



CITY OF GAHANNA

DEPARTMENT OF PUBLIC SERVICE AND ENGINEERING

200 S. Hamilton Road
Gahanna, Ohio 43230
Zoning Division: 614-342-4025
zoning@gahanna.gov

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: <i>107 Price Rd</i>		Project Name/Business Name (if applicable): <i>Fence</i>	
Parcel ID No.(s) <i>025006779</i>	Current Zoning: <i>Single Family</i>	Total Acreage: <i>0.59</i>	
Description of Variance Requested: <i>6' privacy fence to front of house</i>			
STAFF USE ONLY – Code Section(s) & Description of Variance: <i>1171.03(h)</i> <i>Privacy or chain link fences are prohibited in the front and side yards</i>			
APPLICANT INFORMATION (primary contact)			
Name (please do not use a business name): <i>Minetti, Joshua A</i>		Address: <i>107 Price Rd Gahanna 43230</i>	
E-Mail: <i>Joshua.Minetti@gmail.com</i>		Phone No. <i>330 774 2078</i>	
ATTORNEY/AGENT INFORMATION			
Name:		Address:	
E-Mail:		Phone No.:	
ADDITIONAL CONTACT INFORMATION (please list all applicable contacts)			
Names: -Contractor: -Developer: -Architect:		Contact Information (phone no./email):	
Property Owner Name: (if different from Applicant)		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: *02 Nov 16*

INTERNAL USE ONLY

Zoning File No. *116110002*
PC Meeting Date: _____
PC File No. _____

RECEIVED: *JW.*
DATE: *11/2/16*

PAID: *150.00*
DATE: *11/3/16*
CHECK#: *1220*

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 and notarized.

I, _____, the owner 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, Joshua Minniti, the owner 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: [Signature] Date: 02 Nov 16

Subscribed and sworn to before me on this 2nd day of November, 2016
 State of Ohio County of Franklin
 Notary Public Signature: [Signature]



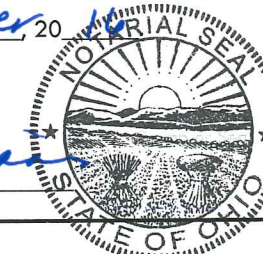
Fredena L. Williams
Notary Public, State of Ohio
My Commission Expires 06-28-2017

AGREEMENT TO COMPLY AS APPROVED

I, Joshua Minniti, the contractor/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.

Contractor/Applicant Signature: [Signature] Date: 02 Nov 16

Subscribed and sworn to before me on this 2nd day of November, 2016
 State of Ohio County of Franklin
 Notary Public Signature: [Signature]



Fredena L. Williams
Notary Public, State of Ohio
My Commission Expires 06-28-2017

SAVE APPLICATION

Statement of Reasons for Fence Variance Request

107 Price Road, Gahanna OH 43230

Joshua Minniti & Lauren Krebs (property owners; husband and wife; Josh is also the builder of this fence)

1. Our property on Price Rd is rectangular with the side yard containing the majority of the land. In order to use our land to its full potential, fencing in the side yard is of utmost importance. Fencing in the back yard would only utilize less than a third of our property's land.
2. We bought this property several months ago with the intention to utilize the yard to enjoy our two large dogs. This was the most important selling factor for us. We were familiar with the city of Columbus' fence permit requirements and only became aware of Gahanna's side yard requirements after purchase. This variance is vital to our family enjoying and using this property. We now have a child on the way, and having a fully fenced in yard is now also of importance to optimize the safety of our yard.
3. This variance would increase the safety and enjoyment of Gahanna residents that use Price Rd as well as our neighbors. Price Rd is a very private road, and the majority of foot traffic on our road are Gahanna residents and often times their dogs walking/jogging/cycling to the trail that leads to Creekside. Fencing in the side yard would allow for our family and our two large dogs to enjoy our property while not disturbing the residents who are walking and cycling. With the fence in place, our dogs would bark less and be contained from the foot traffic on Price Road. Also, our front yard would still have over 40 feet of spacious yard in front of the fence, and would not impose any aesthetic detriment to the neighborhood. We are very dedicated to keeping our neighborhood beautiful.

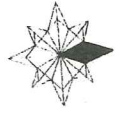
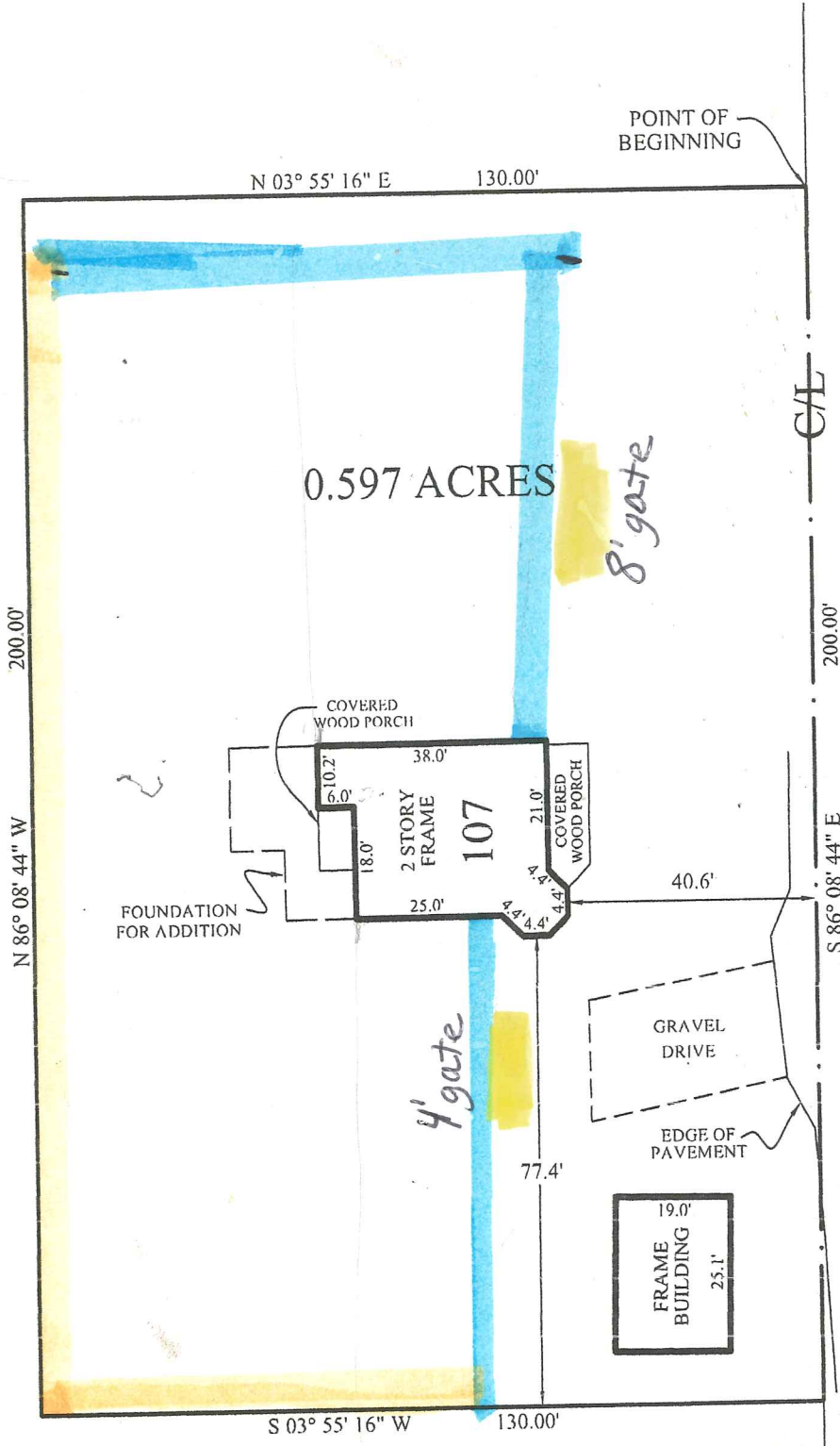
Contiguous Property Owners for 107 Price Rd

- **Property owners to the SW of 107, private property**

**David & Anna Arnold
105 Price Road
Gahanna OH 43230**

- **Property owner to the NE of 107, large parking lot with church**

**Resurrection Power Church of God in Christ
81 Price Road
Gahanna OH 43230**



PRICE ROAD



*Would like to discuss variance request for side yard fencing requirements.

BEING 0.597 ACRES
107 PRICE ROAD
GAHANNA, OHIO

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 or for the use of the owner for any purposes.

THIS PROPERTY IS LOCATED IN
 FLOOD ZONE X
 COMMUNITY PANEL 39049C
 PAGE 0194-K DATE 6-17-08

By David B. McCoy



APPLICATION STAFF COMMENTS

DUE: Wednesdays - 10 AM

To **SUBMIT:** File>SAVE AS ADOBE PDF with naming convention: "Staff Comments – YOURNAME" to:
T:/Zoning/Applications IN PROGRESS/(the project folder)

Project/Property Address or Location: 107 Price Road

Project Name/Business Name: Minniti Fence Variance

SUBMITTED BY:

Name: Michael Blackford Title: Deputy Director

Department: Planning and Development

Variance Criteria

Standards related to area requirements is a lesser standard than that which relate to use. An application for an area variance need not establish unnecessary hardship: it is sufficient that the application show practical difficulties.

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;

The property was recently sold in a state absent a fence. It would appear that the property in question has/will yield a reasonable return without the variance.

- B. Whether the variance is substantial;

The request does not appear to be substantial in nature. A brief site visit was conducted and, while properties on Price Rd may not have a substantial number of fences in the side yard, properties on James Rd do. A visual survey of properties on James Rd indicates that several properties appear to have privacy fences in the side yard.

- 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;

Granting the variance does not appear to alter the character of the neighborhood.

- 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;

With the frequency of requests for privacy fences in side yards, Planning and Development staff suggest revisiting the Code language and consider allowing such fences by right. Thus far, it does not appear that granting such variances have caused negative consequences.

- 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.

It is Planning and Development staff's opinion that the fence is compatible with the existing character of the neighborhood and that it does not create a detrimental impact. Therefore, staff recommends approval of the request.

Planning and Development staff suggests that specifics regarding the style of fence and materials be specified in the record of action. This ensures compatibility and consistency of character with the neighborhood.



Fence currently under construction

APPLICATION STAFF COMMENTS

DUE: Wednesdays - 10 AM

To **SUBMIT**: File>SAVE AS ADOBE PDF with naming convention: "Staff Comments – YOURNAME"
to: T:/Zoning/Applications IN PROGRESS/(the project folder)

Project/Property Address or Location: 107 Price Road

Project Name/Business Name: Minnitti Fence Variance

SUBMITTED BY:

Name: Rob Priestas Title: City Engineer

Department: Public Service and Engineering

No Comments related to the requested variance.

APPLICATION STAFF COMMENTS

DUE: Wednesdays - 10 AM

To **SUBMIT:** File>SAVE AS ADOBE PDF with naming convention: "Staff Comments – YOURNAME" to:
T:/Zoning/Applications IN PROGRESS/(the project folder)

Project/Property Address or Location: 107 Price Road

Project Name/Business Name: Joshua Minniti

SUBMITTED BY:

Name: Bonnie **Title:** P&ZA

Department: Service

The applicant seeks a variance to allow a 6' wooden privacy fence to be erected in the side yards of the dwelling.

• (a)

Variance Procedure.

(1)

The standard for granting a variance which relates solely to area requirements is a lesser standard than that applied to variances which relate to use. An application for an area variance need not establish unnecessary hardship: it is sufficient that the application show practical difficulties.

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



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I.

Whether the fence will be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.

(2)

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.