

CITY OF TWINSBURG  
BOARD OF ZONING APPEALS MINUTES  
JANUARY 8, 2020

*Mr. Kancler called the meeting to order at 6:32 p.m.*

Present: Messrs.: Wilner, Kancler, and Griffith  
Absent: Mr. Seth Rodin and Mr. Tom Brown

Also Present: Mr. Dale Steppenbacker, Building Inspector  
Mr. Bill Furey, City Council Representative

The Board recited the Pledge of Allegiance.

<p style="text-align: center;"><b>CITY OF TWINSBURG</b> <b>BOARD OF BUILDING AND ZONING CODE APPEALS</b> <b>WORK SESSION</b> <b>JANUARY 8, 2020</b></p>
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1. Appeal # 08-2019  
Variance 1164.01 (7)

A public hearing will be conducted at 6:30 pm on January 8, 2020; for the purpose of hearing an appeal for a variance from section 1164.01 (7) of the Twinsburg Zoning and Development Regulations which requires all fences shall have an opening minimum of 1-5/8 inch between boards to allow light & air movement. The applicant is proposing to install a solid, white vinyl privacy fence. This appeal is made by John Manzo, 2207 Gary Dr.

- Specifically, a 120 linear foot, solid fence is requested at side of property.

Mr. Kancler stated that they do not have a full BZA Board tonight, normally have five people and only have three people tonight. All three board members would have to vote in favor for the variance to pass or it will fail. Having said that I would like to go through with the work session to discuss the reason's that you are seeking a variance to have a solid fence rather than what's required by code.

John Manzo stated that he called about year ago and they told him that he could put up a maintenance free fence right to the property line and I could have a privacy fence all the way back. Then I find out that I cannot have a privacy fence all the way back and it has to have some space in it. That's why I applied for a variance. Then I find out from my contractor, from the last meeting he attended, that you have to be 18 inches from the property line. I would like a solid fence all the way back and that's why I'm here.

Mr. Kancler stated in order to have a variance from the code because the code requires a split rail fence with at least 1 5/8<sup>th</sup> inch distance. That's for air circulation and visibility. In order for you to be able to establish that you are entitled to a solid fence, you have to show that you have a practical difficulty or an unnecessary hardship.

John Manzo stated that he just wants a privacy fence so he can go on his patio and stuff. Neighbors have a camper and he wants to block some of that as well.

Mr. Kancler asked about how long have you had the camper?

John Manzo replied, "Five years or so."

Mr. Kancler asked that now you want a variance so you don't see the camper?

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John Manzo replied, "Yes." He also stated because most of his trees are cut and they had the right to cut his trees because it was on their property. But before that it was pretty much blocked. Now that the trees are cut there is a wide open area.

Mr. Kancler stated that he understands your point of view, but I would suggest to you under the law you not liking what you see next door does not entitle you as a matter of law to a solid fence. There has to be some kind of unique hardship or unique practical difficulty in order to establish a right to a variance.

John Manzo stated as far as looking next door at parked vehicles and stuff.

Mr. Kancler stated that they have the right to park their vehicles, don't they? Just like you do.

John Manzo replied, "Yes." He also stated that they park them more in the back now than in the front like they used to. If they are cooking out or at their camp site, I have to watch what I'm wearing and it's not private.

Mr. Kancler asked if there is any other house on the street that has a solid fence between the two properties?

John Manzo stated the neighbor does but it is not all the way down the property line.

Neighbor, Eric Stoneman at 2199 Gary Drive, stated in the audience that the fence is 24 feet.

Mr. Kancler asked how long have you been neighbors?

Eric Stoneman stated 37 years.

John Manzo stated that this is just a personal preference of his.

Mr. Kancler stated that from our authority those aren't reasons that establish a hardship or a difficulty.

John Manzo asked if there is anything that stats so many feet that he can have a solid fence?

Mr. Kancler stated that we have seen correspondence with your neighbor to you and to the board that offered a compromise. Have you seen that or considered that?

John Manzo replied, "I can't recall."

Mr. Kancler stated letter from neighbors Mr. & Mrs. Stoneman addressed to you on November 22, 2019, willing to propose a compromise and allow a 40 linear feet of privacy fencing beginning at the start of the fence (nearest to their house) so our neighbors can enjoy some privacy. Remainder of the fence would be by code. Do you remember that letter?

John Manzo replied, "I do now."

Mr. Kancler stated that you would still need a variance for the compromise but you show no difficulty nor hardship.

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PUBLIC PARTICIPATION – Eric & Cathy Stoneman, 2199 Gary Dr.

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Mr. Stoneman Stated that Mr. Manzo wanted to put up the fence about two years ago and I told him no because it was right on the border. I also told him that you cannot do that because of code. Then this year we get a letter that he wants to put up a 6 foot privacy fence all the way down the property. I do not like the solid fence because it does not allow wind to go through and it will create a vacuum chamber of leaves around my house. We have had a camper for six years and pick-up trucks that are parked on the side of my garage. In relationship to his patio, my garage covers half of that because of the angle it is on. I am also concerned about the maintenance of the fence and in keeping it clean.

Mr. Kancler stated that there are only three members of the five members of this board here tonight. It would take a unanimously vote to grant a variance. All three of us would have to agree on this. One of the problems I have is that the purpose of the code requiring the distance between the slats of the fence is for air circulation and visibility. You have not established a hardship or a practical difficulty under the zoning code. I'm willing to continue this matter until we could have a full board hear this. I don't want to interfere with your rights to a variance but I'm suggesting to you that at this point of time of the hearing you have not established either a practical difficulty or a hardship that would have me vote in favor for a variance.

Mr. Manzo stated that he understands. He also asked what would be the distance from the property line to where I could put the fence.

Mr. Kancler stated that's up to the Building department, we don't have any jurisdictions on that.

Mr. Steppenbacker stated what the Building Department will do is look at what is required so the fence can be maintained and dismantled from your property. With that height of a fence, if it's a six foot fence, it would be 18 to 24 inches off the property line. This way you could get a mower down and any moss or mold build up you would be able to power wash.

Mr. Manzo asked if I decide to do the type of fence you want me to put up and I would go 18 inches from property, would I be able to get a permit for that?

Mr. Steppenbacker replied if you were to select one of the fences that was approved by the ordinance then that would be a permit. We would be able to look at, review and grant without going through the board of zoning appeals process.

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Mr. Manzo stated he understands and agrees to delay this matter at this time.

**MOTION: MR. KANCLER ASKED FOR A MOTION TO CONTINUE THIS HEARING UNTIL FURTHER NOTICE ON THIS APPLICATION FOR A VARIANCE.**

**MR. WILNER MADE A MOTION THAT WE HAVE ANOTHER MEETING WHEN WE HAVE A FULL QUORUM HERE, APPEAL #08-2019, AT THE REQUEST OF THE APPLICANT.**

**MR. WILNER APPROVED, MR. GRIFFITH SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES – Dated November 27, 2019.

**MOTION: TO APPROVE THE MINUTES DATED NOVEMBER 27, 2019.**

**MR. GRIFFITH MOVED MR. WILNER SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

EXCUSE ABSENT – MR. SETH RODIN & MR. TOM BROWN

**MOTION: TO EXCUSE MR. RODIN AND MR. BROWN FROM THIS MEETING.**

**MR. WILNER MOVED MR. GRIFFITH SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

COMMUNICATIONS-NONE

ADJOURNMENT- The meeting was adjourned at 6:52 p.m.

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Ed Kancler, Chairman

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Dale Steppenbacker, Building Inspector