

Council met in **PUBLIC HEARING** on Monday, April 25, 2011, at 7:31 P.M. in Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki, and Wagner. The purpose of the Public Hearing was to discuss **text amendments regarding Chapter 1250.07, "Fences."**

Ms. Sheridan, Planning Director, said this is a collaboration of the Planning and Building Departments. She said the Building Commissioner and Planning Commission feel that two text amendments involving "fences" are necessary to correct issues in the Development Code.

Ms. Sheridan said the first text amendment is in Section (f)(7) of Chapter 1250.07 of the Development Code regarding Distance from Building. It reads: To allow passage and permit maintenance of building walls, no fence erected along a building wall on the same, or any adjoining lot, shall be installed closer than a horizontal distance of 3 feet at any point to such wall or any projection thereof.

Ms. Sheridan said the second text amendment is in the same section, under (g)(2) Application Contents. She said the Code currently lists what is permitted and required in the application. She said they would like to add under (D): 1) A plot plan shall be a pin survey submitted by a licensed surveyor with a signed, stamped copy of the survey. She said they would also like to add: Exemptions from D(1), to read: 1.) Ornamental fences, as defined herein, with a height not to exceed 4.5 feet. 2) Written approval from all adjoining property owners indicating knowledge of the location, material, color, and height of the fence.

Ms. Sheridan said those are the two text amendments they feel are necessary to put in the Development Code. She said Mr. Bauschlinger will be happy to explain why these are needed.

Mr. Lysenko asked what the ballpark cost would be for a pin survey. Mr. Bauschlinger said it would be between \$700 and \$800. He said it is expensive.

President Maurer said everything else is pretty much self-explanatory. He said he feels the idea was to end the feuds over "spite" fences.

Mr. Judge asked if the City would be able to offer that, at the same \$700 to \$800 cost, as a revenue generator? Mr. Bauschlinger said we would need to find a surveyor. He said that could be something we could look into next or maybe we could contract out a surveyor. He said he would not know what the problems would be, to be on a payroll or something like that. Mr. Judge said one of our inspectors could be a licensed surveyor. Mr. Bauschlinger said the City used to do the surveying. President Maurer said as he recalls, that was one of the requirements of our City Engineer -- to be a licensed surveyor? Mr. Bauschlinger said he thinks that may have been.

Mr. Bauschlinger said to give an overall picture, the way the original Code reads, it had nothing to do with the adjoining properties; it had only to do with the building on your own property. He said there was no protection to the adjoining properties. He said they wanted to make sure the protection to adjoining properties was added. He said they deleted "fences" in (f)(7) because

they thought it would be too much of a burden to give up three feet all the way around an entire yard because that is quite a bit of footage to give up. He said even though they do not like it, people will still be permitted to put fences back-to-back. He said they did not think it was legitimate to take away that much square footage from a property. He said the biggest problem they run into is property lines. He said in many cases, fences are put up very hastily and without much thought. He said they are kind of “emotional” fences. He said this text amendment may cool people off a little bit and get them to think before they decide to install a fence.

President Maurer asked if anyone in the gallery had any questions.

President Maurer asked two more times if there were any other questions or any discussion.

There were none.

President Maurer said hearing no questions or comments, this public hearing was closed.

Adjourned 7:36 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council