

**CITY OF HIGHLAND HEIGHTS
PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION
HELD: DECEMBER 10, 2007**

PRESENT: Commissioners Kerr, Mastrangelo, Pilla, Urban
Recording Clerk Olson; Building Commissioner Stouffer

ABSENT: Commissioner Knezevic

SUBJECT: LESTER & RAE MILLER, 621 HANFORD DRIVE
PZ07016 VARIANCE TO FENCE REQUIREMENTS

Public Hearing was called to order at 8:02 p.m. Notices of this Public Hearing were mailed in accordance with Section 1113.04.

Variance is requested as follows:

1. Variance from Section 1123.21(b)(1)B: "FENCES; Permitted Fences; Open ornamental fences", which establishes that open ornamental fences may be erected in rear yards, to allow a 4 foot high picket fence to extend 20 feet 4 inches forward of the rear building line on the southerly property line, then to proceed north ~~25 feet~~ 22 feet 7 inches to the side of the garage.

Lester Miller, homeowner, 621 Hanford Drive, appeared before the Commission to obtain a variance for a proposed fence on property located at 621 Hanford Drive.

Chairman Mastrangelo advised the applicant that only four of the five Commissioners were present and extended him the option to defer the Public Hearing until the next meeting when all of the Commissioners would be present because a majority vote is required to grant a variance. The applicant chose to proceed. Chairman Mastrangelo advised the applicant of his right to be represented by an attorney. The applicant waived that right.

Mr. Miller stated there is currently a 4 foot high picket fence enclosing his entire back yard to contain their two dogs. He said the only direct access to the outside fenced area is thru the kitchen, and that they do not have a mudroom. He stated that he is proposing to extend the fence 20 feet 4 inches forward of the rear building line and the garage man-door on the south side of his property, and then extend the fence north to the side of the garage, so that access to the fenced area will be thru the garage man-door. He said the fence will extend 3 feet forward of the garage man-door.

In response to Mr. Urban's inquiry if the proposed fence will be the same material as the existing fence, Mr. Miller replied yes.

In response to Chairman Mastrangelo's inquiry if the applicant would consider installing a 3 foot high fence, the applicant replied no because the dogs would be able to jump a 3 foot high fence. Public Hearing opened to the Public.

Mr. and Mrs. Cipolletti, 625 Hanford Drive, the adjacent homeowners to the south, objected to the variance stating they did not see the need for the proposed fence to extend so far into the sideyard and so close to the Cipolletti's property line (the distance from the proposed fence to the Cipolletti house would be 11 feet). Mrs. Cipolletti objected to the proposed fence being so close to her property line because her family room windows face the proposed fence. Mr. Cipolletti inquired if the proposed extension to the existing fence could be placed only 3 or 4 feet from the Miller's garage rather than 22 feet 7 inches. Mr. Miller replied that staggering the fence as Mr. Cipolletti suggested would not be aesthetically pleasing and would cause an architectural problem. Mr. Miller stated that he will extend the row of shrubbery inside the proposed fence. Mrs. Cipolletti stated that her house is built higher than the applicant's house and that the shrubbery would have to be 12 feet high to obscure the view of the fence from her windows. Chairman Mastrangelo stated that the variance would be contingent on approval of a landscape plan by the Building Commissioner prior to the fence permit being issued.

Public Hearing closed at 8:18 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman