

**VARIANCE APPLICATION**

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

Project/Property Address or Location: 349 Carpenter Rd. Gahanna, OH 43230		Project Name/Business Name (if applicable):	
Parcel ID No.(s): 025-000793-00	Current Zoning: Residential	Total Acreage: .74	
Description of Variance Requested: Replace existing 20+ year fence with a new fence the exact height, to maintain privacy between a driveway and house windows. The fence is hidden by a tree, please see attached photos. Neighbors also are in support of keeping the existing area of fencing. Please see attached letter.			
STAFF USE ONLY – Code Section(s) & Description of Variance: 1171.03(h) - Privacy fences <del>are</del> prohibited in side yard			
APPLICANT Name (primary contact) -do <u>not</u> use a business name: Kayla Selhorst		Applicant Address: 349 Carpenter Rd. Gahanna, OH 43230	
Applicant E-mail: kaylaselhorst@gmail.com		Applicant Phone No.: 614-390-7240	
BUSINESS Name (if applicable):			
ATTORNEY/AGENT Name:		Attorney/Agent Address:	
Attorney/Agent E-Mail:		Attorney/Agent Phone No.:	
ADDITIONAL CONTACTS (please list all applicable contacts)			
Name(s): Contractor Arrow Fence Developer Architect		Contact Information (phone no./email): 614-778-0269	
PROPERTY OWNER Name: (if different from Applicant)		Property Owner Contact Information (phone no./email):	

**APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED** (see page 2)

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant Signature: Kayla Selhorst Date: 4/13/18  
THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: [www.gahanna.gov](http://www.gahanna.gov)

INTERNAL USE

Zoning File No. V-74-2018  
PC Meeting Date: \_\_\_\_\_  
PC File No. \_\_\_\_\_

RECEIVED: KAW  
DATE: 4-13-18

PAID: \$150.00  
DATE: 4-13-18  
CHECK#: 1106

**VARIANCE APPLICATION – SUBMISSION REQUIREMENTS**

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

STAFF USE - INTAKE	TO BE COMPLETED/SUBMITTED BY THE APPLICANT:	APPLICANT		STAFF USE	
		YES	N/A	YES	N/A
	1. Review Gahanna Code <a href="#">Section 1131</a> (visit <a href="http://www.municode.com">www.municode.com</a> ) (Sign Variances, refer to Section <a href="#">1165.12</a> ; Fence Variances, <a href="#">1171.05</a> ; Flood Plain Variances, <a href="#">1191.18</a> )	✓			
	2. Pre-application conference with staff	✓			
	3. Survey of property certified by a registered surveyor (11"x17" copy)	✓			
	4. List of contiguous property owners & their mailing address	✓			
	5. Pre-printed mailing labels for all contiguous property owners	✓			
	6. A statement of the reason(s) for the variance request that address the following three conditions: (not applicable for Sign, Fence, or Flood Plain Variances) - Special circumstances or conditions - Necessary for preservation - Will not materially affect adversely the health or safety		✓		
	7. Application fee paid (in accordance with the <a href="#">Building &amp; Zoning Fee Schedule</a> )	✓			
	8. Application & all supporting documents submitted in digital format	✓			
	9. Application & all supporting documents submitted in hardcopy format	✓			
	10. Authorization Consent Form Complete & Notarized (see page 3)	✓			

**THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: [www.gahanna.gov](http://www.gahanna.gov)**

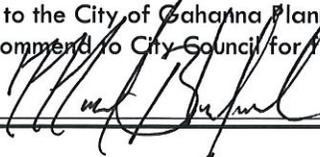
**APPLICATION ACCEPTANCE**

INTERNAL USE

This application has been reviewed and is considered complete and is hereby accepted by the Zoning Division of the City of Gahanna and shall be forwarded to the City of Gahanna Planning Commission for consideration.

Planning Commission must recommend to City Council for final approval

Planning & Zoning Administrator Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/26/18

### AUTHORIZATION CONSENT FORM

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

**AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S)** *If the applicant is not the property owner, this section must be completed & notarized.*

I, \_\_\_\_\_, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize \_\_\_\_\_ to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**AUTHORIZATION TO VISIT THE PROPERTY**

I, Kayla Selhorst, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice (if applicable) on the property as described in this application.

Property Owner Signature: Kayla Selhorst Date: 4/13/18

NOTARY

Subscribed and sworn to before me on this 13<sup>th</sup> day of April, 2018.  
State of Ohio County of Franklin  
Notary Public Signature: Fredena L. Williams



**AGREEMENT TO COMPLY AS APPROVED**

I, Kayla Selhorst, the applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Applicant Signature: Kayla Selhorst Date: 4/13/18

NOTARY

Subscribed and sworn to before me on this 13<sup>th</sup> day of April, 2018.  
State of Ohio County of Franklin  
Notary Public Signature: Fredena L. Williams



To Whom It May Concern,

We are requesting a variance to keep our current fence line that has existed in its current location for 20+ years. The existing fence is detreating beyond repair. At its current location it serves the purpose of blocking the neighbor's driveway from our side garden, living room windows and side patio. Part of the reason for purchasing our home was the privacy it provided even though the houses were so close to each other.

Five years ago my husband and I purchased our home at 349 Carpenter and it was almost in disrepair. We have worked tirelessly to ensure the property is brought back to its original farmhouse style, along with updating the outside completely so the neighborhood is not brought down by the appearance of our home. We have completely resided, roofed and replaced all of the windows, doors and gutters. We take a lot of pride in our home and feel that by changing the fence to a nicer new one will only support our work, but also provide us the privacy we purchased the home for.

The fence is blocked by a large silver maple tree and barely visible from the road. Please see attached photos.

Our neighbors do not want to lose the privacy it provides them as well. See attached letter.

We hope you will understand our desire and need to only replace what is already in place with something that is much more visibly appealing.

Thank you,



Kayla Selhorst

349 Carpenter Rd.

Gahanna, OH 43230

4-11-18

To Whom It May Concern,

I have been approached by my next door neighbors Jacob and Kayla Selhorst about replacing the privacy fence between our properties. I am in full support of the project, including the variance they are asking you to grant for the additional panels.

Thank you,

A handwritten signature in black ink that reads "Susan Van Keuren". The signature is written in a cursive, flowing style.

Susan Van Keuren

341 Carpenter Rd

Gahanna, OH 43230

Contiguous Property Owners of 349 Carpenter Rd, Gahanna OH 43230.

Michael and Shirley Lowry  
353 Carpenter Rd  
Gahanna, OH 43230

Susan Vankeuren  
341 Carpenter Rd  
Gahanna, OH 43230

EXHIBIT "A"

Situated in the State of Ohio, County of Franklin, and in the City of Gahanna and bounded and described as follows:

Beginning at a point in the centerline of Carpenter Road, and being North 85 deg. West, 87.1 feet from a point in the centerline of Carpenter Road at the northwest corner of the Herbert and Agnes Sagar tract;

Thence South 5 deg. West, 298.74 feet to a point in the South line of the Bessie Sagar tract;

Thence along the South line of said tract, South 62 deg. 25' West, 92.08 feet to a point;

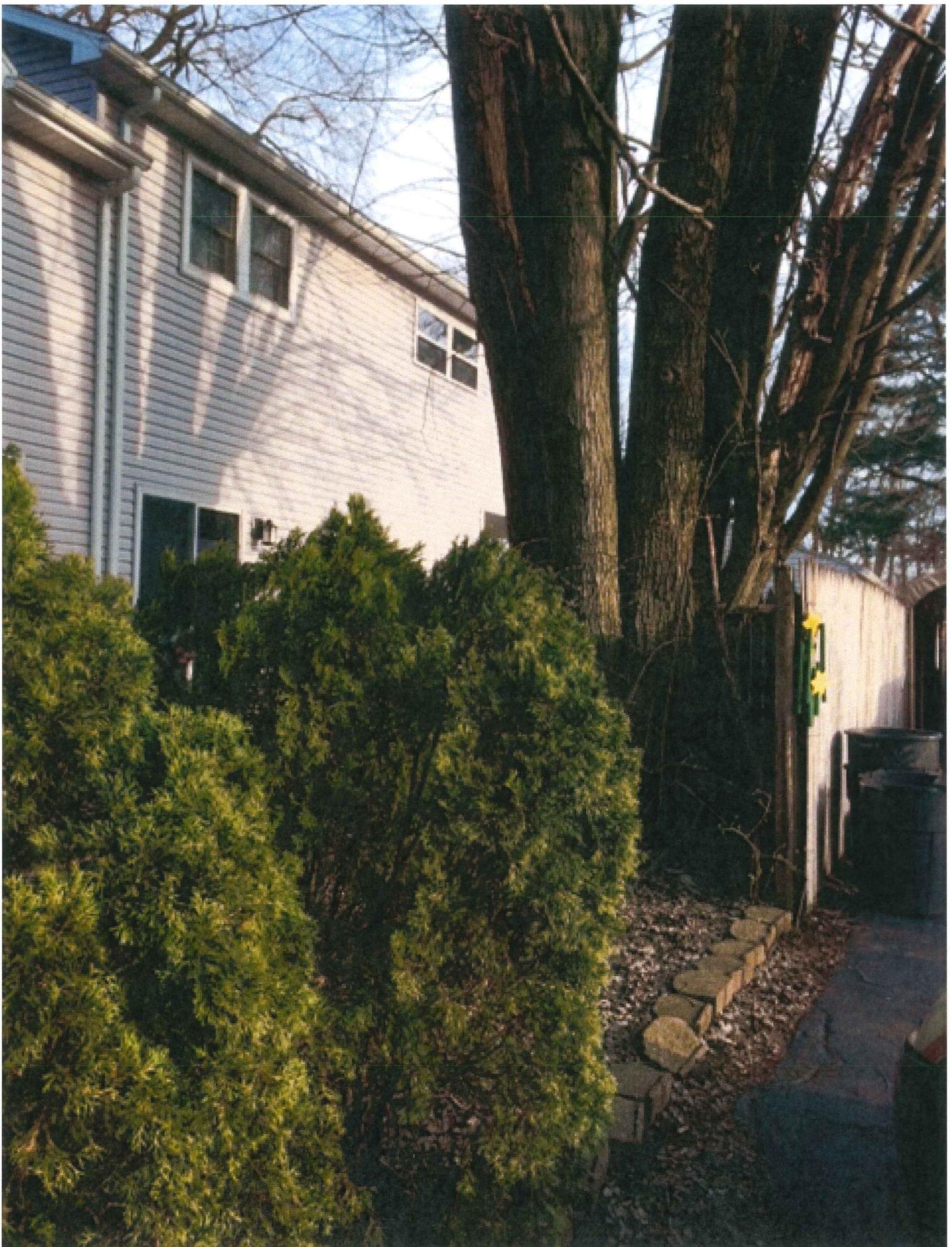
Thence along the west line of the Bessie Sagar tract, North 5 deg. East, (passing an iron pin at 28.3 feet and passing an iron pin at 428.3 feet), 448.3 feet to a point in the centerline of Carpenter Road;

Thence along the centerline of the road, South 85 deg. East, 78 feet to the place of beginning, containing 0.758 acre, more or less.











200 S. Hamilton Road, Gahanna, OH 43230  
Phone(614)342-4010 Fax(614)342-4100

April 26, 2018

Kayla Selhorst  
349 Carpenter  
Gahanna, OH 43230

RE: Project 349 Carpenter Rd Fence Variance

Dear Kayla Selhorst:

The following comments were generated from the review of the submitted plans and documents for the referenced project.

**Parks - Complete**

1. I have no concerns allowing this variance. Caution should be used digging around the tree not to damage roots.

**Fire District - Complete**

2. The fire division is ok with this plan and has no comment. Residential fences do not fall under the authority of the Ohio Fire Code.

**Public Service & Engineering - Complete**

3. I have no comments on this application.

**Building - Approval**

4. No Comment

**Community Development - Complete**

5. No objection with the request. Please see staff report for details.

**Public Safety - Complete**

6. No Comment Received

**Soil & Water Conservation District - Complete**

7. No Comment received.

If you have any comments or questions, please contact me at [kelly.wicker@gahanna.gov](mailto:kelly.wicker@gahanna.gov) or (614) 342-4025.

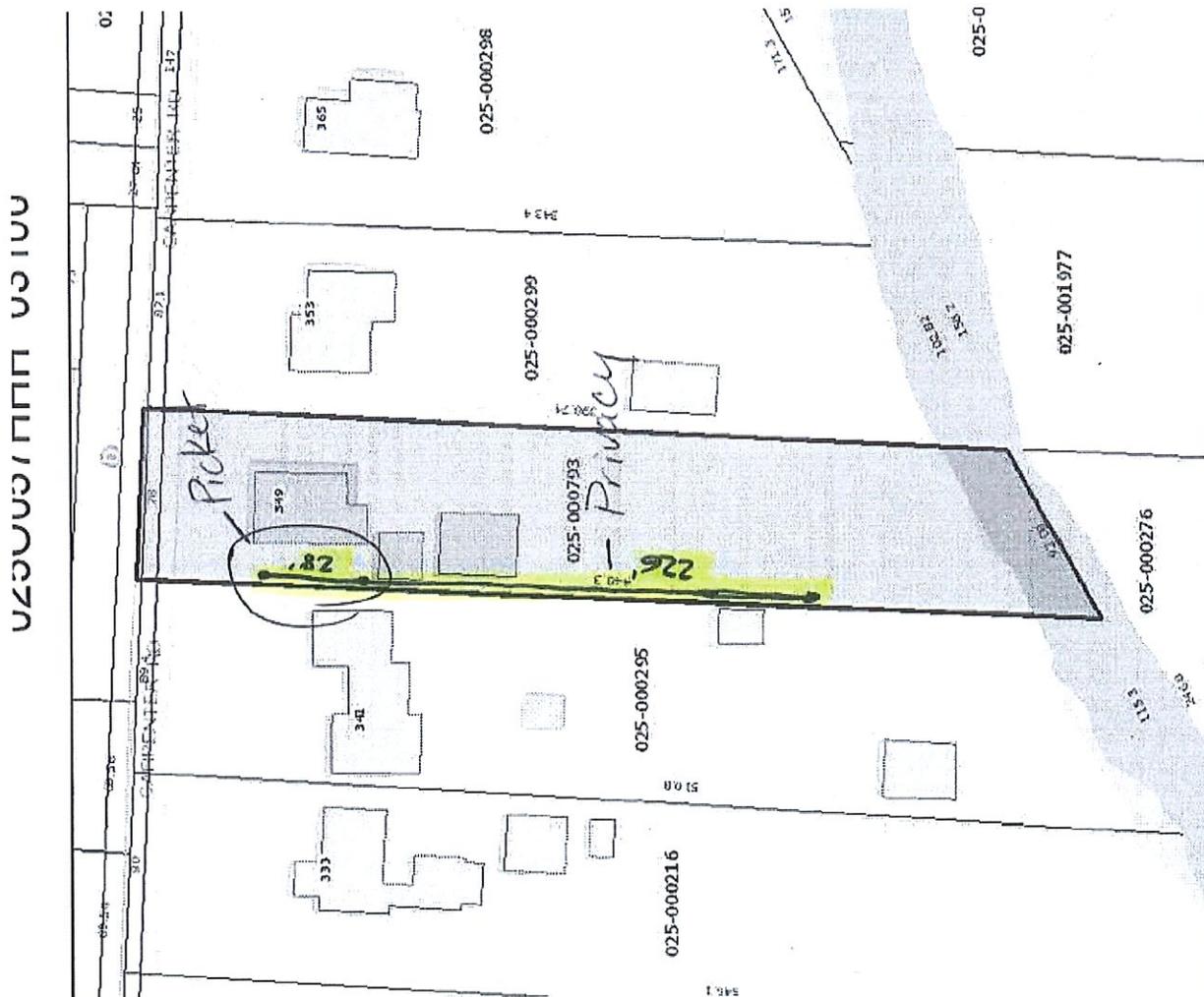
Sincerely,

Kelly Wicker  
Administrative Assistant



# CITY OF GAHANNA

According to Chapter 1171.03 (g) (h) a decorative open fence shall be permitted in the side and rear yards. Privacy and/or chain link fences shall be prohibited in the side and front yards. The applicant currently has a six foot privacy fence that extends into their side yard 28'. The applicant would like to replace the current wood fence that is in disrepair, with a 6' White Vinyl fence. They applied for a fence permit (see site plan below) and were given approval based on a picket fence but would like to make it privacy. I spoke to the applicant and explained to them that according to code the 6' privacy fence in the side yard would require a variance. The current fence runs the same length as the proposed fence in the photo below. The applicant's desire is to just replace the existing fence that is in disrepair.



Kelly Wicker,  
Zoning Clerk



"HERB CAPITAL OF OHIO"



## CITY OF GAHANNA

### PLANNING AND DEVELOPMENT STAFF REPORT

#### Request Summary

The applicant is requesting a variance to allow for a privacy fence in the side yard of their home at 349 Carpenter Road. The property has an existing fence that has become worn and in need of replacement. They would like to replace the fence with a 6' vinyl fence. The height of the fence is allowed by code, but not the style. A fence permit was issued for the site that allowed for a picket fence in the side yard. The applicant would like to maintain the privacy fence in this area and has requested a variance. Letters of support from neighbors have been provided.

Variances to permissible fence type in the side yard has been periodically requested and granted. Staff has no objections to this request but would suggest that Planning Commission and staff look at this section of code and determine if it is in need of updating. If variances are to be routinely granted, the zoning code should reflect privacy fences as permissible.

#### Variance

Requests to vary the requirements of the code related to fencing is subject to Chapter 1171.05. In determining whether a property owner seeking an area variance has encountered practical difficulties, Planning Commission shall consider and weigh the following factors:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse);
- E. Whether the property owner purchased the property with the knowledge of the zoning restriction;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
- H. Whether the fence is sufficiently compatible with the architectural and design character of the immediate neighborhood; and
- I. Whether the fence will be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.

In granting such variance, the Planning Commission may specify the size, type and location of the fence, and impose such other reasonable terms, restrictions and conditions as it may deem to be in the public interest.



"HERB CAPITAL OF OHIO"

200 SOUTH HAMILTON ROAD, GAHANNA, OH 43230  
614-342-4000 PHONE 614-342-4100 FAX WWW.GAHANNA.GOV

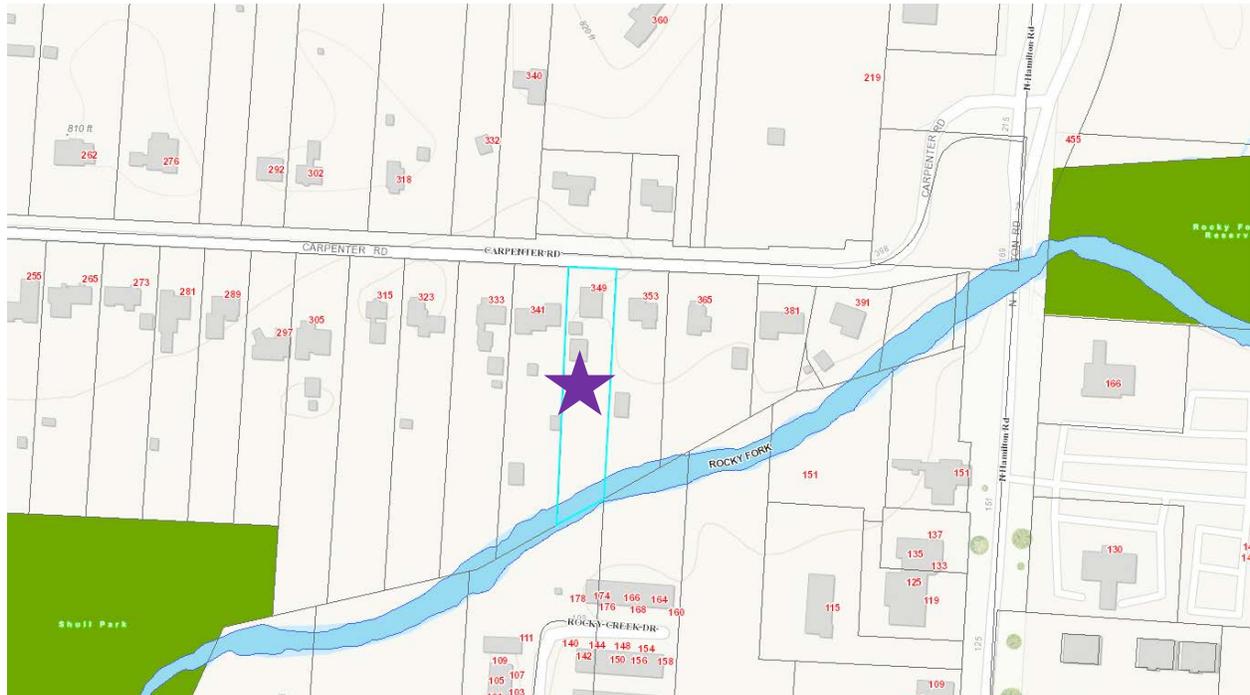


## CITY OF GAHANNA

Staff supports this variance request. Allowing the replacement of the existing privacy fence is advantageous to a possible alternative which is to replace only a portion of the fence. Two different styles of fence would be more impactful than granting the variance.

Should the variance be granted, staff would recommend that Planning Commission and staff evaluate the code to see if a change is necessary.

### Location Map



Respectfully Submitted By:  
Michael Blackford, AICP  
Deputy Director



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