

**Members Present:** Lisa Carpenter  
Tim Schneider  
Reece Timbrook, Chairman

**Others Present:** Nia Holt, Community Development Director  
Dalma Grandjean, Law Director

**CALL TO ORDER:** The Board of Zoning Appeals meeting was called to order at 6:30 p.m.

**ROLL CALL:** Mrs. Carpenter, present; Mr. Cron, absent; Mr. Schneider, present; and Mr. Timbrook, present.

**MOTION TO EXCUSE:** Mr. Schneider moved, seconded by Mrs. Carpenter, to excuse Mr. Cron from the meeting. All were in favor. **Motion carried.**

**APPROVAL OF MEETING MINUTES:** Having no comments or corrections, the minutes of August 22, 2023, stand approved.

Chairman Timbrook stated that speakers need to speak directly into the microphone when making public comments.

**PUBLIC HEARINGS/REVIEW:**

- a. **BZA Case #23-0005 – 4918 Airway Road (Parcel ID# I39 00114 0045) – B-2,**  
General Business District.  
A variance from UDO Section 1115.01(E)(3)(c) to allow the fence to exceed the maximum height of 8’.

Ms. Holt took the oath to give sworn testimony. She stated this is a 25 percent variance request to increase the fence height by two feet. She presented an aerial map of the site and stated the applicant is reusing the building. She indicated where the fence would go on the parcel. She stated they are coming to the BZA because they are required by the board of pharmacy due to their use as a dispensary for medical marijuana to have increased security measures. Part of that is to have a 10’ fence. She referenced the section of code where it is required. She presented a site plan indicating where the fence would be installed. They will also install panic hardware on the fence gate to adhere to the fire code. She presented site photos of the property and building along with photos of adjacent properties. Staff finds that the requested variance to allow an increase in the maximum fence height is adequately justified and meets the standards for approval. Staff recommends approval of the requested variance as the essential character of the neighborhood will not be altered, the proposed fence will only be erected around the delivery zone, the variance is required to meet the State of Ohio Board of Pharmacy requirements, and the spirit and intent behind the zoning code would be observed. She reviewed the criteria for granting a variance.

Chairman Timbrook opened the public hearing at 6:36 p.m. Mr. Joshua Seiber, the applicant, took the oath to give sworn testimony. He stated they originally designed an 8' fence but had another site in Cleveland where the board let them know regulations had changed to go to a 10'. They got ahead of it knowing they hadn't had their inspection, yet, but they know the board will require it to be 10'. They will not be allowed to open unless they get a 10' fence. It is just for deliveries. The gate opens up, the van comes in and the gate closes. There are two armed security guards who carry the product in, then they are out. It is at the back of the building and does not affect any other businesses.

Mrs. Carpenter asked if it was a chain-link fence. Mr. Seiber stated it is with slats.

Chairman Timbrook closed the public hearing at 6:37 p.m.

Chairman Timbrook moved, seconded by Mrs. Carpenter, to approve the requested variance for Case #23-0005. Roll call went as follows: Mr. Timbrook, yes; Mrs. Carpenter, yes; and Mr. Schneider, yes. **Motion carried.**

**ZONING ADMINISTRATOR DISCUSSION TOPICS:** Ms. Holt stated she sent out a training log. One thing she has been trying to do when they have a light caseload is to enter training topics for them. She presented fence training standards as those have been updated earlier this year. A fence guide is available online for download through the city website. She reviewed common questions as all new fences require a zoning permit. She reviewed how to apply for a fence permit. If a fence is being replaced, a permit is also required. She reviewed the basic requirements of fences for the backyard and front yard. The code was changed from 3' to 4' height allowance in the front yard. Chain link and solid board fences are not permitted in the front yard. Discussion was held on chain link fences in the front yard that need partially replaced. Ms. Holt stated each permit would be based on a case-by-case basis. She added that the finished side of the fence has to go outward towards the street or neighbor. She reviewed corner lot fences as they are tricky. Corner lots have clearing zones for pedestrians and drivers. She added when installing a pool, there has to be at least a 48" fence around a pool. This is covered under the pool permit. She stated the annual Sinclair planning and zoning workshop is December 1. It is an all-day activity from 8 a.m. to 3 p.m. with lunch provided. She just needs to know who would like to sign up. She added there would be mobile workshops along Salem Avenue. She will be presenting one on the One Riverside Comp. plan at 2:30 p.m.

**ADJOURNMENT:** Mr. Schneider moved, seconded by Mr. Timbrook, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 6:46 p.m.

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Chair

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Date