

Description	Northwood Board of Zoning Appeals – Regular Meeting		
Date	August 8, 2017	Location	Council Chambers
Time	Heading	Record of Proceedings for Northwood Board of Zoning Appeals Meeting of August 8, 2017	
	Call to Order:	The regular meeting of the Northwood Board of Zoning Appeals was called to order by Jim Intagliata on Tuesday, August 8, 2017 at 7:00 p.m. in the Council Chambers of the Northwood Municipal Building.	
	Roll Call:	<p>The roll was called by Kimberly Vaculik</p> <p>Those in attendance were: Chairman Tim Schmidlin, Rick Radocy, Kelley Wills, Jim Intagliata and Planning, Zoning & Economic Development Coordinator Kimberly Vaculik</p> <p>Motion made by Mr. Radocy to excuse the absent Mr. Melnyk, Ms. Jardy & Ms. Pierce Second by Mr. Intagliata</p> <p>All in favor.</p> <p>Motion Passed</p>	
	Minutes for Approval:	<p>Motion to approve the minutes from April 11, 2017.</p> <p>Motion made by Mr. Intagliata to approve the minutes, Second by Mr. Radocy</p> <p>All in favor.</p> <p>Motion Passed</p>	
	Zoning Appeals Case:		
	Case No. 0641:	<p><u>Case No. 0641:</u> Antonio & Theresa Martinez, 2128 Maryland Pl., Northwood, Ohio 43619 are requesting a variance of 2’ to allow a 6’ privacy fence to be built in the rear of their property adjacent to the neighbors side yard. N.C.O. Section 1250.06(b)(3)</p>	

Theresa Martinez, 2128 Maryland Pl. came to speak on behalf of their project, she stated that they live on a corner lot at the corner of Maryland and Ravenwood and they only replaced an existing fence. She provided the board members with a copy of the 96 appraisal when they purchased the home which shows the 6' fence. They only wanted to replace what was already there. The fence surrounds the entire back yard. The fence is the exact same style as it was. There are approximately two sides and a third portion up however they stopped construction until they knew what the board was going to decide.

Ms. Wills asked if the fence is for the pool enclosure, Mr. Martinez stated it was. There is a shed directly behind the home with a deck and hot tub as well.

Ms. Vaculik stated that there was opposition to the fence and that they were present in the audience. No one else called regarding the property.

Attorney Paul Skaff, 353 Elm St., Perrysburg, Ohio came to speak on behalf of Viviane Kazan who lives next door at 417 Ravenwood Dr. They are there in regards to the section West of the Martinez home East of Ms. Kazan's house. He stated that he's not sure why our code calls for 4' but that's the way it is written, it also stated that a permit be pulled before the fence is put up. The Martinez's disregarded both of those. He stated that when Mr. & Mrs. Martinez replaced the fence they actually moved it over and a portion of it is now on Ms. Kazan's property. She went to the extent to pay for a survey which shows it is 23" onto her property, not the whole fence, just a portion. He provided the board members with a copy of the survey showing the discrepancy. The first page shows the survey, the second page shows the portion of the fence on Ms. Kazan's property and the third page has a picture of the fence, therefore she is against the variance. Due to the cost of fence removal, Ms. Kazan has asked that conditions be placed on the variance to have the portion of the fence moved over to the property line. They recognize that there is not a setback requirement and it would be on the line. They believe it is approximately one panel that is over, she is willing to withdraw her objection if the condition is placed on the variance.

Ms. Vaculik reminded the board that the board does not

get involved in civil disputes. The board should strictly vote on the height and not the civil issues.

Attorney Skaff stated that the board can place conditions on the approval; it's no different than any other conditional approval.

Mr. Schmidlin stated that the board will not get involved the civil aspect, he also asked Attorney Skaff that if they put conditions on it Ms. Kazan would have no problem with the 6' fence?

Attorney Skaff stated that is correct. If the board is unwilling to place conditions on the approval then Ms. Kazan reinstates her objection to the fence and asks that the fence comply with the City zoning code.

Mr. Schmidlin stated that he was lead to believe this was a replaced fence of one already in existence. Ms. Martinez stated that it is and they plan on moving the fence they were waiting to see what happened with the City, she stated that they received the letter from the attorney but were waiting to see what happened.

Ms. Vaculik stated "so you are agreeing to move the fence over" Ms. Martinez stated "yes, we are planning to"

Mr. Schmidlin reminded them that the board will only review the height.

Attorney Skaff stated that the new fence was built before the old one was torn down, the new fence is over farther than the old one. The new fence was built outside of the original. Also, Ms. Martinez had received a letter 2 months prior and she is only now acknowledging it.

Mr. Martinez stated that the original owners had a steel fence line so he followed that with the new fence. He stated that somehow he got a portion off because he followed the steel fencing. He built the fence that way because they have dogs and they didn't want them to get out.

Mr. Schmidlin stated that their vote will not be based on moving the fence nor will they vote on any civil law. That would have to be handled in court.

	26.00	<p>George Kohri, 1751 Linmore St., Vivian is his sister. The fence was moved over so it's not replacing an existing fence, it is new business. To determine a property line run a line from one point to another and that's the true fence.</p> <p>Ms. Wills stated that the house is crooked on the survey so it would make putting up a fence tricky and before the survey was done there wouldn't have been the posts to measure from. So putting up a fence would be tricky because you would think it would run parallel with the house.</p> <p>Mr. Kohri stated that the posts were already there and have been there. Now the fence is moved over 2'. His original fence was 2' in now it's 2' farther out.</p> <p>Ms. Vaculik stated that we allow fences to go right up on the property line. They have agreed that the fence is over and they stated they would move it.</p> <p>Mr. Schmidlin stated that all the rules come from the Northwood Codified Ordinance that they have to abide by. All that the board is looking at is at the 2' height variance.</p> <p>Ms. Wills agreed and that the board is only looking at the height request.</p> <p>Attorney Skaff came back up and stated that the house is in fact crooked on the line and we suspect Mr. Martinez followed the home line and not the property line however with that said this has been going on for months with their unwillingness to move the fence.</p> <p>Mr. Schmidlin stated that as an attorney, Mr. Skaff should know that any dispute should go to court and not to the board of zoning appeals.</p> <p>Attorney Skaff stated that if the board does not put conditions on it then they are asking that the board enforce the rules.</p> <p>Mr. Schmidlin stated that the board is there to hear the appeal not the regular rules.</p> <p>Ms. Wills asked Attorney Skaff if they would be okay</p>
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	Board Discussion:	None.
	Adjournment:	7:35pm
	Attest:	Kimberly Vaculik
	Approved:	Chairman – Tim Schmidlin

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