

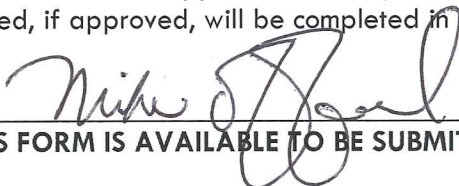
VARIANCE APPLICATION

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: 883 HUNTERS GLEN DR GAHANNA 43230		Project Name/Business Name (if applicable):
Parcel ID No(s): 025-008714-00	Current Zoning: RESIDENTIAL	Total Acreage: .32
Description of Variance Requested: TO PERMIT A FULL PRIVACY FENCE INSTEAD OF ONE WITH THE 30% OPENING PER PANEL		
STAFF USE ONLY - Code Section(s) & Description of Variance: 1171.03(h) Privacy fence prohibited in side yard		
APPLICANT Name (primary contact) -do not use a business name: SAMUEL "MIKE" OFFORD		Applicant Address: 883 HUNTERS GLEN DR. GAHANNA 43230
Applicant E-mail: MIKEKIMO@AOL.COM		Applicant Phone No.: 614-804-3300
BUSINESS Name (if applicable): N/A		
ATTORNEY/AGENT Name: N/A		Attorney/Agent Address:
Attorney/Agent E-Mail:		Attorney/Agent Phone No.:
ADDITIONAL CONTACTS (please list all applicable contacts)		
Name(s):		Contact Information (phone no./email):
Contractor ARNIE WORKMAN- Developer WORKMAN FENCING		614-374-4975
Architect		
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:  Date: 10-19-17
THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: www.gahanna.gov

INTERNAL USE

Zoning File No. _____
PC Meeting Date: _____
PC File No. _____

RECEIVED: KAW
DATE: 10-20-17

PAID: \$ 150.00
DATE: 10-20-17
CHECK#: Cash

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 <u>Section 1131</u> (visit www.municode.com) (Sign Variances, refer to Section 1165.12; Fence Variances, 1171.05; Flood Plain Variances, 1191.18)	✓			
	2. Pre-application conference with staff	✓			
	3. Survey of property certified by a registered surveyor (11"x17" copy)	✓	NA		
	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 <u>Building & Zoning Fee Schedule</u>)	✓			
	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

APPLICATION ACCEPTANCE

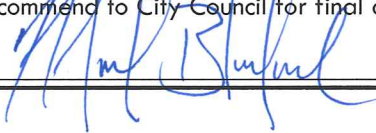
INTERNAL USE

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: _____



10/27/17

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, SAMUEL MIKE OFFORD, 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: *Samuel Mike Offord* Date: 10-20-17

Subscribed and sworn to before me on this 20 day of October, 2017
State of Ohio County of Franklin
Notary Public Signature: *[Signature]*



MATT COLLINS
Notary Public, State of Ohio
My Comm. Expires April 30, 2020

AGREEMENT TO COMPLY AS APPROVED

I, SAMUEL MIKE OFFORD, 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: *Samuel Mike Offord* Date: 10-20-17

Subscribed and sworn to before me on this 20 day of October, 2017
State of Ohio County of Franklin
Notary Public Signature: *[Signature]*



Stamp of **MATT COLLINS**
Notary Public, State of Ohio
My Comm. Expires April 30, 2020

Dear Zoning Committee,

Thank you for reviewing my variance application.

This is an unusual circumstance with many unusual conditions so please read my entire letter.

I submitted for and was approved for a fence permit. I was trying to get some privacy around a hot tub that was installed at the beginning of this year. Shortly after applying for the permit we learned of the 30% opening rule in the front of the fence for a corner lot. This hot tub is mainly used for therapeutic reasons. A few years ago I broke my back, both wrists and injured both shoulders. I am in constant pain and also suffer from restless leg and insomnia. I have had several doctors recommend a hot tub and two of them have written letters stating this which I've enclosed with this application.

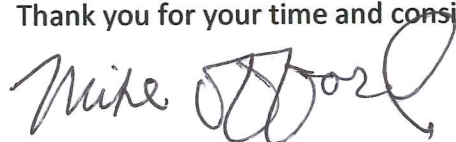
I mainly use the hot tub in early afternoons and late at night to get relief from pain and to help with sleep. It is hard to sit and relax as people are walking by asking if they can jump in. I'm sure it's all in fun but feels awkward. Even with a fence that has a 30% opening people will still be looking. A full privacy fence would be very helpful in relaxing and would give the privacy needed to relax.

Since the hot tub has been installed, my neighbor who started renting his house has been on me about a fence for the privacy of his renters next to me. He has also written a letter which is enclosed with this application stating his views. He states that because of the hot tub his property value has dropped and he could not sell his house so he had to rent it out instead of moving away. His realtor told him that unless a full privacy fence goes up he will never be able to sell his home at full market value. Plus he does not want his renters looking over and seeing me in my bathing suit. Unfortunately the tension between us has grown. We discussed moving the hot tub but the expense of uninstalling, moving the hot tub and re-installing everything was in the thousands. Just to have the electrician move the 50 amp gfci disconnect and the special underground #6 wire was a grand itself.



A friend of mine on the next block over has a pool in his back yard. For years he has always talked about kids peeking in through his fence and asking if they can swim. I live on a corner lot which brings a lot of traffic from people walking by. I also live cadi-corner from Middle School South so we have children walking past our house all the time. We also have a school bus stop right in front of our house with small children getting on and off each school day. By not having a full privacy fence we are open to any one of these kids looking through the fence, opening the gate and walking in. There is always a cover over the hot tub but if a child were to climb on top of it out of curiosity he could fall through and possibly drown. One could argue that the city should re-look at changing this code for safety and health related issues.

Only the approval of this variance permitting a full privacy fence will yield a healthy private solution for my health issues, solve the problem between the two adjoining properties and will address all the safety issues involving the school kids in our neighborhood.

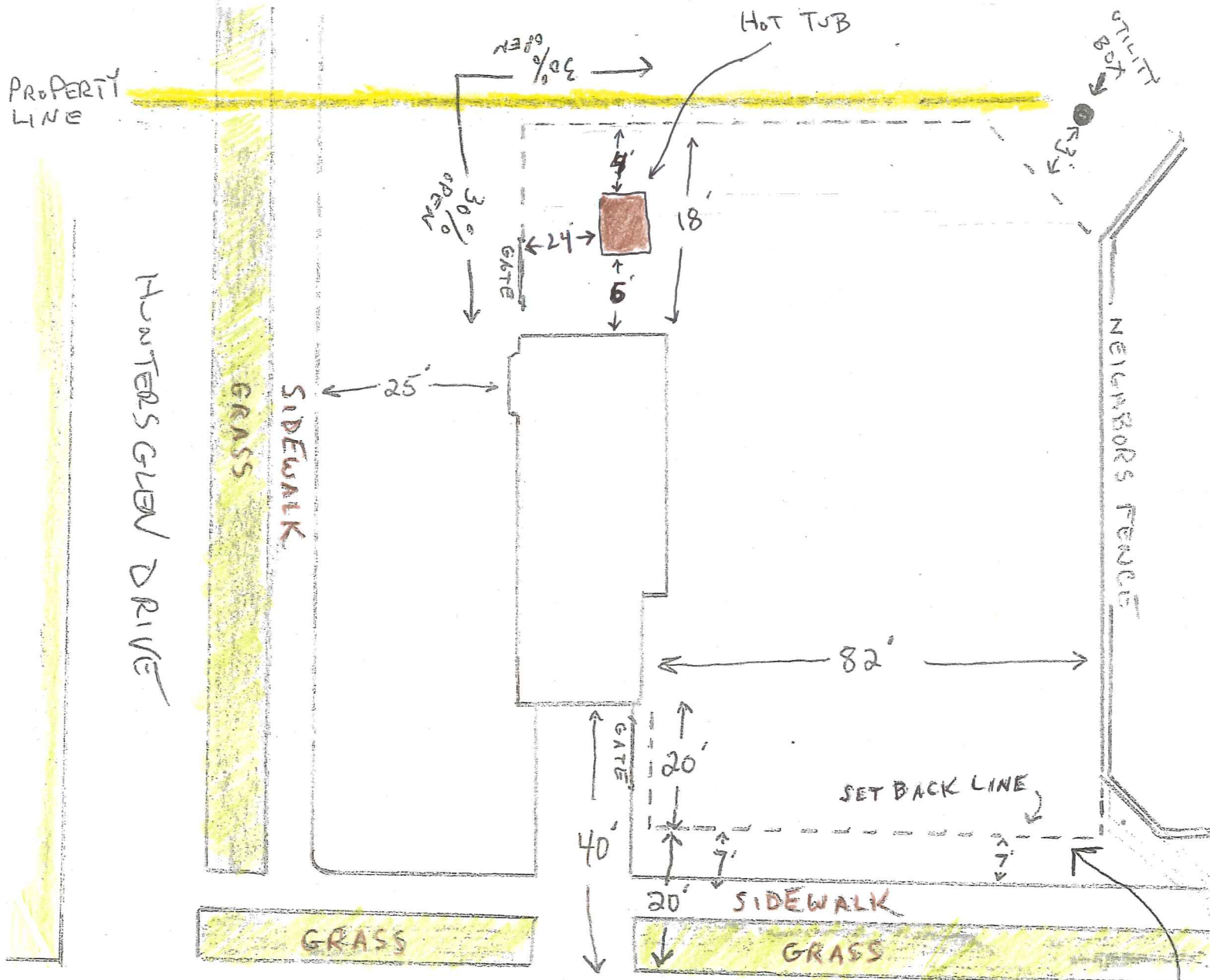
Thank you for your time and consideration.



Mike Offord

PROPERTY LINE = 
HOT TUB = 
FENCE = - - - - -

883 HUNTERS GLEN DR
SAMUEL & KIMBERLY OFFORD
614-804-3300



HELMBRIGHT DRIVE FUTURE PLAN

PROPERTY ADDRESS: 883 HUNTERS GLEN DRIVE GAHANNA, OHIO 43230

SURVEY NUMBER: 189235

group incorporated. This document is made exclusively for the certified parties and may not be copied, reproduced or altered in any form without permission in writing from the copyright owner.

HUNTERS GLEN DRIVE 50'

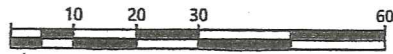
HELMBRIGHT DRIVE 60'



Scott D. Grundel

THIS PLAT IS NOT TO BE USED TO ERECT FENCES OR OTHER STRUCTURES, AND MAY NOT SHOW ALL EASEMENTS AFFECTING THE SUBJECT TRACT

LSGI#: 189235



SCALE: 1" = 30'

POINTS OF INTEREST: NONE VISIBLE.

CLIENT NUMBER:

DATE: 9/22/2016

BUYER: SAMUEL M OFFORD

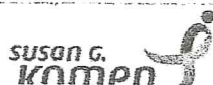
SELLER:

SUBLOT / ORIGINAL LOT: 659

SUBDIVISION: HUNTERS RIDGE SEC 11

THIS MORTGAGE LOAN IDENTIFICATION SURVEY IS NOT TO BE USED FOR THE INSTALLATION OR BUILDING OF FENCES, SHEDS, GARAGES, ADDITIONS OR ANY OTHER STRUCTURE. TO DETERMINE EXACT BOUNDARY LINES, A BOUNDARY SURVEY IS REQUIRED.

Landmark Survey

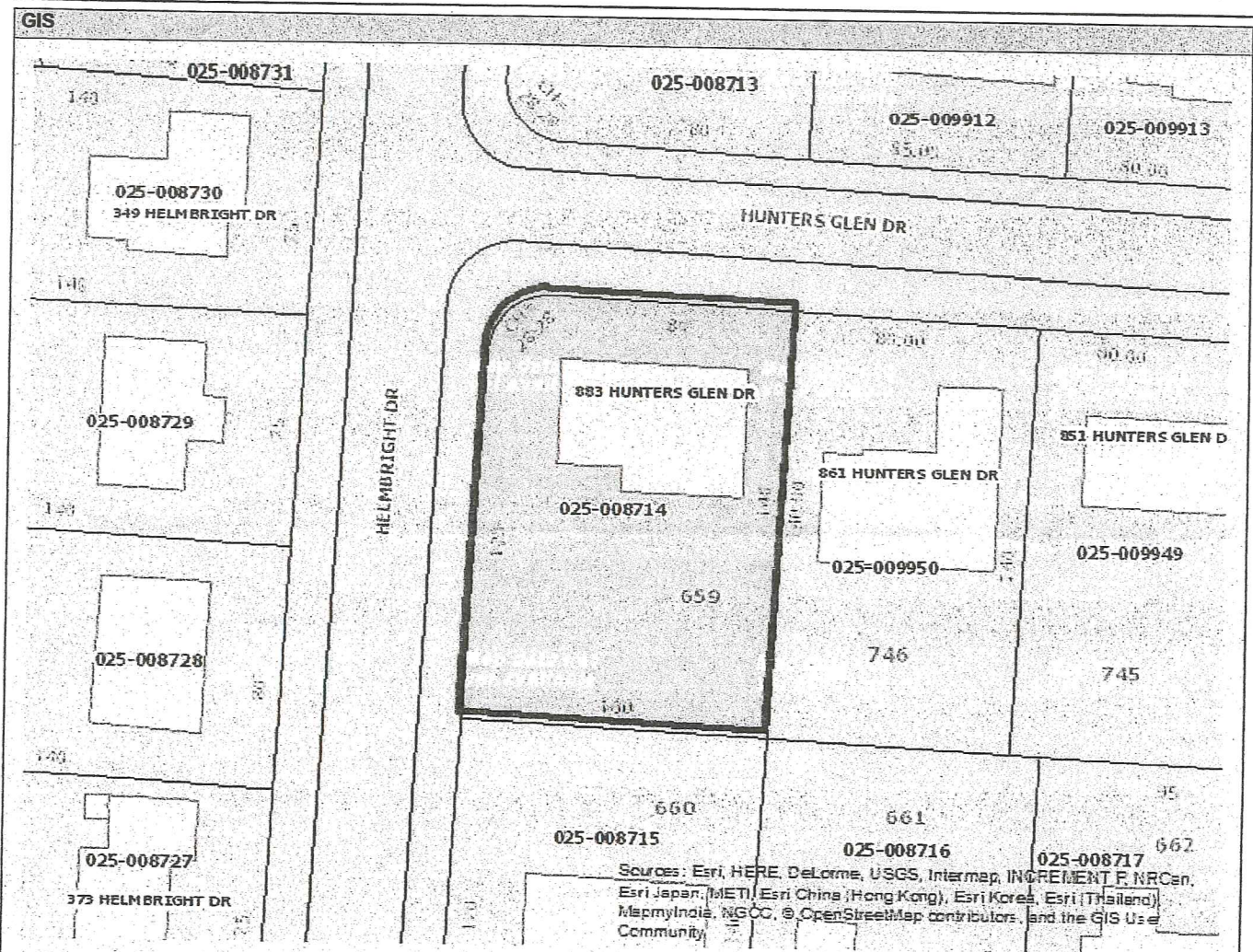




MAP(GIS)

Generated on 04/23/2017 at 08:08:34 PM

Parcel ID	Map Routing No	Owner	Location
02500871400	025N039JJ 00400	OFFORD SAMUEL M	883 HUNTERS GLEN DR

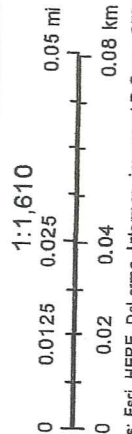
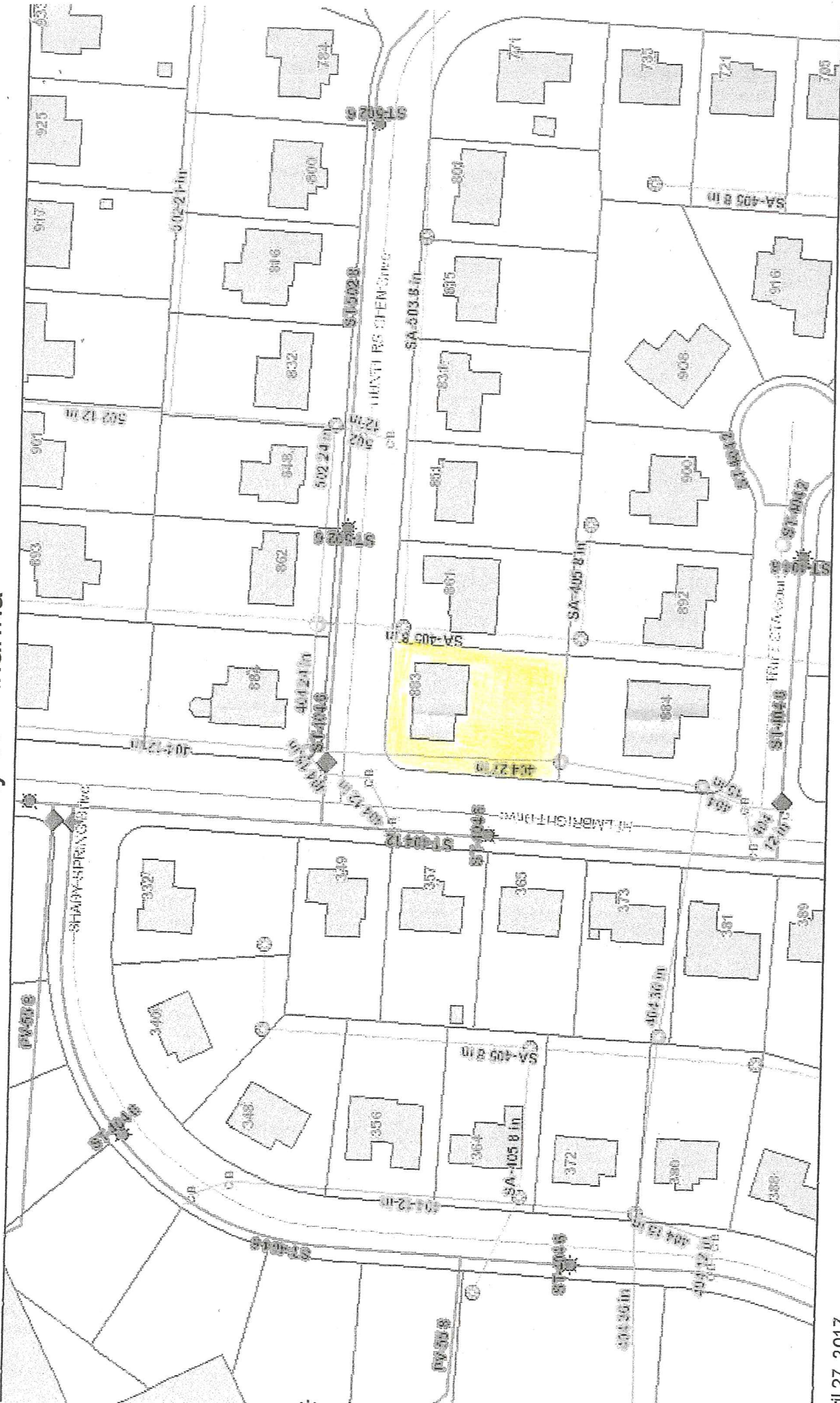


Disclaimer

This drawing is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this drawing are notified that the public primary information source should be consulted for verification of the information contained on this drawing. The county and the mapping companies assume no legal responsibilities for the information contained on this drawing. Please notify the Franklin County GIS Division of any discrepancies.

The information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public 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.

City of Gahanna



- Address Labels
- Swimming Pools
- Libraries
- Schools
- Building Footprint
- Parcels
- Cemeteries

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri, Japan, METI, Esri, China (Hong Kong), swisslipo, MapmyIndia, OpenStreetMap contributors, and the GIS User Community

11/27, 2017

10-12-17

Dear Zoning Committee,

On behalf of my neighbor, Mr. Offord, I would like to request a variance and permit for 883 Hunters Glen Drive to install a full privacy fence around his hot tub.

I have lived next door at 861 Hunters Glen since 2004. Since my children have moved off to college, I had planned to sell my house. However, Mr. Offord installed a hot tub in between our homes on the side of his yard. My real estate agent informed me that the hot tub would make it more difficult to sell my home and would negatively impact the selling price if I did find a buyer. After considerable deliberation, I decided to rent my home instead of selling under market value.

I did ask Mr. Offord if he could relocate the hot tub to the back of his yard and both of us have met with City of Gahanna engineers to discuss options. To my surprise, there is not any city ordinance that prohibits the placement of a hot tub on the side of a yard. But there is an ordinance stating that the fence has to have an open face of 30% because of its location. This type of fence will help but not solve the problem as you can still see through into their yard.

I appreciate your consideration of this request since it would not adversely affect anyone or cause any other issues but would provide the privacy Mr. Offord and I desire.

I would be happy to discuss further or answer any questions you may have. Thank you again.

Best regards,

Brian Evans



MIDWEST

— SPINE & PAIN —

Jimmy M Henry, M.D.

FAAPMR

Board Certified
Physical Medicine &
Rehabilitation
Pain Medicine

Robert E Gould, D.O.

FAAPMR

Board Certified
Physical Medicine &
Rehabilitation
Pain Medicine

LOCATIONS

Gahanna

1090 Beecher Crossing N
STE A
Gahanna, OH 43230

Westerville

955 Eastwind Dr
Westerville, OH 43081

Lewis Center

7100 Graphics Way
Lewis Center, OH 43035

Phone:

844-677-2378

Fax:

855-827-9978

Hours

8:30 am—4:30 pm
Monday-Friday

www.midwestspineandpain.com

October 13, 2017

To whom it may concern:

Samuel Offord is an active patient in our practice. He is seen for multiple chronic pain conditions. My patient would benefit with utilizing a hot tub for additional pain reduction in addition to other treatment modalities.

Thank you in advance for your consideration in this matter.

Sincerely,

Amy Kirk, CNP

Optima Behavioral Health, Inc.

81 Outerbelt Street | Columbus, Ohio 43213

P: (614) 759-5075 | F: (614) 591-4480

www.optimabh.com

October 13, 2017

Re: Samuel Offord

To Whom It May Concern:

Mr. Offord has been diagnosed with Sleep Apnea, Restless Leg Syndrome and a Pain Disorder with both Physical and Psychological factors. Even though Mr. Offord has been compliant with the regiment of medication and therapy appointments, he still is unable to manage all the problems he experiences. He has turned to an alternate therapy that has proven itself in the medical literature to be of benefit for these problems. He has found that the hot tub (warm water therapy) has proven to be beneficial in helping him manage his symptoms.

If you have any questions or concerns, please contact my office at the above number.

Thank you.

Dawn Schneir, LPCC

Oh LIC E0002924

Steven R Schneir, MD, DFAPA • Connie K Hirsh, MD • Jennifer Hughes, CNP • Michael Tichy, CNP •
Emily Walters, CNP • Lori Baker, LISW • Glenn Byers, LISW • Diane Conn, LISW • Kayla Fuller, LISW
• Dawn Schneir, LPCC • Debra Sherman, LPCC • Vikki Spohn, LISW • Christina Thorpe, LISW

The neighbor involved:

Brian Evans

5981 Blaverly Drive

New Albany, OH 43054

Mr. Evans lived next to me at the time when I got the fence permit. His property next to me is located at:

861 Hunters Glen Drive here in Gahanna. He has since moved and rents this property now.

Thank you



CITY OF GAHANNA

PLANNING AND DEVELOPMENT STAFF REPORT

Request Summary

The applicant is requesting a variance to CH 1171.03(h) "Privacy and/or chain link fences shall be prohibited in the side and front yards." The applicant requests a privacy fence six feet in height in the side yard.

The applicant has provided that the privacy fence is necessary in order to shield the hot tub from adjacent properties. The hot tub is located in the side yard. The code does not permit privacy fences in the side yard, instead, it permits decorative open fences. If the variance is not approved, then the permitted fence would be a decorative fence (open face area of at least 30%) and height would be limited to 42".

Variance

Fence variances are subject to the criteria found in CH 1171.05. Planning Commission shall consider the following factors:

- a) Whether the property in question will yield a reasonable return;
- b) Whether the variance is substantial;
- c) Whether the essential character of the neighborhood would be substantially altered by granting the variance;
- d) Whether the variance would adversely affect the delivery of government services;
- e) Whether the property owner purchased the property with the knowledge of the zoning restriction;
- f) Whether the property owner's predicament can be remedied through a method other than a variance;
- g) Whether the spirit and intent of zoning requirement would be observed and substantial justice done by granting the variance;
- h) Whether the fence is sufficiently compatible with the architectural character of the neighborhood;
- i) Whether the fence will be hazardous to traffic or otherwise detrimental to the public safety and welfare.

Staff recommends approval of the fence with the following conditions:

1. Comments from the City Engineer related to the easement and the location of the fence and/or hot tub are incorporated into the motion.



"HERB CAPITAL OF OHIO"

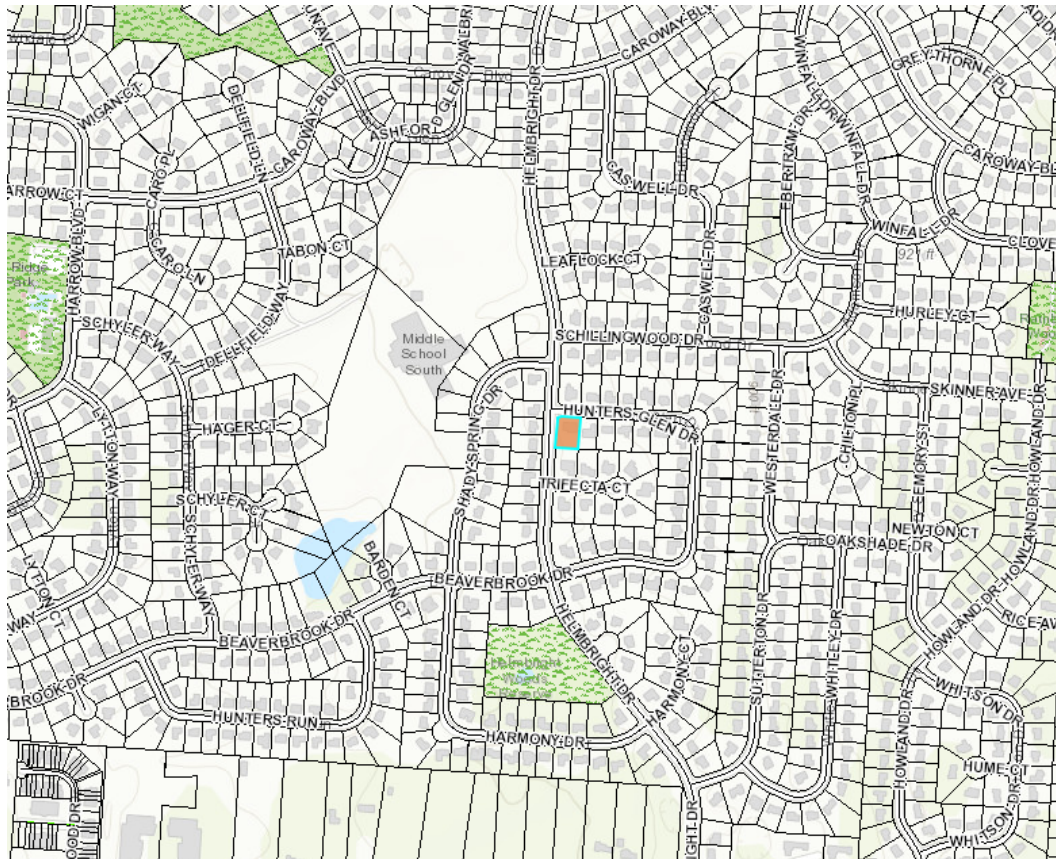
200 SOUTH HAMILTON ROAD, GAHANNA, OH 43230
614-342-4000 PHONE 614-342-4100 FAX WWW.GAHANNA.GOV



CITY OF GAHANNA

2. Replacement of the fence in the side yard would not be permissible if the hot tub is removed from the side yard. If the hot tub is removed or relocated, any new fencing in the side yard must comply with code.
3. Planning Commission may want to consider limiting the style and materials of the fence.

Location Map



Respectfully Submitted By:
Michael Blackford, AICP
Deputy Director





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

October 27, 2017

Samuel M Offord
00883 Hunters Glen Dr
Gahanna, OH 43230

RE: Project 883 Hunters Glen Dr

Dear Samuel M Offord:

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

Public Safety - Complete

1. No comment. Per Sheila Murphy

Building - Complete

2. No Comment Per Ken Fultz

Community Development - Complete

3. No comments/issues related to the requested variance.

Public Service & Engineering - Complete

4. Per a previous site visit, the hot tub was located outside the existing easement. Should the hot tub encroach into the existing easement, it shall be relocated at the owners expense within 48 hours any notification by the City of Gahanna or their designee. If the hot tub is not removed within the allocated time frame, the City or their designee shall have the right to remove the hot tub. The owner shall be assessed for any costs incurred for the removal and the City shall not be liable for any damages or loss associated with the removal.

5. The proposed fence will encroach into the existing easement. The fence shall be relocated/removed at the owners expense within 48 hours any notification by the City of Gahanna or their designee. If not removed within the allocated time frame, the City or their designee shall have the right to remove the fence. The owner shall be assessed for any costs incurred for the removal and the City shall not be liable for any damages or loss associated with the removal.

Fire District - Pending

6. No Comment made by the Fire Department

Parks - Pending

7. No Comment made by the Parks Department

Soil & Water Conservation District - Pending

8. No Comment made by Franklin County Soil and Water

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

Sincerely,

Kelly Wicker
Administrative Assistant