

VARIANCE APPLICATION

PROPERTY INFORMATION		
Project/Property Address: <i>167 Shull Ave</i>	Project Name/Business Name: <i>Belczak fence</i>	
Parcel #: <i>025-000173</i>	Zoning: <i>(see Map) Select One 06-1</i>	Acreage: <i>0.17</i>

VARIANCE SPECIFICATIONS
Description of Variance Request: <i>Reducing front yard setback to 7.1 feet 2. to allow for Privacy fence in front yard height 5'6"</i>
STAFF USE ONLY: (Code Section): <i>1171.03(f)</i>

APPLICANT INFORMATION	
Applicant Name (Primary Contact): <i>Joseph zachary Belczak</i>	Applicant Address: <i>167 Shull Ave</i>
Applicant E-mail: <i>JBelczak@Jerseychurch.org</i>	Applicant Phone: <i>614 989 8907</i>
Business Name (if applicable): <i>n/a</i>	

ADDITIONAL CONTACTS	
Please list all applicable contacts for correspondence	
Name(s)	Contact Information (phone/email)
Property Owner Name: <i>(if different from Applicant)</i>	Property Owner Contact Information (phone no./email):

ADDITIONAL INFORMATION ON NEXT PAGE....

INTERNAL
USE

Zoning File No. *V-0046-2023*

RECEIVED: *KAW*
DATE: *2-13-23*

PAID: *250.00*
DATE: *2-13-23*

VARIANCE APPLICATION - SUBMISSION REQUIREMENTS

TO BE COMPLETED/SUBMITTED BY THE APPLICANT:	
1.	Review Gahanna Code Chapter 1131 (visit www.municode.com) <i>(Sign Variances, refer to Chapter 1165.12; Fence Variances, 1171.05; Flood Plain Variances, 1191.18)</i>
2.	Survey of property certified by a registered surveyor (11"x17" copy) if Applicable - Site Plan, drawings, or survey that depicts where the Variance is requested.
3.	Renderings, drawings, and/or pictures of the proposed project
4.	A statement of the reason(s) for the variance request that address the following three conditions: <i>(not applicable for Sign, Fence, or Flood Plain Variances; see code referenced in #1 above for applicable criteria)</i> - Special circumstances or conditions - Necessary for preservation and enjoyment of property rights - Will not adversely affect the health or safety
5.	List of contiguous property owners & their mailing address
6.	One set of pre-printed mailing labels for all contiguous property owners
7.	Application fee <i>(in accordance with the Building & Zoning Fee Schedule)</i>
8.	Application & all supporting documents submitted in digital format
9.	Application & all supporting documents submitted in hardcopy format
10.	Authorization Consent Form Complete & Notarized <i>(see page 3)</i>

APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED

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:  Date: 2/10/23

PLEASE NOTE:

- The Public Hearing will not occur until the City of Gahanna reviews the Application for Code Consistency. Applications that are not consistent with the code will not be scheduled for hearing.
- The application expires if no action is taken 6 months from the date of the last staff comment letter.

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.

PROPERTY OWNER

IF THE PROPERTY OWNER IS THE APPLICANT, SKIP TO NEXT SECTION

As the property owner/authorized owner's representative of the subject property listed on this application, hereby authorize the applicant/representative to act 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 applicant/representative.

_____ (property owner name printed)

_____ (property owner signature) _____ (date)

Subscribed and sworn to before me on this _____ day of _____, 20____.

State of _____ County of _____

Stamp or Seal

Notary Public Signature: _____

Applicant/Property Owner/Representative

AGREEMENT TO COMPLY AS APPROVED As the applicant/representative/owner of the subject property listed on this application, I hereby agree that the project will be completed as approved with any conditions and terms of the approval, and any proposed changes to the approval shall be submitted for review and approval to City staff.

AUTHORIZATION TO VISIT THE PROPERTY I hereby authorize City representatives to visit, photograph and post notice *(if applicable)* on the subject property as described.

APPLICATION SUBMISSION CERTIFICATION I hereby certify that the information on this application is complete and accurate to the best of my knowledge.

Joseph zachary Belczak
_____ (applicant/representative/property owner name printed)

_____ (applicant/representative/property owner signature) _____ 2/10/23 (date)

Subscribed and sworn to before me on this 10th day of February, 2023

State of Ohio County of Franklin

Notary Public Signature: Kelly Wicker



Nicholas R. Komjati
Jackie L. Komjati
Gregg A. Komjati
Kathryn C. Komjati
171 Shull Ave
Gahanna, OH 43230

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Belczak, 167 Shull Ave, Fence Variance statement.

To whom it may concern, my name is Joseph Belczak, and I am applying for a variance to build a fence at 167 Shull Ave, Columbus, Ohio 43230.

Special circumstances and conditions:

I believe there are special circumstances that make this fence necessary. My property has 2 front yards, and one side of my property butts up to Dawson alley. There are multiple properties that have a full privacy fence on Dawson Ally, giving these properties a completely closed in fence, and almost every home Butting up to Dawson alley has a garage that sits closer to the road than I wish to put my new fence. I Believe that because there are other fences and garages that are already this far away from the property line on my street, a privacy fence in the location that I have requested will not cause any negative impact to the neighborhood, or city. The new fence would connect to an existing privacy fence that I own. This existing fence sits on a property line that is shared with my neighbors and runs perpendicular to the new fence. This would create what I believe to be the correct way to fence in this property considering the circumstances. Even though the Dawson Ally side of my property is a front yard, it acts as a back yard for my wife, myself, and our dogs. Because of this I believe there are special circumstances and conditions that make this request reasonable.

Necessary for preservation and enjoyment of property rights:

I believe that the addition of this fence is critical to the preservation and enjoyment of my property rights. Me and my wife love our home here in Gahanna and we have put a lot of work and energy into making our home an enjoyable place to live our lives. The previous owner was a landlord who rented out the property, and the land was not well taken care of. My wife and I want to create a space that is private and properly utilizes our whole property to increase the value of the home. Our back yard is not very large, and a privacy fence at this location would fully utilize this space making it critical to the value, and usability of our property. The existing chain link we want to replace with a full privacy fence was an eye sore and did not increase the value of our home or neighborhood. The old fence also provided no privacy on a very busy ally from foot traffic, and neighbors. Me and my wife have 2 small dogs that love to be outside, but they must be fenced in for their safety and sanity. Our dogs also get very territorial and upset about people walking through Dawson ally. A full privacy fence will be the only way my wife and I will be able to relax in our back yard with our dogs without them barking at anyone and everyone who walks by. Our neighbors to the north that we share a privacy fence with are constantly walking around with their dog on their side of our fence and our dogs think nothing of it because they can't see them. This is what I hope to achieve with a full privacy fence, peace for my family and dogs through privacy. My wife and I also intend to have children one day and would hope to have the privacy to keep our children as safe as possible. There is no reason anyone needs to see into my backyard if we do not wish for them to. For all of these reasons I believe it is critical to the preservation and enjoyment of my property rights that we build this fence.

Will Not adversely affect health and safety:

I do not believe the fence that I hope to build on my property will affect health and safety. The location of the fence is visually behind the corner of my garage by a full foot. As well as behind the existing privacy fence that runs parallel to the new fence by a full 8 feet. The new privacy fence I hope to build is so significantly behind the old fence that I believe it creates zero problems with sightlines of anyone driving on or turning onto Dawson Alley. As for sightlines of anyone exiting my garage in a vehicle pulling onto Dawson Alley. I have currently submitted building permits to fully close off the 2nd entrance to my garage that exits onto Dawson Alley so that this will not be an issue at all. The garage has another entrance at the east side of the property that is accessed by my driveway on Shull Ave. The old entrance let water into the garage from the alley, causing issues and it was ultimately unnecessary. Since this entrance is going away, there is no issue with safety or sightlines considering my garage entrance. I also believe there is no issue with access to public utilities on my property. I have no manholes or anything the city should need to access behind this fence, so I believe this should cause no issues with public utilities. If the city were to need access for any reason, I would fully comply with removing the fence temporarily and granting access to the city. The old chain link fence was not removable and for this reason I believe the new fence would grant better access to the city if needed.

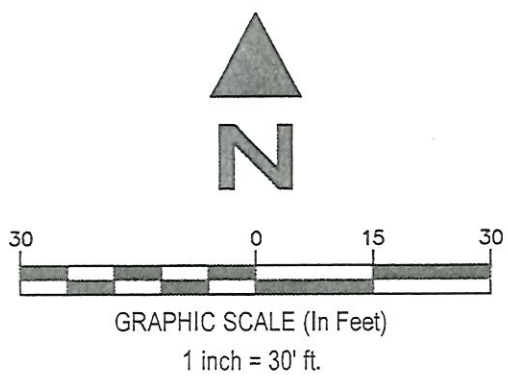
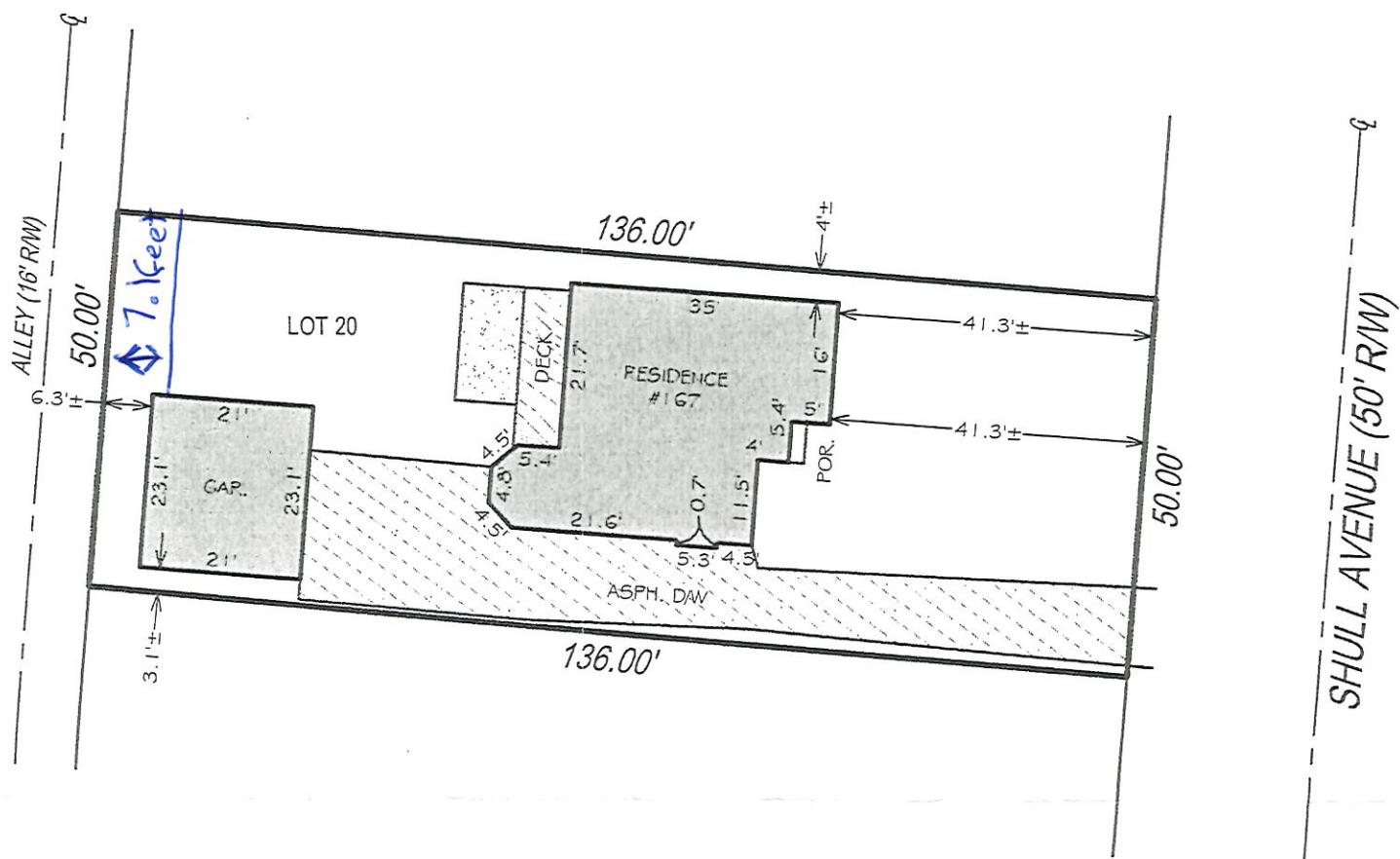
Thank you for your time



PROPERTY ADDRESS: 167 SHULL AVENUE, COLUMBUS, OHIO 43230

SURVEY NUMBER: 2204.1024

22041024
MORTGAGE LOCATION SURVEY
FRANKLIN COUNTY



POINTS OF INTEREST: NONE VISIBLE			
CLIENT NUMBER: WTA-0003428			
BUYER: JOSEPH ZACHARY BELCZAK		SELLER: KENNETH JOSEPH BELCZAK & DONNA HARTNESS BELCZAK	
LOT: 20	BLOCK:	PLAT: 17	PG: 176
SUBDIVISION: CHARLES SHULL ADDITION			
COUNTY: FRANKLIN			
CERTIFIED TO: PRIORITY MORTGAGE / WIN TITLE AGENCY, LLC			
STEWART			

THIS MORTGAGE LOCATION SURVEY IS PERFORMED IN ACCORDANCE WITH 4733-38 OF THE OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE AND IS ONLY FOR THE USE OF THE MORTGAGE LENDER AND TITLE INSURER. DO NOT USE THIS MORTGAGE LOCATION SURVEY FOR FUTURE CONSTRUCTION OF FENCES, SHEDS, GARAGES, ADDITIONS OR ANY OTHER STRUCTURE(S). THIS DOCUMENT MAY NOT SHOW ALL EASEMENTS AFFECTING THE SUBJECT PROPERTY.



FIELD DATE: 4/11/2022 DATE SIGNED: 04/11/22

REVISION HISTORY: (REV.1 4/11/2022)



690 Lakeview Plaza Blvd | Suite A
Worthington, OH 43085
Phone: 614-485-9000
www.landmarksurvey.com







March 7, 2023

Joseph Zachary & Melissa A Belczak
167 Shull Ave
Columbus, OH 43230

RE: Project 167 Shull Ave Variance

Dear Joseph Zachary & Melissa A Belczak:

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

City Engineer

1. No comments.

Planning

2. Informational Comment: All necessary application materials have been submitted. Due to the property having two front yards, there are existing special conditions. Many neighbors have similar privacy fences. Due to this, there are no objections to the proposed variance.

Parks

3. No Comments per Julie Predieri

If you have general comments or questions, please contact me at kelly.wicker@gahanna.gov or (614) 342-4025. If your questions are specific to a certain department's comments please reach out to that department.

Sincerely,

Kelly Wicker
Planning and Zoning Coordinator



STAFF REPORT

Request Summary

The applicant is requesting a variance to allow for a fence to exceed the maximum permitted height within a front yard at 167 Shull Avenue. The property is zoned OG-1 – Olde Gahanna Single Family Residential. The proposal is to replace the previous chain link fence with a 5.5 ft tall privacy fence, 7.1 feet from the western property line. It will be attached perpendicularly to the garage and an existing fence along the northern property line.

The property is a through lot, meaning it has frontage on both Shull Avenue and Dawson Alley and therefore two front yards. Chapter 1171.03(f) of Code only allows decorative open fences to be a maximum of 42" in height when located in the front yard. The proposed fence both exceeds this height and is not considered decorative or open. The Code requires a front yard between the primary structure and any right-of-way; hence the fence is being installed in what is defined as a front yard but typically considered a rear yard.

Variance

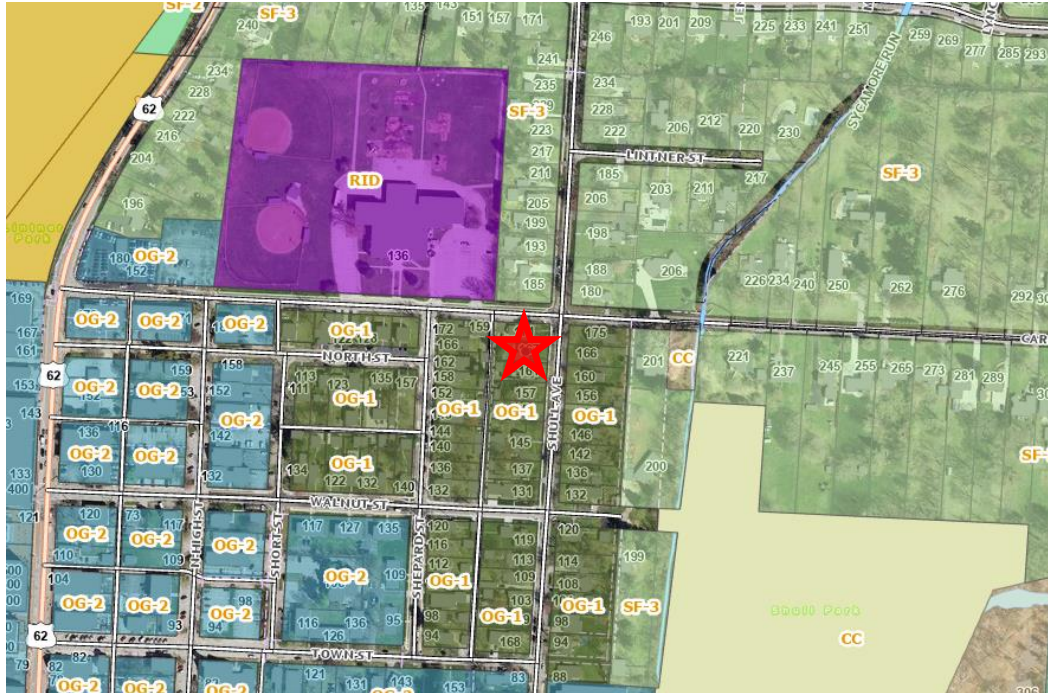
Planning Commission shall not grant a variance unless it finds that all of the following conditions apply:

- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

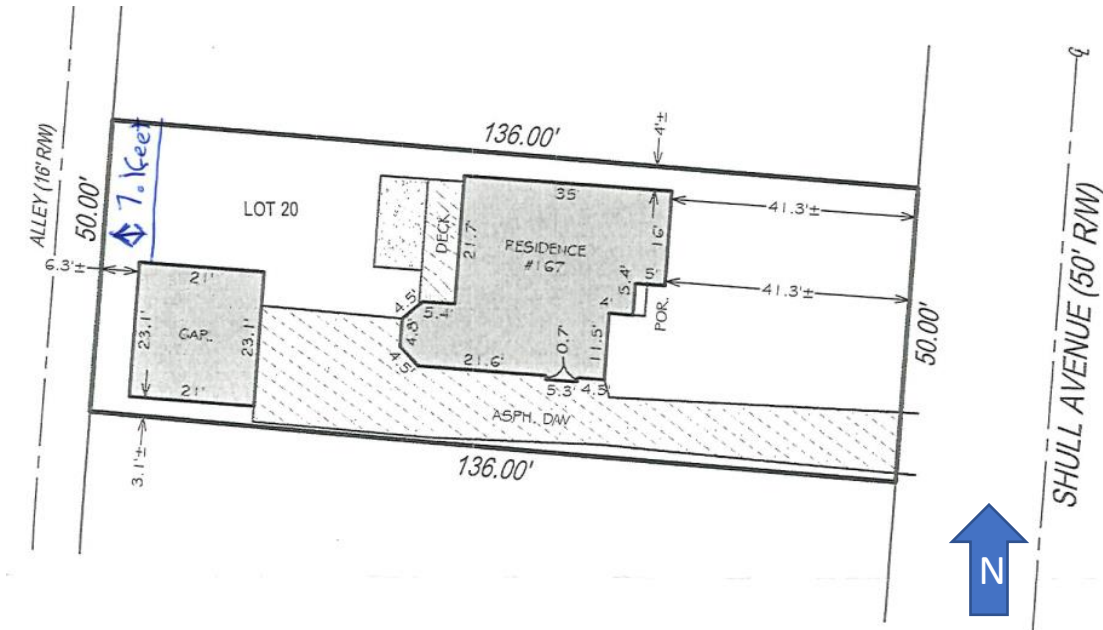
Staff Comments

Staff recommends approval of the variance request as submitted. Special circumstances exist due to the house being located on a through lot and therefore having two front yards. The proposed fence does not extend as far towards the property line as the existing garage, meaning that sight lines along the alley will not be obstructed. Additionally, similar variances to this Chapter of Code have been approved for other properties that abut more than one street or alley. It is Staff's opinion that the addition will not negatively affect any contiguous properties.

Location/Zoning Map



Submitted Site Plan



Respectfully Submitted By:
 Maddie Capka
 Planner