

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 10, 2023 - MINUTES**

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

ABSENT: None

Chairman Adamus called the regular meeting to order at 7:04 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held June 26, 2023. Mr. Mercurio moved to accept the minutes as written; seconded by Mr. Urban.

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

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the public hearing for Alexander Kerr held June 26, 2023. Mr. Urban moved to accept the minutes as written; seconded by Mr. Hull.

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

**SUBJECT: LARRY AND DENISE LEWIS, 5445 KENBRIDGE DRIVE
PZ23017 VARIANCE TO ALLOW PROPOSED REPLACEMENT FENCE TO
EXTEND FORWARD OF THE REAR BUILDING LINE OF THE HOUSE**

Larry and Denise Lewis, homeowners, 5445 Kenbridge Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to allow a proposed replacement fence to extend forward of the rear building line of the house, on property located at 5445 Kenbridge Drive. The public hearing was held immediately prior to this regular meeting.

The applicants chose to waive their right to be represented by an attorney as indicated in their Planning and Zoning Commission hearing application dated June 13, 2023.

MOTION: A motion was made by Mr. Mercurio to grant Larry and Denise Lewis, on property located at 5445 Kenbridge Drive, Highland Heights, Ohio 44143, a variance of eighteen feet from HHCO 1123.21(b)(4): “Fences; Permitted Fences; Privacy Fences”, which requires that privacy fences shall be permitted only in rear yards provided that such fences may be erected not more than six feet in height and further provided that it does not encroach upon the required side and rear yard requirements, to allow a six-foot high combination fence beginning on the easterly side lot line a distance of eighteen feet forward of the northeasterly rear building line of the house, then extending west to meet the house; seconded by Mr. Milroy.

FURTHER DISCUSSION: Mr. Milroy said he supports the variance because the fence will not detract from other houses or the character of the neighborhood. Mr. Adamus said he supports the variance because the existing fence complied with code prior to the addition of the sunroom in 2005.

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 is that the proposed fence will be installed in the exact location of the existing fence; the location of the proposed easterly fence is consistent with the location of the existing fence on the westerly side lot line; the fence will enclose the sunroom to provide security and privacy; a sizable tree and bush will not have to be removed; the usable rear yard area will be significantly decreased if the fence has to be located behind the lines of the house rather than on the side lot line; the fence is located behind existing landscaping; the fence will be an improvement to the property; the potential hardship that would result due to the applicant's visual disability; and there are no objections from neighbors.

SUBJECT: SANCTUARY, 6099 HIGHLAND ROAD
PZ23009 DISCUSSION OF PROPOSED SUBDIVISION

David Pietrantone, homeowner, 6015 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission to discuss plans for a proposed residential subdivision at 6099 Highland Road, Highland Heights, Ohio 44143, on vacant adjacent parcels 821-28-004 and 821-28-005, zoned U1 Single Family Residential. The parcels are located near the northwest corner of Highland Road and Miner Road, separated by one parcel west of Mulligan's Tavern. The name of the proposed subdivision is Sanctuary.

Background: Mr. Pietrantone and Robert Eppich, homeowner, 313 East Legend Court, Highland Heights, Ohio 44143, appeared before the Commission on April 10 and May 8, 2023 to discuss the proposed Sanctuary subdivision. Mr. Eppich is the owner of vacant parcel 821-28-005 (3.6 acres) at 6099 Highland Road and the adjacent westerly vacant parcel 821-28-004 (1.2 acres) that has never been assigned an address. The project will convert the undeveloped combined 4.8 acre parcel into a 15-lot subdivision with one new cul-de-sac road with full utilities that will run from Highland Road north, approximately 325 feet, just west of Miner Road. The applicants confirmed there are ample water and sewer facilities for the subdivision. The high-density subdivision lots do not comply with current code minimum yard and area regulations. Variances are required for each subplot, including lot area, lot width, side width, front depth and lot depth. The Commission and City Council have been discussing options to allow the creation of a Planned Residential Zoning (PRD) district in the City in order to avoid using current U-1 Single Family Residential zoning code restrictions that would result in a multitude of high variance amounts and set negative precedent.

At tonight's meeting, Mr. Pietrantone said he is requesting direction from the Commission on how he should proceed with the proposed subdivision. Mr. Adamus stated there are two options moving forward: a public referendum to allow the creation of a PRD zoning district that is a higher density from the current U-1 Residential Zoning; and an overlay of the existing U-1 zoning map that would identify specific areas in the City where high density subdivisions could be developed.

Law Director Lograsso replied Sanctuary is grandfathered under current code and that the Commission must decide how many variances they feel comfortable giving should the applicant request variances at this time. He added that if the Commission denies the required variances, and if the public referendum passes to allow the addition of a PRD zoning district, Sanctuary would be able to reapply under the newly added PRD regulations. Mr. Adamus said that tonight

the Commission received a copy of a letter dated June 19, 2023 from City Engineer Mader to Building Commissioner Grabfelder citing many comments of his conceptual plan review on Sanctuary's roadway dimensions, area and yard variances, rear mound detention, fire lines, sanitary and storm utilities and fire circulation plan. The consensus of the Commission was that since the Commission just received the letter tonight, they cannot respond to those comments and proceed forward with considering Sanctuary at this time.

**SUBJECT: PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONING
PZ23013 DISCUSSION OF PRD GUIDELINES**

Beginning on May 22, 2023, the Commission commenced discussion of regulations for the potential addition of a Planned Residential Development (PRD) zoning district in the City, pursuant to the recommendation of Law Director Lograsso. Mr. Milroy, the Commission's City Council representative, has prepared a summary document of those regulations and presented it to City Council. The Commission continued their discussion at tonight's meeting, and Mr. Milroy will submit an updated document to City Council, whose approval is required prior to a public referendum on this matter.

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. Milroy to adjourn the meeting; seconded by Mr. Hull. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 7:49 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
PUBLIC HEARING PZ23017 – LARRY AND DENISE LEWIS
JULY 10, 2023 - MINUTES**

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

ABSENT: None

**SUBJECT: LARRY AND DENISE LEWIS, 5445 KENBRIDGE DRIVE
PZ23017 VARIANCE TO ALLOW PROPOSED REPLACEMENT FENCE TO
EXTEND FORWARD OF THE REAR BUILDING LINE OF THE HOUSE**

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

1. Variance of eighteen feet from HFCO 1123.21(b)(4): “Fences; Permitted Fences; Privacy Fences”, which requires that privacy fences shall be permitted only in rear yards provided that such fences may be erected not more than six feet in height and further provided that it does not encroach upon the required side and rear yard requirements, to allow a six-foot high combination fence beginning on the easterly side lot line a distance of eighteen feet forward of the northeasterly rear building line of the house, then extending west to meet the house.

Larry and Denise Lewis, homeowners, 5445 Kenbridge Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to allow a proposed replacement fence to extend forward of the rear building line of the house, on property located at 5445 Kenbridge Drive.

Mr. Lewis said he purchased the property and house at 5445 Kenbridge Drive in 2021. He said he wants to replace the existing deteriorating split-rail fence with a combination fence in the same location as the existing fence; however, the existing fence violates code because it extends 18 feet forward of the northeast rear building line of the house. He explained that the previous owner of the house legally installed the existing fence and it remained in compliance with Code until 2005, when the previous homeowner added a sunroom to the northeast rear of the house, resulting in the fence that had been installed prior to 2005 extending forward of the sunroom and new rear building line of the house by a length of 18 feet. The applicants are now requesting a variance to allow the proposed fence to remain in the exact location of the existing fence.

Mr. Lewis gave the following reasons for wanting to keep the same location for the replacement fence: the location is consistent with the existing fence on the westerly side lot line; the fence will enclose the sunroom to provide security and privacy; a sizable tree and bush will have to be removed if the fence cannot remain in the same location; the usable rear yard area will be significantly decreased if the fence has to be located behind the lines of the house rather than on the side lot line; the fence is located behind existing landscaping; the fence will be an improvement

to the property; the potential hardship for the applicant if the fence location is changed due to his visual impairment.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:03 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*