

**PLANNING AND ZONING COMMISSION**  
**Workshop Meeting Minutes**  
**Mayfield Village**  
**Nov 17, 2022**

The Planning and Zoning Commission met in workshop session on Thurs, Nov 17, 2022 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Syracuse presided.

**Roll Call**

**Present:** Mr. Vetus Syracuse Chairman  
Dr. Sue McGrath Chairman Pro Tem  
Mr. Allen Meyers Council Rep  
Mr. Paul Fikaris  
Mr. Jim Kless  
Mr. Henry DeBaggis

**Also Present:** Ms. Kathryn Weber Law Department  
Mr. Daniel Russell Building Commissioner  
Ms. Deborah Garbo Commission Secretary

**Absent:** Mayor Bodnar  
Mr. John Marquart Economic Dev Manager  
Mr. Tom Cappello Village Engineer  
Ms. Jennifer Jurcisek Council Alternate

**PROPOSAL**

1. New Fence Regulations (Law Dept)  
Section 1157.08; Permit; Fee

**OPEN PORTION**

Chairman Syracuse stated, this is a workshop meeting of the Mayfield Village Planning & Zoning Commission Thurs, Nov 17, 2022. There's one proposal before us to be presented by Ms. Weber from the Law Dept for the new fence regulations, Section 1157.08. We're not taking a vote tonight, the vote will be on Mon, Dec 5<sup>th</sup>. I'll turn it over to you Katie.

- **Presentation by Ms. Weber, Law Dept**

Ms. Weber stated, as you all know, in order to make any changes to our zoning code, or any revisions that relate to zoning, it first has to come to the P & Z Commission for their

recommendation and approval over to Council in order to pass it. Our current fence code, portions of it were passed in '79' & '94', so it's been a while since this has been updated.

We've had quite a few variances come through, specifically for solid board fencing. To make it a little bit easier, I printed off copies of what our current code looks like. You have both a clean copy of the new proposed code and then a redline of the new code that's redlined against the current code.

Right now under the code we only permit board on board which means there has to be a space. A lot of variances are coming in to have solid board fencing. Particularly, because fences are just built a little bit different now. There's vinyl fencing that's out and vinyl fencing is more cost effective and lower maintenance and that's typically what people are wanting to put in their houses.

The reason we updated the code was to be able to permit solid board fences. When we went in to do that, instead of just making the one revision, we decided to overhaul it to make it more workable, easier to read and deal with more circumstances.

I think it helps to know the background. This is only dealing with residential fences. Section 1157.08 is in the residential zoning section. Commercial properties are dealt with differently.

The redline version are things that we've added, obviously the cross-out are things that we've taken away and then the green designates something that was within the code but we moved to a new spot, to make it make more sense.

#### **(a) Definitions**

We've expanded it to add a few more sections. The first section we added is a definitional section that defines all the fences. Not all of these fences that we've defined in here do we deal with or commit within this code, but we wanted to define most fences that could come up, could be installed. We wanted to make sure we'll have a little bit of flexibility moving forward.

#### **(b) Fences Permitted**

Section (b) outlines the fences that are permitting. It's separated between front yards & side and rear yards.

In front yards we're only permitting decorative fences and split rail fences which is consistent with what's going on in the Village and consistent with when variances have been granted for solid board fences, we've limited it to a privacy situation or if they're on a main road, or something like that.

Chairman Syracuse stated, if I could speak to that. I'm this Commission's Rep to the Board of Zoning Appeals. We get a lot of variance requests for these types of fences as Katie said and Dan can attest to. Most people are trying to put up these solid vinyl fences. Even with those, a lot at the top of them have some decorative opening, you can see through the top. We were basing whether or not we would grant these variances on what we've seen as far as this old code which

was passed in 1994. I think the reasoning that it was explained to us perhaps by your predecessor John, it was that really it's for safety issues if there's emergency services or the Police have to show up, that they could see through. No one's really putting up picket fences or things like that anymore, board on board people needed to have gaps to see through. People are applying all the time for these solid vinyl fences because that's what's being sold, that's what people are installing, that's what's in style and you still can see over 6' and there's usually room at the top to see through, so I don't think that really affects emergency services. We've only granted them as Katie said in situations where there's either been privacy concern or a dog nuisance. Granted, it's a variance that runs with the property, it might not apply forever, but we might grant it if you have a dog next door that's making a lot of noise, so we'll grant these. We've kind of had to be creative a lot of times, we might grant a variance for a side yard fence in the side of the yard where there's an issue with the neighbor for privacy or other purposes. But we're not necessarily granting full boxed in solid vinyl fences, but that's what everyone's installing now. That's just a little more background in what we've been seeing coming through the BZA quite a bit.

Dr. McGrath asked, are people asking for them in the front yard?

Chairman Syracuse replied, usually it connects in the front next to the garage.

Ms. Weber stated, still if for some reason someone would want to put that in their front yard, they'd have to come in for a variance. I haven't seen one come in for the front.

Chairman Syracuse stated, I apologize if I misspoke, but they're usually for the side and rear yards. Like it says here in **(1) In Front Yards**, it tells you it's limited to decorative and split rail. Other than that, you can't put a board on board all the way to the edge of your front yard, no way.

Ms. Weber stated, the biggest change here is **(2) In Side and Rear Yards**, to now allow split rail, chain link, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences. This now allows you to put up a solid board fence.

- (i) Chain link fences are not going to be permitted over 4 feet, that's the standard size for a chain link fence. We don't want somebody putting up a giant chain link fence around their property.
- (ii) Split rail, board on board, solid board and the other types of fences, those are permitted up to 6 feet. But, if they are bordering something that's nonresidential then they're permitted to go up to 8 feet which is something that was currently in our code.

**(3) On Corner Lots.** We added some additional regulations for if you're on a corner lot. Obviously that's a little bit different, if you have a corner lot, there are distinctions between front and side yards.

**(4) Snow Fence.** We added a provision regarding snow fencing. This is limited to seasonal only, it can only be used for the purpose of a snow fence.

(5) **Swimming Pool Fence**. Swimming pool fences are dealt with in a different section in the code, just to make it clear for residents who are looking in the code and figuring out what they want to do. Chapter 1341 deals with swimming pools, it's required that you put up a fence around your pool for safety reasons, those regulations are dealt with in that chapter.

Ms. Weber stated, we also added some clear guidelines regarding (c) **General Requirements for Fences** that we didn't have in our current code, to give some more guidance and make sure fences are installed correctly and to alleviate any concern now that we're permitting solid board fencing. There are safety concerns which is one basis that a lot of communities decided to not permit solid board fencing. Another part of it is making sure that they're constructed correctly because obviously wind can go through. Now we've added requirements that everything has to be anchored securely into concrete. We added additional requirements for how fences can be built that Dan recommended, to make sure that we're requiring that all fences are secure and built correctly that they're not going to fall down and become a nuisance.

(d) **Permits**. We also added a requirement in terms of coming in for the permit. They need to make sure they know where their property lines are before they put the fence in and you can't deviate once you've gotten your permit.

Chairman Syracuse stated, so if someone were to build one that wasn't approved and didn't have a permit, they could be taken back to the Board of Zoning Appeals to apply for a variance request.

Ms. Weber stated, there's nothing that was in our old code that's not now in this new code.

Chairman Syracuse replied, that's good, this was long overdue if you ask me.

Ms. Weber stated, this is a lot more comprehensive. I think one of the issues with the current fence code is a lot of the sections were passed at different times, so they were kind of piece-meal together, that kind of necessitated the overhaul. I think we initially went into it thinking we're just going to add as permitted that you can use solid board. But, if we're redoing it, you might as well overhaul it to be a more workable section. Obviously this is residential, these are homeowners coming in wanting to do a fence. Our hope is that they could look at this code and be able to somewhat easily figure out what's permitted and what's not.

Chairman Syracuse stated I misspoke, when I looked, I was looking at just the bottom where it says fences on corner lots, that was passed in 94, the others were passed in year 74 or 79 except for side and rear yards which is really what most people are coming in asking for variances on, that was passed in 2001, that's twenty-one years ago.

### **Open Discussion**

Chairman Syracuse asked, does anyone have any questions or comments?

There was none.

Chairman Syracuse stated, I will say that I really like this new ordinance. I think it really would be nice for the Village to have this updated. We'll see a lot less variance requests coming into the Board of Zoning Appeals. I don't think it creates any problems for anyone in the Village with this type of fence being permitted. The definition section especially I really like how it's laid out. Well done.

- **Farm Fence**

Mr. Meyers asked, what about a farm fence?

Ms. Weber asked, a farm fence? What's a farm fence?

Mr. Meyers replied, it's basically 4' high, 2 x 4 wire fence with a steel post. It's invisible basically, you can't even see them because there's no pole.

Mr. Kless stated, it's wire mesh.

Ms. Weber stated, I would say under this code, it's not permitted.

Mr. Meyers asked, if somebody has this, would they have to get a variance?

Ms. Weber replied, any existing is grandfathered in.

Chairman Syracuse stated, if they wanted to add to that, they'd have to request a variance. But, to grant a variance, there needs to be a practical difficulty. One of the factors to consider is the uniqueness of the property, differentiating it from others. If they already have one and they're just trying to add a small portion somewhere else, it's not going to completely forbid them from getting that, but it's up to the BZA to make that determination.

Chairman Syracuse asked, is there another section that covers invisible fences for dogs?

Mr. Russell replied, no. There's no structure, no permit is required.

Chairman Syracuse stated, I would assume it wouldn't apply to this code, but I didn't know if there was another section for that. Has there been any issues in the Village with those?

Mr. Russell replied, no.

Ms. Weber asked, do you think that farm fences are something that should be permitted?

Mr. Meyers replied, no. I was just asking. That's what I have in my backyard, I've had it there for 20 years, you can't even see it. Some people don't want to look at a fence. It keeps the deer and animals out. It has the thin wires, it's basically invisible, they call it a farm fence. I was just curious.

Ms. Weber stated, we're here for input.

Chairman Syracuse stated, it might be worth adding something about that so that we don't have to have variance requests come in for that because it seems like it serves a good purpose for it. Maybe we should consider adding that, looked into. If you recommend adding that for our vote meeting, maybe we could just see a copy before that. If you feel it's not necessary we could vote, base our recommendation to Council based on what's in here now.

Ms. Weber replied, absolutely. The purpose of bringing it to Planning & Zoning is obviously, the Law Department's job is to effectuate a change in the code. It was brought to us that we need to overhaul the fence code so we can permit solid board fencing. But it's up to this Commission and Council to make the actual policy decisions of what you want to permit and what you don't want to permit.

Chairman Syracuse stated, we're here today just as a workshop meeting to come up with ideas and see if there's anything that's either included in here that shouldn't be or needs to be modified or anything that we should be adding to it. That's a good suggestion Al.

Dr. McGrath stated, if you're allowing a chain link fence in the backyard, why would you not allow a farm fence.

Mr. Kless stated, a farm fence is way less obtrusive than a chain link.

Chairman Syracuse asked that Katie get the definition of a farm fence and add to the permitted fences for review.

Ms. Weber replied, absolutely.

Chairman Syracuse asked, does anyone have any other suggestions or anything else that should be included or any modifications to the language?

Mr. Meyers stated, a couple things that came up at the BZA was the height of the chain links in the rear yards, like the one on Wilson Mills with the black 5' chain link.

Mr. Russell replied, the 5' chain link are very far and few between. I've never seen one in 25 years of doing this. Chain links are always a standard 4'.

Ms. Weber stated, and we don't deal with color in here, we can, but we don't really deal with the color of it. We went with 4' for the chain link fences, that's the standard height.

Mr. Fikaris stated, I had a 5' only because of the neighbor's dog, it was a huge dog. There was a variance for that, it was another city a long time ago.

Ms. Weber stated, we were surprised that the applicant who came in wasn't asking for a 6' or 8'. I would anticipate if somebody wanted to put up a chain link fence that's higher than 4', they would be coming in asking for something that's 6' or 8' for a dog or some special circumstance.

Mr. Meyers stated, they wanted it for the deer, they have a garden. One of the big questions the fence guy brought up was, you allow a 6' board on board fence, but you won't allow a 5' chain link.

Dr. McGrath stated, I think what it comes down to is that a chain link looks commercial.

Chairman Syracuse stated, I'm wondering if maybe we shouldn't put something in here that color should be approved by the Building Commissioner.

Ms. Weber replied, we do have in here that the nice side of the fence has to go to your neighbor's house. What they can do on the inside is on the inside. I don't recall off the top of my head, does the Building Code govern what color you could paint your house?

Mr. Russell replied, no. There are different types of stains out there for wood.

Chairman Syracuse asked, what about the person who comes in and wants something that's right on the main road that's really an eyesore, do we have anything in here that would prevent them from putting that up? The color could turn into a nuisance for a lot of people, maybe even lower the value of the properties around it.

Mr. Russell replied, anybody could paint their house any color they want to.

Chairman Syracuse stated, maybe we need to revisit that.

Mr. Fikaris stated, they used to have a practice of, especially for commercial, putting inserts in a chain link.

Mr. Russell replied, they have the plastic coatings and everything else for chain links.

Ms. Weber stated, we do have that this has to have uniformly spaced openings. So I would say that under this code you wouldn't be permitted to put those in the chain links. I know exactly what you're talking about. I think what the code was initially trying to do with aggregating the 25% of their surface areas between residential properties was confusing.

Mr. Fikaris stated, I do know in the past that John in particular was not a fan of the solid board, he said the white ones looked like a movie screen. I think the biggest one requested was the one along the side drive at Mayfield on Lander, that homeowner to the north. I think it was originally white, but it's a brown one that goes all the way from the back of the property to the front. They granted it because of lights. But, I don't know about a color.

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Ms. Weber stated, I will say I've read a lot of fence codes now and I have not seen a fence code that deals with colors. Obviously in a development, that's going to be governed by an HOA. It's a little bit of a slippery slope. If somebody's putting up a new house it would have to go to ARB and things like that. But especially with the solid board only being in the backyard.

Chairman Syracuse stated, we'll reconvene at our next meeting on Mon, Dec 5<sup>th</sup>. It'll be a regular meeting at which time we'll take a vote on this and whether or not to recommend this to Council.

Ms. Weber stated, I'll add in the farm fences.

*There being no further business, the meeting adjourned at 6:25 p.m.*

*Respectfully Submitted,*

*Deborah Garbo*

*Executive Assistant, Building Department*