

BRIMFIELD TOWNSHIP ZONING COMMISSION

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PUBLIC MEETING

MINUTES of September 14, 2017 at 7:00 PM

Brimfield Town Hall Community Room – 1333 Tallmadge Road, Brimfield, Ohio 44240

Present: Chairman Ron Jones V.P. William Kremer Debbie Darlas

Thomas Johnson

Alternates: Pat Blair

Absent: Tom Sargent

Staff Present: Wendi O’Neal, Zoning Inspector

Public Present:

Name	Company	Phone	Email
Brenda Ptak	4712 Perie Wood Ln	330.714.2144	bjptak@live.com

The Zoning Commission is called to order by **Chairman Ron Jones**, at 7:00 PM on **Thursday, September 14, 2017** at the Brimfield Township Town Hall.

Roll call:

Darlas: Here **Johnson:** Here **Jones:** Here **Kremer:** Here
Sargent: Absent **Blair:** Here

Jones – Amends the Agenda to include appointment of the unexpired term of the Vice Chair of the board.

MOTION #2017-33

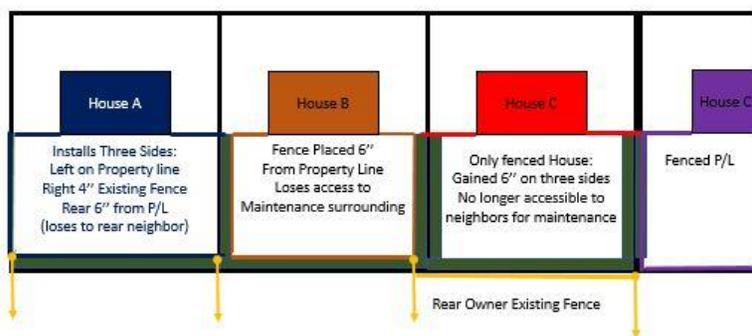
Debbie Darlas makes a motion to accept the amended Agenda as presented and was seconded by **William Kremer**. Motion passes unanimously.

MOTION #2017-34

A motion is made by **Tom Johnson** to approve the August 10, 2017 Meeting Minutes with a seconded from **William Kremer**. Motion passes unanimously.

PUBLIC COMMENTS:

O’Neal – Asks the board to reference the diagram below regarding the fencing situation:



O’Neal – Explains that this situation happens in Beechcrest and in any subdivision. For example House B pays to fence the entire backyard six inches from the property line. Then House A pays to fence all but the right property line because it will stop 3-4 inches from the existing House B fence (encroachment on property). This also blocks the maintenance ability for House B; no longer having access to the six inches. Current regulation states: to be located on

BRIMFIELD TOWNSHIP ZONING COMMISSION

and able to maintain on both sides on the owner's property; no set distance from the property line. Ultimately this is going to happen because you won't see two fences up with a foot distance in middle of the same property line. So every property except the first to place the fence is going to gain something. But to place the fence on the property there would have to be an official survey that marks the pins which is also the cheapest insurance of your most valuable assets.

Brenda Ptak – 4712 Perie Wood Lane. Resident of Sugar Maple Subdivision states that the deed restrictions and the home owners association regulates through submitting diagrams, pictures, proper permits and the kind of permit allowed; there is a home owner's association [HOA]. Asking and prefers that the regulation state that the fence has to be placed on the property line allowing adjoining neighbors to connect. The dispute is that one neighbor wants to connect and the existing fence owner states that would be okay if he was compensated or he is not allowing it. Some have asked permission, others have not. If the fence is on the property line, there wouldn't be a dispute or anyone losing property. Also states that if the fence is on the property line no one would have to sign but if the fence is going to connect to over that six-inches then that should require a signature. Believes that majority of the lots have pins and a recent survey even if they are placing the fence six-inches from the property line, they would have to know where the property line is first. HOA Board does regulate but nothing states as to where it can be placed only on the type of fencing, proper permits and visual approval. States this would be boundary fences, not just for pool enclosure. There is some that do ask for approval while others do not, that could be added to the zoning permit. The double fence running side by side doesn't happen (nothing could get stuck, etc.), they don't actually touch the pole is just place 3-4 inches from the other fence.

Board – Believes the installer is not correct for leaving the 6-inches because the code doesn't state that distance or any distance. Fences already in place would become a civil matter for disputes. Questions if the permits are being filed, as this distance from property line could be do to no guidance through the permit process. A shared fence rather than two fences a foot apart. If the fence is built on different owner's property it is a civil matter. Would recommend a letter being sent to the HOA referencing the fence section of the zoning resolution, noting that there is not a set distance but it could be considered. If there was a setback from the property line, the space between fences could trap children or dogs. Wonders if the zoning certificate could require both parties to authorize or require a signature of agreement; but could be troublesome if the neighboring property is vacant. States that the fencing company that is referencing the six-inches is not stating correctly as the code does not state that. Asks what the covenants and deed restrictions for the HOA state regarding fencing and if that process is being followed. States that the it does make more sense to have the fence placed on the property line, because it could be a spiteful fence that is 2-ft. from property line and then no one could connect to it. States that it doesn't believe the location of fence could be mandated by zoning, as in the case as just surrounding the pool; would that have to be placed on the property line. States that the installer needs to be corrected as the code does not state a distance, in which would then become a civil matter on property if the permission is not granted yet the fence is placed. Inquires that it could be simply legislated by stating the fence has to be placed on property line on the zoning permit; doesn't think we could require the neighbors signature. Pat doesn't think that we can give someone else's property away; could be regulated by HOA. Inquires about adding a condition of as to if the owner is fencing in all sides (not just pool) that upon issuance of permit you allow anyone to attach or adjacent property owners to attach. Doesn't make sense to allow a 'spite' fence either: placing the fence a foot or so from property that way no one could attach to it. Now in 20-years neighbor will acquire the land that was blocked off for maintenance.

O'Neal – Would have to verify, but the majority do file permits, especially where there is HOA. Fences have not been inspected previously. Worries about being the mediator, to verify the proper property line markers as if there is a dispute with the two owners it would become a civil matter. Notes that at the time the fence section was written there was a need for maintenance on both sides but today majority are maintenance free with vinyl or aluminum. States that at this time the section does not mention anything in regards to connecting to an existing fence. Notes that the only official that can dictate the exact property line is a licensed surveyor. Could amend letter A in regards to connecting and/or tying in to existing fences; although we could not keep track of the ownership of the fence. There are very few that only enclosure the pool on the property as this instance would be more suitable for subdivisions; Beechcrest developer had placed a chain link fence with majority of property owners connecting to it, therefore the situation is occurring throughout the township. The space or gap between the two fences for

BRIMFIELD TOWNSHIP ZONING COMMISSION

maintenance is not realistic as it doesn't occur. Inquires that the zoning permit would not give property away, the property owner list on the permit either the distance to the property line or if it is on the property line.

OLD BUSINESS:

P.H. Amendment sent to Township Trustees for approval.

NEW BUSINESS: Work Session-

- **Chapter Four – Mini-storage setbacks**
 - Conditionally permitted use that doesn't align with some of the
- **Chapter Seven – Signage**
- **Chapter Five – Fences – application example (above discussion)**

GOOD OF THE ORDER:

- Alternate Status: Show location of current board members on Zoning Commission throughout Township. Chairman is given two applicants to review.
- Thomas Johnson RE: Town Center
- APA Zoning & Planning Workshop

MOTION #2017-35

A motion is made by **Pat Blair** to recommend to the Board of Trustees to send the Zoning Inspector, Wendi O'Neal and, the newest Board member of the Zoning Commission, Thomas Johnson, seconded by **William Kremer**. Motion passes unanimously.

SET NEXT MEETING:

Thursday, October 12, 2017 at 7:00 pm is the next set regular scheduled meeting at the Brimfield Township Town Hall.

MOTION #2017-36

A motion was made by **Bill Kremer** to adjourn the **September 14, 2017** at 8:20 PM, seconded by **Debbie Darlas**. Motion passes unanimously.

Chairman Ron Jones

Vice Chair William Kremer

Debbie Darlas

Thomas Johnson

Tom Sargent

Secretary Wendi O'Neal

Alternate Patrick Blair

Alternate