

250<sup>00</sup>  
at submit



ZONING DIVISION  
200 S. Hamilton Road  
Gahanna, Ohio 43230  
614-342-4025  
zoning@gahanna.gov  
www.gahanna.gov

### VARIANCE APPLICATION

PROPERTY INFORMATION		
Project/Property Address: 395 E. JOHNSTOWN Rd.		Project Name/Business Name: Costigan Fence
Parcel #: 025-00 1945-00	Zoning: (see <a href="#">Map</a> ) Select One SF-2	Acreage: .71

VARIANCE SPECIFICATIONS
Description of Variance Request: WE REPLACED AN OLD CHAIN LINK FENCE WITH A NEW WOODEN ONE. WE WOULD LIKE TO BE ABLE TO KEEP IT, AS IT FOLLOWS THE SAME EXISTING FENCE LINE.
STAFF USE ONLY: (Code Section):      1171.03(f)      1171.03(k)      1171.03(g)

APPLICANT INFORMATION	
Applicant Name (Primary Contact) Kathie Costigan	Applicant Address: 395 E. JOHNSTOWN Rd
Applicant E-mail: KATCOS420@HOTMAIL.COM	Applicant Phone: (614) 960-6765
Business Name (if applicable):	

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

ADDITIONAL INFORMATION ON NEXT PAGE....

INTERNAL USE

Zoning File No. V-0038-2024

RECEIVED: KAW  
DATE: 2-13-24

PAID: 250.00  
DATE: 2-13-24

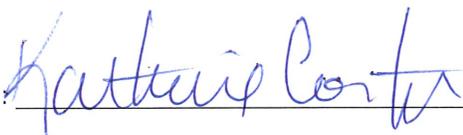
Updated  
Apr 2022

## VARIANCE APPLICATION - SUBMISSION REQUIREMENTS

TO BE COMPLETED/SUBMITTED BY THE APPLICANT:
1. Review Gahanna Code <a href="#">Chapter 1131</a> (visit <a href="http://www.municode.com">www.municode.com</a> ) ( <i>Sign Variances, refer to Chapter <a href="#">1165.12</a>; Fence Variances, <a href="#">1171.05</a>; Flood Plain Variances, <a href="#">1191.18</a></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 <a href="#">Building &amp; Zoning Fee Schedule</a></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: 2/9/24

**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.

Katherine Costigan KATHERINE COSTIGAN  
(applicant/representative/property owner name printed)

Kathy Costa \_\_\_\_\_ 2/5/24  
(applicant/representative/property owner signature) (date)

Subscribed and sworn to before me on this 5 day of February, 2024.

State of Ohio County of Franklin

Notary Public Signature: [Signature]



**AUSTIN MONTGOMERY**  
Notary Public, State of Ohio  
Commission No. 2021-RE-828179  
My Commission Expires  
March 14, 2026  
Updated  
Apr 2022

To: The City of Gahanna

Department of Planning

Division of Code Enforcement

We are writing this letter to request a variance for the wooden fence erected on our property at 395 E. Johnstown Rd that we were notified on January 23, 2024 that it was in violation of a building code. Filing: CV-24-70.

Prior to our purchase, the original fence was erected in the 1950's and made of steel. Last year a client drove through the fence rendering it unrepairable, we were told by 2 separate fencing companies.

Unaware that replacing it with a new, more aesthetically pleasing wooden fence was a code violation.

The new fence does not obstruct the view of any drivers on Johnstown Rd and sits back from the road approximately 10-15ft. The fence continues the existing fence line that was present when we purchased our home and is the same type of fencing. Maintaining a continuous fence line.

We are bordered by the Big Walnut Creek on the west, a field and parking lot to the north and our direct neighbor is Ernest Locke 375 E. Johnstown Rd, to the south. His phone number is 614-208-4256

We discussed the replacement of the fence with him prior to installing the fence. He was fine with our project and design as it was going to beautify the view of both properties.

Thank you for your consideration of our request for a variance of the code in this matter.

Sincerely,

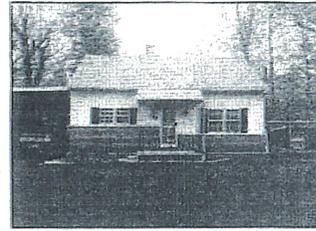
Jeff Gage & Kathie Costigan

## Addendum to Variance Request Statement for 395 E. Johnstown Rd. Fence Project

Additionally, we are asking for a variance to the rule that states the finished side of fences must face adjacent properties.

We were unable to put the finished side of the fence facing our neighbor. There is a very dense hedgerow that was very overgrown when we moved in. We now maintain it for our disabled neighbor. This old hedgerow is so thick that it precludes us from working on that side. The only alternative was to put the finished side facing our property. We did, of course, check with our neighbor beforehand. He stated that he was absolutely fine and liked the esthetic as it followed the existing fence line.

HOY LAND SURVEYING  
 1767 McCorkle Blvd #1767  
 Westerville, Ohio 43086  
 Phone: 614-679-1186



JOB NUMBER #: 1776 - 2019 S DATE OF DRAWING 05-02-19

CERTIFIED TO GAHANNA TITLE AGENCY, LLC.

LENDER RAPID MORTGAGE COMPANY

BUYER GAGE & COSTIGAN

LEGAL DESC. 0.731 ACRES - MIFFLIN TOWNSHIP

INST. 201110180132985

CITY/TWP. COLUMBUS

COUNTY FRANKLIN

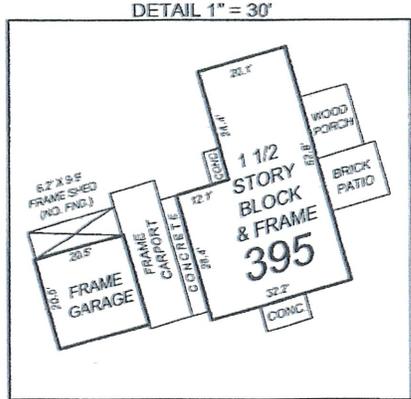
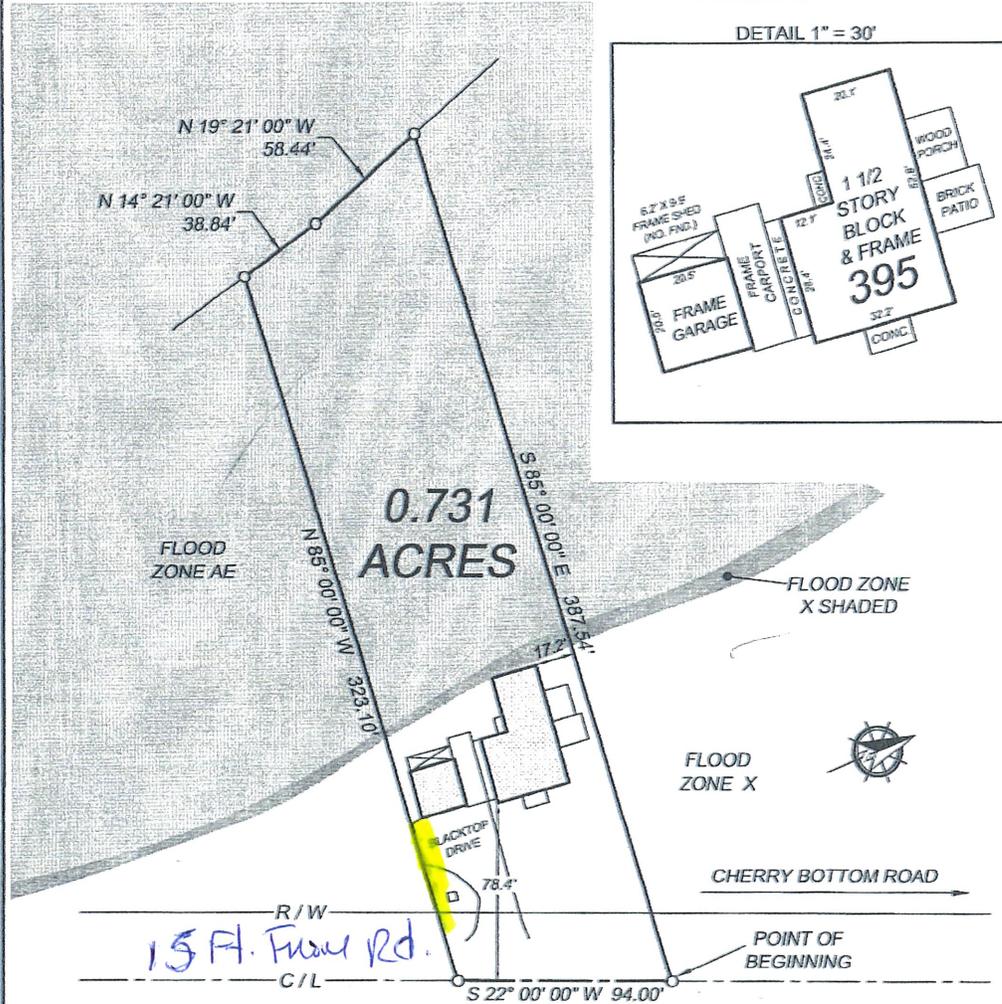
DRN. SJH

CK. SS

DRAWING SCALE 1" = 60'

FEMA INFORMATION: FLOOD ZONE X, AE, & X SHADED

MAP PANEL INFO 39049C 0194K MAP DATE 06-17-08



ENCROACHMENT INFORMATION  
NONE NOTED

I / WE HAVE RECEIVED A COPY OF THIS SURVEY  
 AND FIND THE CONDITIONS ACCEPTABLE.

*[Signature]*  
 BUYER / OWNER  
*[Signature]*  
 BUYER / OWNER

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a Boundary Survey pursuant to Chapter 4733-37, Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and is not to be construed as having been prepared for the owner and is not to be used to erect fences or other structures. Easements shown on this plat were taken from the subdivision plat of record. Additional easements affecting this property may exist.

By *[Signature]*





AUDITOR OFFICE

SEARCH

ONLINE TOOLS

REFERENCE

CONTACT MICHAEL

Summary

Cyclomedia

Land Profile

Parcel ID: 025-001945-00

Map Rc

Residential

GAGE JEFFREY

Commercial

Improvements

Permits

Mapping

Sketch

Photo

StreetSmart

Aerial Photos

Transfers

BOR Status

CAUV Status

Tax & Payments

Tax Distribution

Tax Calculators

Value History

Rental Contact

Incentive Details

Quick Links



Disclaimer:

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

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To: Kelly Wicker

Planning and Zoning Coordinator

Planning Division

Question: On the submitted site plan, please show the exact location of the entire fence.

Answer: See Attached

Question: Per application requirements, please submit images of the old and new fence.

Answer: See Attached

Question: Please be aware that fences are subject to different criteria than other variances. The criteria can be found in code 1171.05. Please review and modify.

Answer: Please see the original variance request asking for the variance to this code.

Question: Fences must have their finished side facing adjacent properties and the ROW. This fence does not meet this standard, so you must add to your application and address in your variance request.

Answer: 1) The essential character of the neighborhood will be unaffected by the fence, as it is a rural setting with only one adjacent neighbor.

2) The fence in no way impedes the delivery of government services or utilities.

3) The fence in no way hinders the visibility of passing drivers on Johnsown Rd.

4) We were unable to put the unfinished side of the fence facing our neighbor. There is a very old and dense hedgerow. It was very overgrown when we moved in, and we maintain it for our disabled neighbor. The hedge is so thick that it precludes us from working on the fence from that side. The only alternative was to put the finished side facing our property. We did however, check with our neighbor beforehand. He stated that it was absolutely fine and liked the esthetic of the continuance of the existing fence line.

Engineering Project Administrator

Question: Does not disrupt existing storm water runoff drainage patterns.

Answer: The fence does not disrupt existing drainage as sufficient clearance was left at the bottom.

Transportation and Mobility Engineer

Question: Verify the fence installation does not impede upon the site triangle established under Gahanna Code 1167.16

Answer: The property does not sit at an intersection therefore, the site triangle is not interrupted. The fence also does not impede the sight of any drivers on Johnstown Rd.

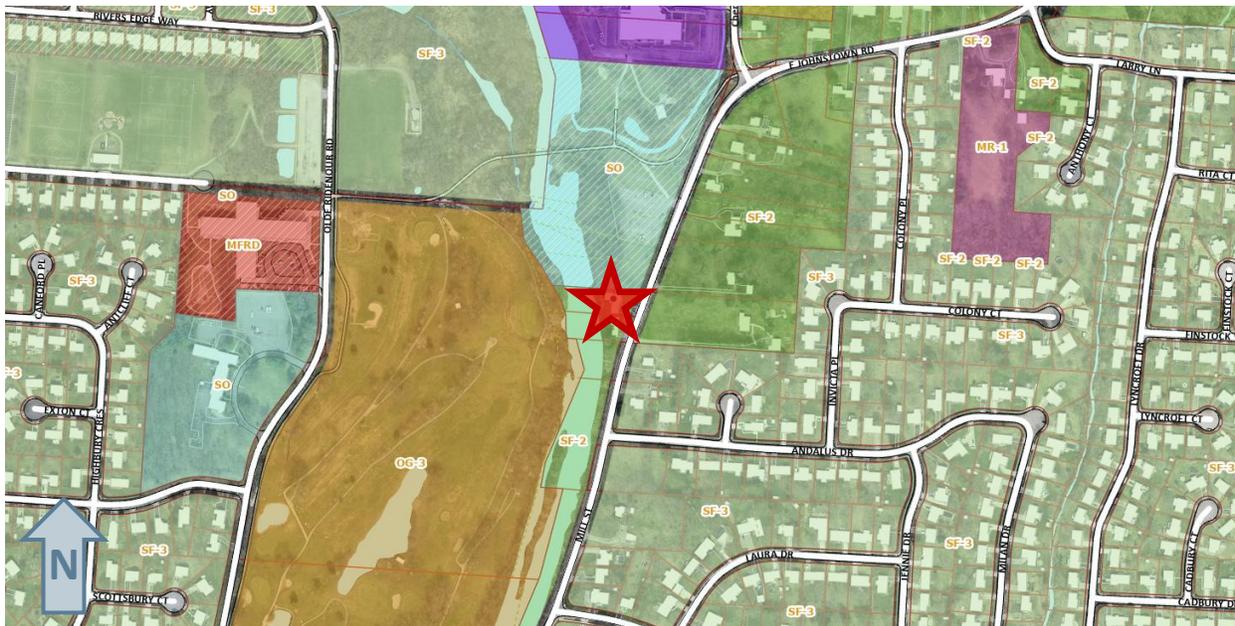
## PLANNING COMMISSION STAFF REPORT

### Project Summary – 395 E Johnstown Road

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- Meeting Date:** April 10, 2024
- Location:** Parcel #025-001945, eastern side of E Johnstown Rd.
- Zoning:** Single Family Residential (SF-2)
- Application Type(s):** Variance (V)
- Staff Representative:** Maddie Capka, Planner
- Recommendation:** Staff has no objection and defers to Planning Commission.

**Location Map:**



## Staff Review

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### Overview

The applicant is requesting approval of a variance for a fence located to the front of a house with the unfinished side facing outwards. Code only allows fences up to the front façade of a house and requires the finished side to face the adjacent property. The supporting members of a fence must face the owner's property.

The site previously had a chain link fence in the same location as the new wooden privacy fence, but it was damaged beyond repair and needed to be replaced. The new fence is installed along the shared property line and continues the neighbor's existing fence line into the front yard. The applicant states that their neighbor has no objection to this fence since it matches the fence installed on his lot. The applicant also states that there is a hedgerow along the property line that prevented them from working on the side of the fence facing their property, which is why it was installed backwards.

The Engineering Department noted that the fence is located two feet into the right-of-way, and this portion must be removed. The right-of-way extends approximately 11.5 feet past the pavement of the road and onto the property. The applicant has agreed to comply and remove this portion of the fence. There were no other objections from Engineering.

## Review Criteria

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### Variance (V)

The following variance has been requested:

1. 1171.03(f) – Fence Standards
  - a. Code prohibits fences within a front yard unless they are decorative, open, and 42" or less.
  - b. The fence is not decorative or open and is taller than 42".
2. 1171.03(g) – Fence Standards
  - a. Code prohibits privacy fences in the front yard.
  - b. The installed fence is a privacy fence.
3. 1171.03(k) – Fence Standards
  - a. Code requires that the finished side of a fence face adjacent properties and/or the right-of-way.
  - b. The unfinished side of the fence faces the neighbor to the south.

Code contains separate criteria for Variances to fence standards as property owners must show that they have encountered practical difficulties. In determining whether a property owner 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.

## Recommendation

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Staff does not object to the variance request and defers the decision to Planning Commission. The fence will be located outside of the right-of-way when the two-foot portion is removed. However, both sides of the fence will still be very visible from the road. Staff drove past the property and the fence did not impede sight at all. There is only one other neighboring home in that area and side of Johnstown Rd, but there is a parking lot to the north. The applicant states that their one adjacent neighbor does not oppose the fence at all.