foot high aluminum fence to extend eleven feet forward of the northerly rear building line of the house is that it is a good idea to secure the electrical control box within a fenced area.

VARIANCE #2 - MOTION: A motion was made by Mr. Mercurio to grant Ralph DiCamillo, on property located at 600 Lander Road, Highland Heights, Ohio 44143, a variance of eleven feet from HHCO 1123.21(b)(4) “Permitted Fences; Privacy Fences”, which establishes that privacy fences shall be permitted only in rear yards, to allow a 4-foot high aluminum fence to extend eleven feet forward of the southerly rear building line of the house, then extend north twelve feet to meet the house, for the purpose of enclosing an existing walkway and landscaped area, per the drawing dated July 28, 2023; seconded by Mr. Milroy.

FURTHER DISCUSSION: Mr. Adamus opined he would support a maximum variance amount of eight feet (not eleven feet) because eight feet is enough to enclose the existing landscaped area and it is not necessary to also enclose a three-foot section of the existing walkway. Mr. DiCamillo agreed to reduce the variance amount to as close to eight feet as possible.

VOTE TO CHANGE MOTION: A motion was made by Mr. Milroy to change the variance amount from eleven feet to eight feet; seconded by Mr. Hull. Ayes all; motion carried.

VOTE ON AMENDED VARIANCE #2: Ayes Adamus, Hull, Mercurio, Milroy; nay Urban. Motion carried.

Mr. Adamus requested the clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for granting the variance to allow a 4-foot high aluminum fence to extend eight feet forward of the southerly rear building line of the house is that the fence does not pose a health or safety risk; the visual impact of a 4-foot high aluminum fence is modest; and the applicant agreed to reduce the variance amount per the recommendation of the Commission.

VARIANCE #3 - MOTION: A motion was made by Mr. Urban to grant Ralph DiCamillo, on property located at 600 Lander Road, Highland Heights, Ohio 44143, a variance from HHCO 1123.21(c)(2) “Permitted Fences; Prohibited Fence Construction”, which establishes that fences shall be uniform on all sides in a front or rear yard, to allow multiple non-uniform fence types in the rear yard along more than one property line, per the drawing dated July 28, 2023; seconded by Mr. Mercurio.

FURTHER DISCUSSION: The applicant submitted a drawing dated July 28, 2023 proposing to install multiple 4-foot high aluminum fences and a 6-foot high solid privacy fence in the rear yard; however, code allows only one fence type in a rear yard. In response to Mr. Milroy’s inquiry if the applicant would consider changing the rear lot line fence to aluminum, Mr. DiCamillo replied he prefers a 6-foot high solid fence for privacy because he had to remove many trees near the rear lot line in order to build the pool.

VOTE: Nays Hull, Mercurio, Milroy; ayes Adamus, Urban. Motion denied.

Mr. Adamus requested the clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for denying the variance to allow multiple fence types in the rear yard is that code clearly establishes only one fence type is permitted; the applicant’s request for two fence types is a matter of preference rather than a technical difficulty; and the applicant has chosen to use 4-foot high ornamental aluminum fencing along the sides and could easily maintain that visual aesthetic along the rear lot line.

Mr. Adamus advised the applicant of his right to appeal the decision of the Planning and Zoning Commission as permitted under HHCO Section 1114 by filing an appeal within two weeks after approval of tonight's meeting minutes to the Highland Heights Board of Building and Zoning Appeals through the Building Department.

Mr. DiCamillo said he would like to continue to discuss options for a fencing plan that would be agreeable to the Commission. Law Director Lograsso replied the Commission has the option to vote on whether they want to rescind the previous vote on Variance #3 and resume consideration of the variance.

MOTION TO RECONSIDER VARIANCE #3: A motion was made by Mr. Hull to resume consideration of Variance #3; seconded by Mr. Milroy. Ayes Adamus, Hull, Mercurio, Urban; nay Milroy. Motion carried.

RECONSIDERATION OF VARIANCE #3 - MOTION: A motion was made by Mr. Urban to grant Ralph DiCamillo, on property located at 600 Lander Road, Highland Heights, Ohio 44143, a variance from HHCO 1123.21(c)(2) "Permitted Fences; Prohibited Fence Construction", which establishes that fences shall be uniform on all sides in a front or rear yard, to allow multiple non-uniform fence types in the rear yard along more than one property line, per the drawing dated July 28, 2023; seconded by Mr. Milroy.

FURTHER DISCUSSION: Mr. Urban opined 6-foot high privacy fences along multiple elevations are obtrusive. Mr. Mercurio said there is no practical difficulty for multiple fence types. James Fill, homeowner, 604 Lander Road, the property adjacent to the south side of the applicant, said he prefers a maximum fence height of four feet.

VOTE: Ayes Adamus, Hull, Urban; nays Mercurio, Milroy. Motion carried.

Mr. DiCamillo asked for clarification on the fence types he is allowed to install. Mr. Adamus replied he can install 4-foot high aluminum fences along the north and south sides in the rear yard, and a 6-foot high solid privacy fence for a length of 40 feet along the westerly elevation in the rear yard, per the drawing dated July 28, 2023. In response to Mr. DiCamillo's inquiry if the solid fence could be almond in color, Mr. Adamus replied yes. Mr. DiCamillo had previously stated the aluminum fences would be black.

Mr. Adamus requested the clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The drawing dated July 28, 2023 shows 4-foot high aluminum fences in the rear yard along the north and south sides and a 6-foot high solid privacy fence in the rear yard along the westerly rear elevation for a length of 40 feet. The consensus of the Commission for granting a variance to allow multiple fence types is that law allows homeowners the right to use their property as they see fit; the variance as granted allows 4-foot high aluminum fences along the north and south sides in the rear yard which is less obtrusive than 6-foot high solid fencing to the adjacent property owners; the applicant will have the privacy he is seeking in the rear yard as a result of having to remove trees for the pool to be built; and there are no objections to the solid privacy fence from neighbors.

**SUBJECT: PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD) ZONING
PZ23013 DISCUSSION OF PURD RECOMMENDATIONS**

The Commission continued their discussion of recommendations for a Planned Unit Residential Development (PURD) Zoning District in the city. Mr. Milroy, City Council representative to the Commission, has been compiling and relaying these recommendations to Council. At tonight's meeting, Mr. Milroy submitted a copy of the ordinance language to the Commission penned by Law Director Lograsso and the Commission recommended several changes. Mr. Milroy will submit the changes to Council for their feedback. Mr. Urban expressed his appreciation to Mr. Milroy for his continued efforts in compiling information on this matter.

**SUBJECT: DON SHAFFER, 1080 BARKSTON DRIVE
PZ23023 VARIANCE TO EXCEED MAXIMUM AREA REQUIREMENT FOR
PROPOSED SHED; VARIANCE TO LOCATE PROPOSED SHED
OUTSIDE THE LINES OF THE HOUSE**

Don Shaffer, homeowner, 1080 Barkston Drive, Highland Heights, Ohio 44143, appeared before the Commission to request variances for a proposed 10-foot by 20-foot shed to be located outside the lines of the house in the southwest corner of the rear yard, on property located at 1080 Barkston Drive.

Mr. Shaffer said he is proposing to demolish an existing 10-foot by 14-foot deteriorating shed and replace it with a new 10-foot by 20-foot shed in the same location in the far southwest corner of the rear yard next to the existing fence along the southerly side lot line. A variance of 22 feet is required to allow the shed to be 22 feet (not 0 feet) outside the lines of the house. Mr. Shaffer said he chose this location because he will have an open view and full access to the westerly adjacent rear property neighbor, who he assists in times of need. Mr. Shaffer said he chose the southerly corner of the rear yard because the northerly corner of the rear yard slopes downward.

The lot size is 16,300 square feet. Code allows a maximum shed size of 1% of a lot area under 20,000 square feet, in this case, 163 square feet. A variance of 37 square feet is required to allow a shed area of 200 square feet.

Mr. Shaffer submitted elevation drawings of the proposed shed. The wall heights vary between six feet and 12 feet high.

Mr. Urban opined the shed size should be reduced and located closer to the lines of the house. He asked the applicant to submit additional yard dimensions for the next meeting. Mr. Adamus stated he is skeptical of supporting the location variance because code does not allow granting variances based on the use of the yard.

Mr. Adamus advised a public hearing will be held September 25, 2023.

SUBJECT: CINDY BOSETIN, 5619 BLAIR DRIVE
PZ23024 VARIANCE TO MINIMUM REAR YARD SETBACK REQUIREMENT
FOR PROPOSED GAZEBO

Cindy Bosetin, homeowner, 5619 Blair Drive, Highland Heights, Ohio 44143, appeared before the Commission to request a variance for a proposed gazebo, on property located at 5619 Blair Drive.

Ms. Bosetin said she will remove the existing dilapidated structure and replace it with a gazebo-like structure in the same location. The gazebo will be set back 47 feet from the rear lot line. A variance of 3 feet from the minimum rear yard setback requirement of 50 feet is required. Ms. Bosetin said the house will block the view of the gazebo.

Jo Ann Davis, 611 Bishop Road, Highland Heights, Ohio 44143, owner of the undeveloped westerly adjacent rear parcel 822-03-013, addressed the Commission and stated she has no objection to the proposed location of the gazebo.

Mr. Adamus advised a public hearing will be held September 25, 2023.

SUBJECT: PUBLIC NOTIFICATION PROCEDURES
PZ23025 REVIEW AND DISCUSSION

The Commission agreed it is necessary to review public notification procedures established by code. HHCO Section 1109.041 "Public Hearing" outlines notification procedures on applications for conditional use permits. HHCO Section 1113.04 "Hearings" outlines notification procedures on applications for variances. This matter will be addressed at future meetings.

ADJOURNMENT: There being no further business before the Commission, Mr. Adamus asked if anyone wished to make a motion to adjourn the meeting. A motion was made by Mr. Urban to adjourn the meeting; seconded by Mr. Milroy. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 9:00 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

**CITY OF HIGHLAND HEIGHTS, OHIO
MINUTES OF A PLANNING AND ZONING MEETING
PUBLIC HEARING FOR RALPH DICAMILLO - PZ23021
HELD: SEPTEMBER 11, 2023
Highland Heights City Hall Council Chamber**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy (City Council Representative), Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Law Director Michael Lograsso

ABSENT: None

**SUBJECT: RALPH DICAMILLO, 600 LANDER ROAD
PZ23021 VARIANCES TO ALLOW TWO FENCES TO EXTEND FORWARD OF THE REAR BUILDING LINE OF THE HOUSE; VARIANCE TO ALLOW MULTIPLE FENCE TYPES IN THE REAR YARD**

Chairman Adamus called the public hearing to order at 7:00 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variances appeared as follows:

1. Variance of eleven feet from HHCO 1123.21(b)(4) “Fences; Permitted Fences; Privacy Fences”, which establishes that privacy fences shall be permitted only in rear yards, to allow a 4-foot high aluminum fence to extend eleven feet forward of the northerly rear building line of the house, then extend south twelve feet to meet the house.
2. Variance of eleven feet from HHCO 1123.21(b)(4) “Permitted Fences; Privacy Fences”, which establishes that privacy fences shall be permitted only in rear yards, to allow a 4-foot high aluminum fence to extend eleven feet forward of the southerly rear building line of the house, then extend north twelve feet to meet the house.
3. Variance from HHCO 1123.21(c)(2) “Permitted Fences; Prohibited Fence Construction”, which establishes that fences shall be uniform on all sides in a front or rear yard, to allow multiple non-uniform fence types in the rear yard along more than one property line.

Ralph DiCamillo, homeowner, 600 Lander Road, Highland Heights, Ohio 44143, appeared before the Commission to obtain variances to permitted fence requirements for proposed fencing, on property located at 600 Lander Road.

Mr. DiCamillo is in the process of having an in-ground swimming pool installed in his rear yard. He is requesting three variances. The first variance is to allow a 4-foot high aluminum fence to extend eleven feet (not 0 feet) forward of the northerly rear building line of the house, then extend south twelve feet to meet the house, for the purpose of enclosing the pool equipment pad/control box on the north side of the house. The second variance is to allow a 4-foot high aluminum fence to extend eleven feet (not 0 feet) forward of the southerly rear building line of the house, then extend north twelve feet to meet the house, for the purpose of enclosing an existing walkway and landscaped area on the south side of the house to provide privacy.

The third variance is to allow multiple fence types along more than one property line. In addition to the 4-foot high aluminum fences, Mr. DiCamillo proposes to install a 6-foot high solid privacy fence extending forty feet north-south parallel to the rear lot line approximately 15 to 20 feet forward of the rear swale. A variance is required to allow both aluminum and solid privacy fences in the yard.

Public hearing opened to the public.

James Fill, homeowner, 604 Lander Road, Highland Heights, Ohio 44143, the property adjacent to the south side of the applicant, addressed the Commission and expressed opposition to a variance that would allow a fence to extend forward of the rear building of the applicant's house on the south side. He said there is no need for a variance and a fence will be a distraction to him and he does not want to see a fence located at the side of his house.

Mr. Fill also submitted the following email dated September 8, 2023 to the Recording Clerk prior to the meeting: Regarding the subject Public Notice, my wife Anita and I, Jim Fill, would not want a fenced in area between the side of our house and the neighboring house at 600 Lander Dr. We feel the proposed fence should meet all code requirements and thus be in the back yard only and not extend beyond the back of the house. We see no reason to grant a variance on current code requirements and therefore feel all proposed fence variances should be rejected. Thank you for your consideration.

No one else spoke nor was any additional correspondence received from the public on this matter. Public hearing closed at 7:12 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*