



VARIANCE APPLICATION SUMMARY



File Number	V-24-1
Property Address	1127 RIVA PL GAHANNA, OH 43230
Parcel ID	025-007262
Zoning District	R-1 - Large Lot Residential
Project/Business Name	Privacy Fence Installation
Applicant	Cheyenne Price
Description of Variance Request	We are requesting a variance for the fence's location to be approved at 8' from the property line; you can find details of our request in the attachment titled, "StatementofVariancePriceWilson."

Requested Variances

Code Section	Code Title	Code Description
1109.05(e)(1)	Location	No fencing in front yard. No privacy fencing
(A)/(B)		



V-24-1

Variance

Status: Active

Submitted On: 5/3/2024

Primary Location

1127 RIVA

GAHANNA, OH 43230

Owner

PRICE CHEYENNE M WILSON


IAN C

Riva Pl 1127 Columbus, OH


43230

Applicant

 Cheyenne Price

 740-304-2201

cheyenne_price@hotmail.com

 1127 Riva Pl
Columbus, OH 43230

Property Information

Property Type*

Single Family Residential

Zoning*

R-1 - Large Lot Residential

Acreage*

0.3

Project Information

Project Name/Business Name:*

Privacy Fence Installation

Proposed Use/Project Description*

For privacy, and also for our dogs to be able to safely run around within the boundaries of our fence.

Variance Specifications

Description of Variance Request*

We are requesting a variance for the fence's location to be approved at 8' from the property line; you can find details of our request in the attachment titled, "StatementofVariancePriceWilson."

Additional Contacts

Primary Contact

Name*

Cheyenne Price

Email Address*

Cheyenne_Price@hotmail.com

Are you the property owner?*

Yes

Guest Users

You can invite **Guests** to your application! Guest users can receive application status notifications, pay fees, and message staff on your behalf. To invite guest users to your application, look for the "Guests" button after submitting your application.

Note: Listing a Primary Contact does not automatically make that contact a Guest. The Primary Contact must also be added as a Guest in order to receive status notifications, pay fees, or message staff.

Certification

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.*

✓ Cheyenne M Price
May 3, 2024

Important Notes

- 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.

List of Contiguous Property Owners & Their Mailing Addresses

1111 Riva Pl
Columbus, OH
43230
John D Raab

1139 Riva Ridge Blvd
Columbus, OH
43230
John Stevenson

1103 Riva Ridge Blvd
Columbus, OH
43230
John Chory

Hello. We would like to file a variance in regards to our fencing permit, ZFE-24-1, pertaining to the following comment on our "comment letter" from the zoning department: "The fence must be 16 feet from the rear of the sidewalk. The fence must be half the distance from the Right-of-Way to the 35 foot Buildline. The fence cannot be approved at 8 feet." The reason for our variance is to request more space to build (closer to the sidewalk/right-of-way), and our reasoning is two-fold:

- 1) According to Chapter 1171.03- Fence Standards found on the City of Gahanna's website, part h states: "Any fence constructed between the required building setback line and the street public right-of-way shall not encroach upon required sight triangle area established under Chapter 1167.17 or prevent or hinder access to the residence by vehicles and personnel responding to a fire, police or medical emergency." Jumping over to Chapter 1167.16- Sight Triangle Established, the formula for calculating a sight triangle area is "The third side [of the sight triangle] is established by the line related by connecting points on each right-of-way line identified by measuring along each right-of-way line from the intersection a distance equal to the sum of the width of both right-of-ways divided by four." Using this formula, we are able to calculate our "sight triangle area" based on the 60' Right-of-Way on Riva Ridge Blvd, and the 50' Right-of-Way on Riva Pl; $(60' + 50') / 4 = 27.5'$. 27.5' from the corner of our property in either direction (where Riva Ridge Blvd meets Riva Pl) creates the "sight triangle area," and our proposed fence comes far from encroaching upon that space. Thus, visibility is maintained in the sight triangle area, and our proposed fence being 8' from the sidewalk along Riva Ridge Blvd does not impact these city guidelines. Additionally, Riva Ridge Blvd is a mostly flat road, and is also very straight in the area outside of our property; the proposed privacy fence would not impact visibility for drivers or emergency personnel outside of the sight triangle area that we are already maintaining.
- 2) The engineering side of the review process found no problems with our proposed fence, so it will not adversely affect the health or safety of our neighbors and surrounding area; this finding, combined with our fence "maintaining visibility within the sight triangle" is what inclines us to submit this variance. 16' from the sidewalk, for the entire length of the sidewalk (AKA the entire length of our property, or 118.92'; we will subtract an approximate length of 27.5' for the aforementioned visibility triangle, which equates to a potentially fencible length of 91.42') measures out to be approximately 1462.72 sq. ft. that we are being told we cannot utilize. 1462.72 sq. ft. is a huge amount of land that we are unable to use, however we are still responsible for maintaining this area as well as paying property taxes on it. Our privacy fence installation is for privacy purposes, but also so our two dogs can have the freedom to safely run around within the fence's boundaries. The entire reason we bought this house was for the large yard in our desired neighborhood, a yard we wanted solely for the ability to fence in to allow our dogs to enjoy maximum space to freely run.
- 3) There are no contradictions to the Chapter 1171.05 that should prevent our variance from being granted. We will directly address each item below in order to convey that we have encountered practical difficulties:

- 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;"
 - i. As stated above, without this variance being approved, we feel the property cannot be beneficially used variance because we will lose out on using approximately 1462.72 sq. ft. of our yard once fenced in- this is a large area of the property that we will not be able to benefit from, but are still responsible for paying property taxes on and maintaining.
- b. "Whether the variance is substantial;"
 - i. To us, it is very substantial. It will allow us to use a larger part of our yard that we otherwise would not be able to, as we plan to build a fence regardless. It is very important to us that we are able to maximize the fenced in space both for us, but also our dogs.
- 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;"
 - i. Many of our neighbors already have privacy fences on their property, therefore it is safe to say the integrity of the neighborhood's character would remain intact. It is also worth noting that we intend to flowers and landscape on the exterior side of the fence that faces Riva Ridge Blvd., and would thus contribute to the beauty of the neighborhood rather than diminish it.
- d. "Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse);"
 - i. As stated above, engineering saw no issue with our original application to build a fence so long as we are aware of the fact that there is an easement on our property. We intend to construct the fence in such a way that large sections would be easily removable (by us, the owners) should the city government ever need access to the land within the fence. Additionally, we do not intend to fence in the manhole on our property at all- please reference our plans to see the 3' clearance we will leave on all sides of the manhole. Finally, our garbage goes out front, on Riva Pl- refuse would not be impacted at all by the approval of this variance.
- e. "Whether the property owner purchased the property with the knowledge of the zoning restriction;"
 - i. When purchasing the house, we had no idea about the zoning restrictions. We specifically purchased a home in a non-HOA neighborhood in order to have the freedom to install a privacy fence. Many of our neighbors have privacy fences, and when discussing our plans with our realtor, we were not made aware of any zoning restrictions that may impact our plans.
- f. "Whether the property owner's predicament feasibly can be obviated through some method other than a variance;"
 - i. No, our predicament requires a variance to be approved simply due to the fact that our fencing application was denied as is. We want to avoid

such a huge chunk of property being rendered basically useless if the variance for our fence is not approved.

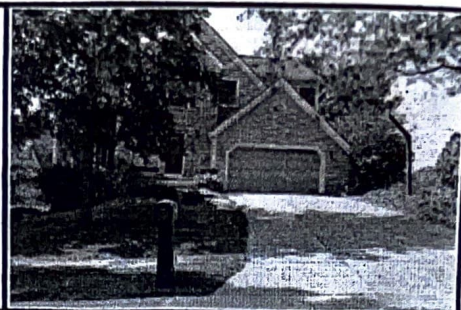
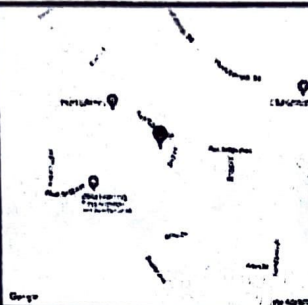
- g. "Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;"
 - i. The intent behind the zoning requirement would still be observed even by granting the variance. As mentioned before, we still intend on building about 8' back from the sidewalk (which is approximately 16' from Riva Ridge Blvd), which would maintain visibility for drivers and emergency personnel, and reasonable access to the neighborhood sidewalk. We also plan to abide by the visibility triangle (mentioned above), thus further proving that visibility for drivers will be maintained. This variance for our fence should have no negative impact on the public.
- h. "Whether the fence is sufficiently compatible with the architectural and design character of the immediate neighborhood;"
 - i. Yes, it is compatible. As mentioned, several of our neighbors throughout Bryn Mawr Woods (including neighbors directly behind us) have privacy fences similar if not identical to what we plan to install.
- i. "Whether the fence will be hazardous to passing traffic or otherwise detrimental to the public safety and welfare;"
 - i. See point g for expansion on this answer. In short, no, the fence will not be at all hazardous or detrimental.

Given that there is no engineering need for the fence to be 16' from our property line, supplemented by the information provided above regarding the visibility that will be maintained, there should be no reason why we cannot build a privacy fence at a distance closer to our property line than 16'. It feels unjust to have to pay for and maintain such a large amount of space that we will be unable to utilize once a fence is constructed, should this variance not be approved. Having even some of that extra space that we own approved to be fenced in would be deeply appreciated, therefore we hope to come to some sort of compromise with the City of Gahanna Zoning Department (if we are unable to have the totality of our space be utilized). We will submit our fence plans, with the only difference from the original submission with our permit application being the visibility triangle area drawn onto it in order to help visualize our points and plans.



LANDMARK

www.landmarksurvey.com | office: 614-485-9000

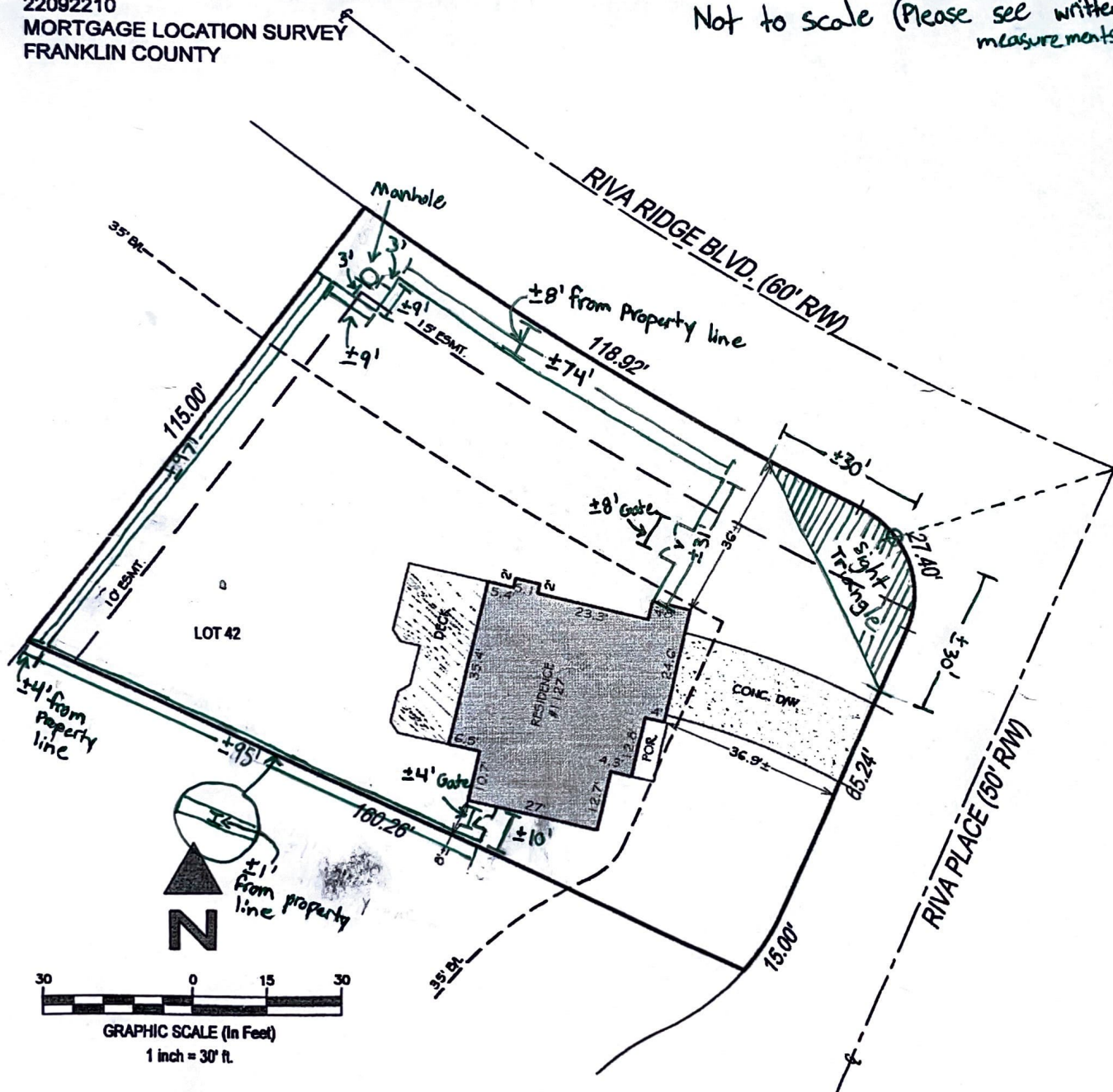


PROPERTY ADDRESS: 1127 RIVA PLACE, COLUMBUS, OHIO 43230

SURVEY NUMBER: 2209.2210

22092210
MORTGAGE LOCATION SURVEY
FRANKLIN COUNTY

Not to scale (Please see written measurements)



POINTS OF INTEREST:
NONE VISIBLE

CLIENT NUMBER: 170340

BUYER: PRICE & WILSON

SELLER: MICACCHION

LOT: 42

BLOCK:

PLAT: 64

PG: 62-63

SUBDIVISION: BRYN MAWR SECTION NO 1

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





PLANNING COMMISSION STAFF REPORT

Project Summary – 1127 Riva Place

Meeting Date: June 12, 2024

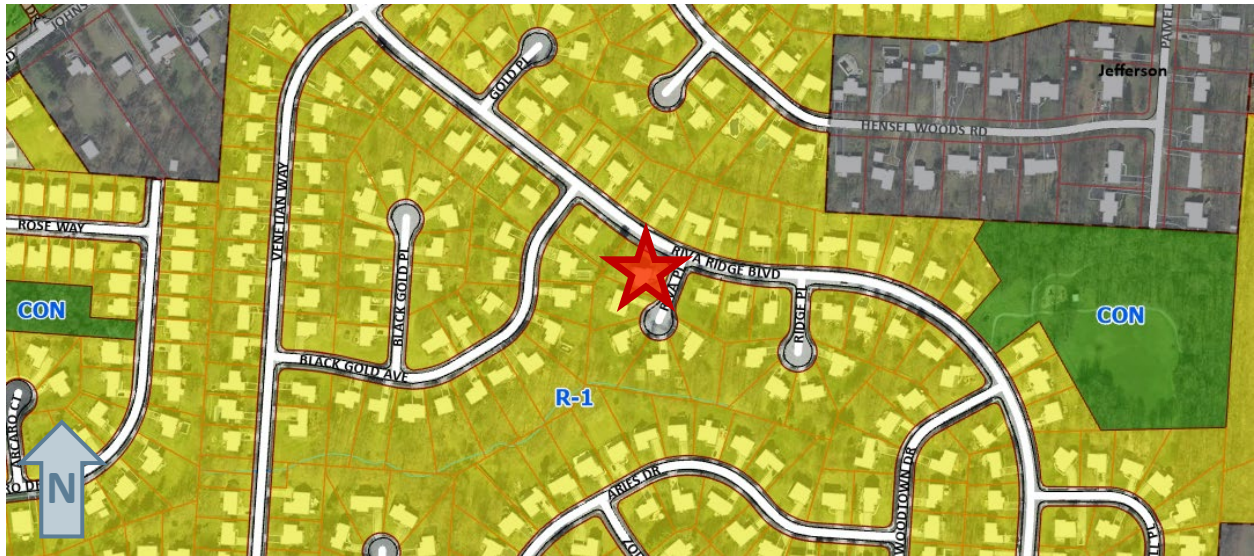
Zoning: Large Lot Residential (R-1)

Application Type(s): Variance (V)

Staff Representative: Michael Blackford, Director of Planning

Recommendation: Staff recommends modified approval

Location Map:



Staff Review

Overview

A variance has been requested to permit a wood privacy fence, 6' in height, to encroach into the front yard of the home located at 1127 Riva Place. The lot is approximately 15,000 square feet in size and is zoned R-1. The property is considered a corner lot as it has front yards on both Riva Place and Riva Ridge Blvd. The proposal would have the fence 8' from the right-of-way of Riva Ridge Blvd.

Fencing must meet the same setbacks as the home. R-1 requires a front yard setback of 35', any fencing, even in the "second" front yard, must be setback at least 35' from the right-of-way. This language varies from the old zoning code. The zoning code in effect prior to May 1, 2024 permitted privacy fencing in the "second" front yard at half the required setback. "Second" front yard being defined as the front yard which functions as a side yard. In this case, the front yard along Riva Ridge Blvd would function as the side yard.

If this request was filed prior to May 1, a 6' tall privacy fence would have been permitted to encroach into the setback 17.5'. A variance would have been required to locate the fence the requested distance from the right-of-way, 8'. Since the code requires a 35' setback, the variance is to setback and to fence type.

Review Criteria

Variance (V)

The following variances have been requested:

1. 1109.05(e)(1)(A)/(B)
 - a. No fence shall extend beyond the front of the house.
 - b. Privacy fences prohibited in front yard.

Before granting a variance, Planning Commission shall find that:

- a) The variance is not likely to result in substantial change to the essential character of the neighborhood;
- b) The variance is not likely to result in damage to adjoining properties;
- c) The variance is not likely to adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- d) The variance is not likely to result in environmental impacts greater than what is typical for other lots in the neighborhood.
- e) The variance is necessary for the economical use of the property, and such economical use of the property is not easily achieved through some method other than a variance; and,
- f) The variance is not likely to undermine the objectives of the land use plan.

Recommendation

Staff has concerns with the requested setback. 8' is substantially less than what current code permits or what previous codes allowed. The neighborhood was established over 30 years ago and there are a substantial number of corner lots. A site visit was recently conducted, and it was observed that no other lots have similar front yard fencing. Staff believes that a reduced setback from 35' to 8' is not in character with the neighborhood.

Requests to allow privacy fencing in a front yard of a corner lot is a frequently requested variance. So much so that the code was amended in 2020 to permit without necessitating a variance. However, the zoning code that went into effect May 1, 2024 did not carry forward this language. A variance would still be required even if fence standards were consistent between the two versions of code as the 8' setback is approximately half of what the previous zoning code required. Staff anticipates correcting this oversight as part of the next round of code changes.

Even though privacy fences in the front yard is out of character for the neighborhood, staff is supportive of a variance. Staff would be supportive of a variance to permit a 6' tall privacy fence to encroach 17.5' into the 35' setback along Riva Ridge Blvd. This would have been the required setback in the recently replaced zoning code.