



# City of Gahanna

## Meeting Minutes

### Planning Commission

200 South Hamilton Road  
Gahanna, Ohio 43230

*James Mako, Chair*  
*John Hicks, Vice Chair*  
*Michael Greenberg*  
*Sarah Pollyea*  
*Thomas W. Shapaka*  
*Michael Suriano*  
*Michael Tamarkin*

*Pam Ripley, Deputy Clerk of Council*

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Wednesday, April 10, 2024

7:00 PM

City Hall, Council Chambers

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#### **A. CALL MEETING TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Gahanna Planning Commission met in regular session on April 10, 2024. The agenda for this meeting was published on April 5, 2024. Chair James Mako called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Sarah Pollyea.

**Present** 7 - Michael Greenberg, John Hicks, James Mako, Sarah Pollyea, Thomas W. Shapaka, Michael Suriano, and Michael Tamarkin

#### **B. ADDITIONS OR CORRECTIONS TO THE AGENDA**

#### **C. APPROVAL OF MINUTES**

[2024-0068](#)

Planning Commission Minutes 3.27.2024

**A motion was made by Hicks, seconded by Suriano, that the Minutes of March 27, 2024, be Approved. The motion carried by the following vote:**

**Yes:** 7 - Greenberg, Hicks, Mako, Pollyea, Shapaka, Suriano and Tamarkin

#### **D. SWEAR IN APPLICANTS & SPEAKERS**

Assistant City Attorney Matt Roth administered an oath to those persons wishing to present testimony this evening.

#### **E. APPLICATIONS - PUBLIC COMMENT**

[V-0006-2024](#)

To consider a Variance Application to vary Sections 1171.03(f), 1171.03(k), and 1171.03(g) Fence Standards of the Codified

Ordinances of the City of Gahanna; for property located at 395 E. Johnstown Rd.; Parcel ID: 025-001945; Current Zoning SF-2; Kathie Costigan, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation.

Director Blackford introduced the project as a variance request for a property on Johnstown Road. It is just south of the church parking area and serves as the trail head for the pedestrian bridge on which the city did improvements on a number of years ago. There are a lot of different uses in this particular area, most of them are residential in nature or accessory. There are a number of Park spaces to the West.

The Variance request is to allow 6ft privacy fence to extend into the front yard and have the unfinished side facing the adjacent property. There was, historically, a chain link fence about 3.5 to 4 feet tall in the same area as this proposed fence. That fence was damaged, and it was replaced was replaced without getting a permit.

The applicants are not proposing to enclose the property with the fence. The area in yellow on the presentation is where they're proposing to have a fence. The area in red is where the fence would be allowed. The fence is about 2 feet into the right of way. Regardless of whether the variance is approved, the fence will have to come down out of the right of way.

Director Blackford shared a photo with the Planning Commission. It showed, to the left, the existing condition with the chain link fence and the shrubbery on the right. The contrast of the new fence is what code enforcement noticed. The finished side is facing the applicant's home. Code would say that has to face the opposite way.

There are three parts to the variance request. Code allows for some fencing in front yards. It allows for decorative open fences 42 inches in height or less. There is a property down the street from the applicant's property that has a decorative open fence in the in the front yard. It's a split rail fence. This application does not meet that type of fence requirement. The second provision of fence standards in front yards, is that privacy fences in the front yard are prohibited, but they can be in the side and rear yard. A lot of changes were made to the fence code in 2020. Privacy fences were only allowed in the rear yard, not in the side yard. It was a big change to have fences allowed in the side yard. The last standard is that the finished side of the fence adjacent to properties and/or right of way must face the adjacent properties and/or the right-of-way.

Director Blackford highlighted key points of the variance criteria. The first is whether or not the request was substantial. He felt that was for Planning Commission to determine. The second was whether or not the property owner's predicament feasibly can be obviated without a variance. So, are there alternatives to a 6ft tall privacy fence? A 42" decorative open fence would be an alternative, as well as shrubs and bushes. Third, Blackford highlighted the criterion noting that the fence should be sufficiently compatible with the architectural and design character of the immediate neighborhood. He said many times when variances are being discussed, they are not to consider architectural styles. In this case, though, it is a specific type of fence so the design and appropriateness can be considered.

Director Blackford reiterated that regardless of what the decision is on the variance, the portion of the fence in the right-of-way must be removed. Regardless of how the privacy fence is positioned, there will likely be an unfinished side from Johnstown Road. He would say there is only one adjacent property that's directly impacted. The applicant spoke to the resident, who had no objections. Mr. Blackford researched previous variances for about 5 years and was not aware of any front yard fence variances such as this. What Planning Commission typically sees is fence variances for corner lots. There has been a decrease in those due to code adjustments. Additionally, new code would not change this variance. Fence standards in the new code are not changing.

Chair opened public comment at 7:11 p.m.

Kathie Costigan, 395 E. Johnstown Rd. Ms. Costigan stated that the primary reason for putting the unfinished side toward her neighbor's house was that there was a thick hedge row there and they were unable to work around it. The fence was hit by a client of Ms. Costigan. The fence was from the 1950s. It was not cost effective to put in another chain link, so they decided on wood. She and her husband put it up themselves.

Clerk confirmed there were no comments from the public.

Chair closed the public comment at 7:13 p.m.

Chair called on questions from the Commission.

Mr. Shapaka asked why a 6 ft fence. Ms. Costigan said the cost was a

factor. She noted that the hedge is very tall; however, in the winter the fence is more visible because a lot of leaves fall off the hedges. Mr. Shapaka asked if there was a dog or anything that needed to be kept in the property. Ms. Costigan replied no. Mr. Shapaka asked if there were plans to color or stain the fence. Ms. Costigan stated they would probably stain the fence. Typically, they age for a year first before the stain or paint is on. They may color it to match the house, or ask the neighbor of his preference. The type of fence they put up matches his, which is one reason they chose it. Mr. Shapaka asked Mr. Blackford, if the applicant removed every other fence post, would it be considered a decorative fence? Mr. Blackford believed it would, and that there is a certain percentage of opening that the fence must have. Mr. Shapaka asked Mr. Blackford to explain the right-of-way issue in more detail. Director Blackford explained where the fence was located, and stated that no matter what variances are granted, there cannot be a fence located within the right-of-way.

Ms. Pollyea asked if the prior fence was also in the right-of-way. Ms. Costigan replied that it was in the exact same place, adding that there is a privacy hedge up against the fence, and they were not aware there was a right-of-way there. Ms. Pollyea noted the survey that was done in 2019. She stated it clearly shows that the fence encroaches on the right-of-way. She also wondered why Ms. Costigan believed a permit was not needed for this project. Ms. Costigan stated that they had pulled a permit for a fence project at a previous residence; however, that was for a fence that was put in for the first time. She explained that since the fence was being replaced in this case, she was not aware a permit was needed.

Mr. Hicks recalled Mr. Shapaka's question regarding why a 6' fence. He asked why a fence was necessary here at all. Ms. Costigan noted that they have a neighbor whose weeds encroach into her yard, and so the wooden fence helped with this issue. She also felt that since a fence has always been in the yard, it made sense to continue to have a fence in the yard.

Mr. Greenberg directed his question to Mr. Blackford. He wondered if approving this variance would set a precedent for future situations. Mr. Blackford felt it would. He said technically variances are reviewed on a case-by-case basis, but noted that the Commission would likely consider what had previously been done.

Mr. Suriano confirmed that the hedge was still there. Ms. Costigan confirmed. He had no additional questions.

Mr. Mako shared Mr. Greenberg's concerns about setting precedence.

A motion was made by Hicks, seconded by Pollyea, that the Variance be Approved.

Discussion on the motion: Mr. Shapaka stated he does not like the idea of a 6' privacy fence in the front yard. However, this is a unique situation and he felt the hedges will help. He does not prefer the color of the fence but added that it would tone down over time. He said he will be voting in favor, but that when the other fence is replaced, he would not be in favor.

Mr. Greenberg agreed with Mr. Shapaka. He would like to stay within the guidelines of the City going forward, so as not to create a precedent.

Mr. Suriano agreed with his colleagues' comments. He added his belief that the variance was not substantive, given that there was previously a fence in the same location. He said that any visibility previously there would have been obscured by the hedges. He noted the approval criteria for a variance, adding that approval would not hinder any delivery of government services.

Mr. Tamarkin concurred. He preferred not to set precedent, and wondered if there was a need for a fence. Nonetheless, he will be in support.

Mr. Mako agreed that he would support the variance with some hesitation. He does not want to set precedent, and that going forward the right-of-way issue is rectified and consistency is applied.

Motion carried by the following vote:

Yes: 5 - Greenberg, Mako, Shapaka, Suriano and Tamarkin

No: 2 - Hicks and Pollyea

**F. UNFINISHED BUSINESS - NONE**

**G. NEW BUSINESS - NONE**

**H. OFFICIAL REPORTS**

**Director of Planning**

Director Blackford shared that at the next Planning Commission meeting there will be a parking variance and applications for a gas station on Granville St. The zoning code was adopted on Monday, April 1st. He thanked everyone involved for their hard work. He expressed excitement over its implementation. Another item approved on April 1st was the tax

abatement for Burns & Scalo. It is about a \$10 million project off of Tech Center Dr. Some construction activity is starting out there. Blackford stated he has been working with Marketing to garner interest in the area. He ended with a congratulations to Pam Ripley for on her retirement, and thanked her for her years of service.

## **Mayor**

Mayor Jadwin thanked those who attended State of Our City. A video highlighting 2023 results has been shared on the City's YouTube channel. She thanked Planning Commission for their approval of the 825 Tech Center project at the last meeting, noting that bonds closed the day of this meeting. Construction is expected to begin April 29th. She also thanked Pam Ripley for her work, adding that it has been an honor to work with her.

### **I. CORRESPONDENCE AND ACTIONS - NONE**

### **J. POLL MEMBERS FOR COMMENT**

Mr. Greenberg, Mr. Suriano, Mr. Tamarkin, Mr. Mako congratulated Pam on her retirement and thanked her for her years of service.

### **K. ADJOURNMENT**

There being no further business the meeting adjourned at 7:29 p.m.