

**CITY OF MAYFIELD HEIGHTS  
BUILDING COMMITTEE MEETING  
January 19, 2021**

The meeting was held in the Council Chamber and was called to order at 7:35 a.m. by Chair Gayle Teresi. Also present were Committee Member Susan Sabetta, Council Member Robert DeJohn, Council Member Donald Manno, Council Member Donna Finney (Audio), Council President Diane M. Snider (Audio), Director of Building Tom Jamieson, Building Inspector Lenny Morgano, Deputy Clerk of Council Victoria Savage, and incoming Deputy Clerk of Council Shanisha Lloyd.

Mr. Jamieson presented his recommendations for changing the Fence Ordinance. He acknowledged the recent influx of variance requests from the City's residents. Some of the requests have been matters in which an absolute solution isn't clear. One of the biggest issues that arise are concerning property setbacks from the front building line. Presently, the setback requirement is 8ft. Mr. Jamieson recommended that homeowners should be allowed to come 2ft.-3ft. past their side door, if they have one, regardless of the 8ft. setback requirement, to prevent daily inconveniences. He predicted that this change would decrease the amount variance requests being presented to the City for approval. For the most part, these kinds of requests are already being granted by the City.

Mr. Jamieson also addressed the issue of chain link fences. Currently, chain link fences cannot go beyond the backyard building line and it can only be 42". He suggested that homeowners should also be allowed to run chain link fences beyond their side door. The Fence Ordinance states, pertaining to corner lots, that a chain link fence can only be on the inside property line, on the opposite side of the street. However, Mr. Jamieson proposed that chain fences on a corner lot should be permitted to be 48" in the rear side of a corner lot, also.

Mrs. Teresi asked if Mrs. Sabetta had any questions or concerns. Mrs. Sabetta stated that in many of the tight lots, at the side door of the property, the stairs either extend or intrude out into the driveway. She was concerned that 2ft would not be enough. She proposed to establish a new setback requirement from the front of a house.

Mrs. Teresi inquired if there was already an 8ft. setback requirement from the front a house. Mr. Jamieson replied yes. He further explained that this requirement is inhibiting many residents from accessing their side door. Thus, they want to enclose their side door.

Mr. Jamieson also presented additional thoughts and concerns regarding the Fence Ordinance, such as the unified fencing requirement. He didn't have a formal recommendation pertaining to the issue, however, he wanted to discuss them with the Committee. He recognized that the type of fencing varies across different backyard property lines. When a resident wishes to put a fence in their backyard with a different type of fencing on the neighboring lots, the current practice has been to allow property owners to run the fencing on the inside and a few feet back to maintain the landscaping between the properties. Mr. Jamieson also addressed the common scenario of residents wanting to continue the fencing of their property when there is already an existing fence. Mr. Jamieson asked the Committee if they wanted to consider making additional modifications to the Fence Ordinance regarding such issues.

Mrs. Finney asked Mr. Jamieson if there were any potential fire or safety issues concerning the side doors and fencing. Mr. Jamieson answered, no.

Mr. Manno expressed the importance of creating rules and abiding by them. In his opinion, in dealing with smaller lots, it is impossible to satisfy every variance request through this ordinance. He stated that when installing a fence, the clean side of the fence faces the neighboring properties. This should serve as an incentive to continue with the same type of fencing. Also, double fencing creates the issue of possible neglect of the area that is between the fences. He explained that preferably, chain link fencing should not be allowed.

Mr. Jamieson responded that for the most part, residents have respected and adhered to standards that have been set for fencing.

Mr. Manno questioned the severity of the consequence from building a fence that is not permitted. He was concerned if the fine needed to be increased or if more action should be required other than asking for the fence to be removed. Mr. Jamieson explained that Mr. Morgano has been very successful in identifying such violations. Normally residents have been compliant in removing the fence when asked to do so.

Mrs. Teresi inquired about what happens when a resident asks for a variance for a fence that they have already put in on their property.

Mr. Jamieson responded by stating that in most cases, this scenario develops from the resident not knowing that a permit is required to build a fence on their property. If a fence is put up illegally, the resident has to either remove the fence, or they have the right to appeal. Usually, when a resident is asked to remove their fencing and they fail to comply, the process has been to give a second notice to the resident, and then a summons to court. However, COVID-19 slowed this process.

Chair Teresi reported that she stands corrected. She previously indicated that \$9,500 was spent to have a consultant, from Northstar Planning & Design, work on the Fence Ordinance in 2015. However, the proposal was for \$9,500 and it was not to exceed that amount. In addition, the proposal for \$9,500 included both the Fence and the Sign Ordinance, but since most of the work was invested into the Fence Ordinance, the Sign Ordinance was not addressed. Therefore, what was actually spent was \$4,300, just for the Fence Ordinance.

Mrs. Teresi asked if Mrs. Sabetta had any additional comments, since she is on the BZA Committee. Mrs. Sabetta answered by sharing that the biggest issue she sees is concerning side doors. She explained that during COVID-19, residents have grown in awareness pertaining to their yards, they see their fencing as protection. Usage of residential side yards is increasing, so residents are looking for more. To accommodate this trend, Mrs. Sabetta expressed that she would like to see a change in the setback requirement. Also, regarding decks and patios, residents should have options to provide privacy on their property, such as a vinyl barrier or wall, as opposed to installing fencing, if they do not wish to.

Mr. Manno asked if BZA had to distinguish the difference between practical difficulty and convenience regarding variance requests. Mrs. Sabetta answered by stating that it is up to Council to establish the difference. Based off the information provided by residents, BZA tries to decipher if there is another way, other than approving a variance. BZA has also explained to residents that variances are permanent commitments, and it stays with the property despite the length of ownership. As a result, there have been several modifications instead of variance requests. Residents have ended up withdrawing their requests, and then came back to BZA with a better alternative.

Mrs. Finney asked how many variance requests have been received within the last few years. She questioned if it is worth changing the Fence Ordinance instead of handling the issues that come up in a case by case manner. Mrs. Sabetta replied that many requests are being brought forth, especially pertaining to side door and chain link fences. Many residents are desiring the continuation of chain link fencing on their property since it was already present.

Mrs. Snider express that she agreed with Mr. Manno about the importance of establishing rules, however, it is also important to think about the residents that may not be able to afford a different type of fencing other than chain link fences. She further expressed that it would not be fair to not allow chain link fencing for residents that already have it. She asked if Mr. Morgano and Mr. Jamieson could reiterate their recommendations.

Mr. Jamieson explained that there have been complaints regarding the Fence Ordinance. There has been an observation that individuals are expressing the current ordinance is strict. Resident also find it, sometimes, to be confusing and conflicting. Therefore, his recommendations aim to provide a sense of flexibility to the ordinance.

Mrs. Teresi asked for Mr. Morgano thoughts, since he has a high level of interaction with the residents. Mr. Morgano shared that many residents are coming in for variance requests because he finds them in violation of the ordinance. From his experience, he believes that 3ft would provide enough leeway for residents for their side doors.

Mrs. Teresi asked Mr. Morgano for the number of residents that have expressed an issue with putting up a front gate, between houses, in conjunction to where their basement windows are located. Mr. Morgano stated not that many.

Mr. Manno advised that is might be wise to make subtle changes to ordinance rather than revising the whole ordinance.

Mrs. Teresi asked Mr. Jamieson if he wanted to reconvene later to present changes to the ordinance, or would he like to address them now.

Mr. Jamieson advised that Mrs. Teresi recommend legislation to amend the Fence Ordinance for the 48” uniformity chain link fences. He also advised to establish legislation to allow fence type screens, vinyl or board on board, for patios and decks, and to allow any fence to come 3ft. beyond the stairs of side doors for accessibility.

Chair Teresi affirmed Mr. Jamieson’s recommendations. Mrs. Teresi moved to recommend the amendment of Fence Ordinance to allow the chain link fence uniformity to 48”. Secondly, to allow a fence screening or barrier of 6ft., derived from either vinyl or board on board, for patios and decks. Lastly, to allow fencing 3ft. beyond the stairs of the side door if there is one. The motion was seconded by Mrs. Sabetta.

Chair Teresi adjourned the meeting at 8:40 a.m.

Reviewed by:

/s/Gayle Teresi, Chair  
Building Committee

Date:

February 5, 2021