

Application for Variance

City of Gahanna, Ohio ■ Planning Commission
200 S. Hamilton Road, Gahanna, OH 43230 ■ Phone: (614) 342-4025 ■ Fax: (614) 342-4117

***REQUIRED INFORMATION:** All correspondence will be addressed to the applicant. Planning Commission members or City staff may conduct a site visit prior to a Planning Commission Public Hearing.

*Applicant Name: Nicole Powell *Phone: 937 416 4785
*Applicant Address: 151 Rugby Lane Gahanna *Fax: _____
*Applicant Email: nicolempowell@yahoo.com

*Applicant's Relationship to Project: Land Owner: Option Holder: Cont. Purchaser: Agent:

*Property Owner Name: Benjamin & Nicole Powell *Phone: 937 371 8735
*Property Owner Address: 151 Rugby Ln *Fax: _____
*Contact Name: Ben or Nikki *Email: b-powell82@yahoo.com

*Address for Requested Variance: 151 Rugby Ln
*Parcel ID#: 025-004093 *Current Zoning: Residential SF-3

*Description of Variance Requested: 6 foot privacy fence for corner lot, located between easement and building line, from rear of dwelling
*Applicant's Signature: [Signature] *Date: 5/9/15

***SUBMISSION REQUIREMENTS:** Applications are not complete until all submission requirements are received and accepted by the Planning and Zoning Administrator.

- 1. Two (2) 11" x 17" copies of a survey and legal description of the property certified by a registered surveyor.
- 2. One (1) digital copy of completed application and associated documents.
- 3. A list of contiguous property owners and their mailing addresses.
- 4. Pre-printed mailing labels for all contiguous property owners.
- 5. A statement of the reason(s) for the Variance request. The statement must address the three (3) conditions listed on page 2 of this application in order for Planning Commission to grant approval for the Variance.
- 6. Application Fee of \$150 for Single-Family Residential Districts and \$300 for all other Zoning Districts.

***PLANNING AND ZONING ADMINISTRATOR REVIEW AND APPROVAL:**

Code Sections to be varied: 1171.03(g)

Description of the governing code and the requested variance: To allow a privacy fence to be located within the 30' setback on the east side of the property

In accordance with Section 1131 of the Codified Ordinances of the City of Gahanna, Ohio, I hereby certify that this project, as stated above, was for approved by the City of Gahanna Planning Commission on _____. The applicant shall comply with any conditions approved by the Planning Commission and shall comply with all building, zoning and landscaping regulations now in place.

Planning & Zoning Administrator's Signature: _____ Date: _____

For Internal Use:
SunGard File No. 150570081
PC File No. V-11-2015
Public Hearing Date 4/10/2015

Revised 10-1-2014/cas

(Received)

(Paid)
MAY 19 2015
BY: SW 240

(Accepted by PZA)

Variance Request: Statement

Applicants/Property Owners: Benjamin and Nicole Powell

Date: 5/9/15

Thank you for your consideration of our Application for Variance. We sincerely appreciate your time. Please find below our responses to the Reasons for Variance request.

Special Circumstances/Conditions

Young Children

We have two, soon to be 3, children under the age of 4. They often play in the backyard. We like for them to play outside on the play structure or with toys in the yard while we supervise from the kitchen or family room. Their ages, and use of the yard, are one of the primary factors driving the additional special circumstances below.

Public Property Across Street

We live directly across the street from the Gahanna Municipal Golf Course. There is a great deal of pedestrian and car traffic. The Golf Center is also rented out almost weekly for parties, weddings, church events, graduations, etc. Due to the high amount of foot traffic, our backyard is almost constantly in full view of whoever is across the street. We want for our young children to be able to play safely, which includes at least partially unobserved. It is impossible to track the cars parking on the street, the people coming and going, and make sure there is no one that "doesn't belong." If we step in the house for even a moment, we don't know who has been watching them playing, or who knows they are briefly unobserved in the backyard. We like to set up a small blow up splashing pool for them in the summer and I also do not want our family observed by the numerous people who have every right to be across the street from us.

Busy Ridenour

In addition to the public property, we live directly along Olde Ridenour Road. While the speed limit is posted as 25mph, hardly ever do people travel that speed, as the road does not "Feel" residential until past the golf course. The police are doing a great job of often pulling people over, but our children can run through the trees and out into the road with nothing to stop them. The high traffic, location by the golf course and cemetery, and our location as the first house in the plat, contributes to a considerable number of u-turns and turn arounds on our property. Additionally, we cleared a small area of brush between several trees looking down along Ridenour Rd, and traffic coming down the road sees directly into our backyard and our large sliding glass doors at the back of the house, during the entire course of the road from cemetery to the golf course.

Dying Trees

Our property, along Ridenour and back along the Municipal Building property line, has large pine trees. These trees were likely planted for privacy, but they were planted extremely close together. They are now choking each other out and dying. They are unattractive and they crowd out into the road area long Ridenour. They decrease the neatness and cleanliness of the property and are going to need removed. Once we have to remove them, there will be NOTHING between Ridenour and our yard. Not only does this eliminate our ability and desire to use our backyard, but will be extremely unattractive to others considering resale of the property.

Preservation and Enjoyment of Property Rights

We are enjoying being part of a growing family community in our neighborhood. There are a number of young families who are moving in and fixing up the houses. We have been attempting to clean up our yard, make it more attractive and useable. Part of our plan is to build a large deck and outdoor living space, however our ability to make this upgrade, and enjoy it, is contingent upon a fence. The outdoor space is valuable in as much as we can use it with our children and feel privacy. Without a fence, a new deck and outdoor space would have no privacy (road, golf course, pedestrians, municipal building) and we would not be able to sit and allow our kids to play freely. This upgrade to our property is not possible without the fence. We want our kids to be able to play and run around safely in the backyard.

Absence of Adverse Effects/No Detrimental Impact

We believe the fence will be a substantial improvement to the property, as well as the presentation of the edge of our property to the community. Currently, the trees are unsightly in that they are uneven, overgrown, they make mowing difficult along the road, and drop considerable debris. A fence will allow us to cut away the dead portions of the trees and trim the branches well above the road line. In addition, we have a considerably large corner. A very significant portion of our yard is alongside the house and out toward the corner. We understand that visibility for turns around the corner is of significant concern. Because there is so much space from the back of the house out to the road (72 feet+) putting privacy fence in the back area will not impact site lines at all. IN addition, the large overgrown trees and branches could be impeding visibility, cutting them back and up to make room for the fence will allow for even better site lines. We are interested in putting in an attractive, well-built fence that will improve the cleanliness, presentation, and neatness of the property—we believe this will considerably improve the look of the property.

Addresses for other properties:

John Thistlewaite
153 Rugby Lane
Gahanna, OH 43230

Mifflin Township Administrative Offices and Meeting Hall
155 Olde Ridenour Road
Gahanna, OH 43230

Mr. & Mrs. John Thistlewaite
153 Rugby Lane
Gahanna, OH 43230

Mifflin Township Administrative
Offices and Meeting Hall
155 Olde Ridenour Road
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Mr. & Mrs. John Thistlewaite
153 Rugby Lane
Gahanna, OH 43230

Mifflin Township Administrative
Offices and Meeting Hall
155 Olde Ridenour Road
Gahanna, OH 43230

This copy: Image of Requested Variance

..... Sep. 3. 2013 - 8:49AM Myers Surveying Company No. 4994 P. 8/8

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:

Talon Title Agency of Central Ohio, Inc. and/or First Federal S&L Assoc. of Lakewood

Legal Description: Situated in The State of Ohio, County of Franklin, City of Galena Being Lot 269 Imperial Rise Plat No. 4, Plat Book 54, Page 78

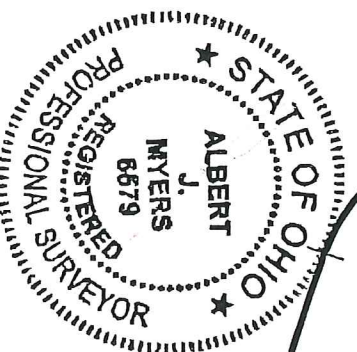
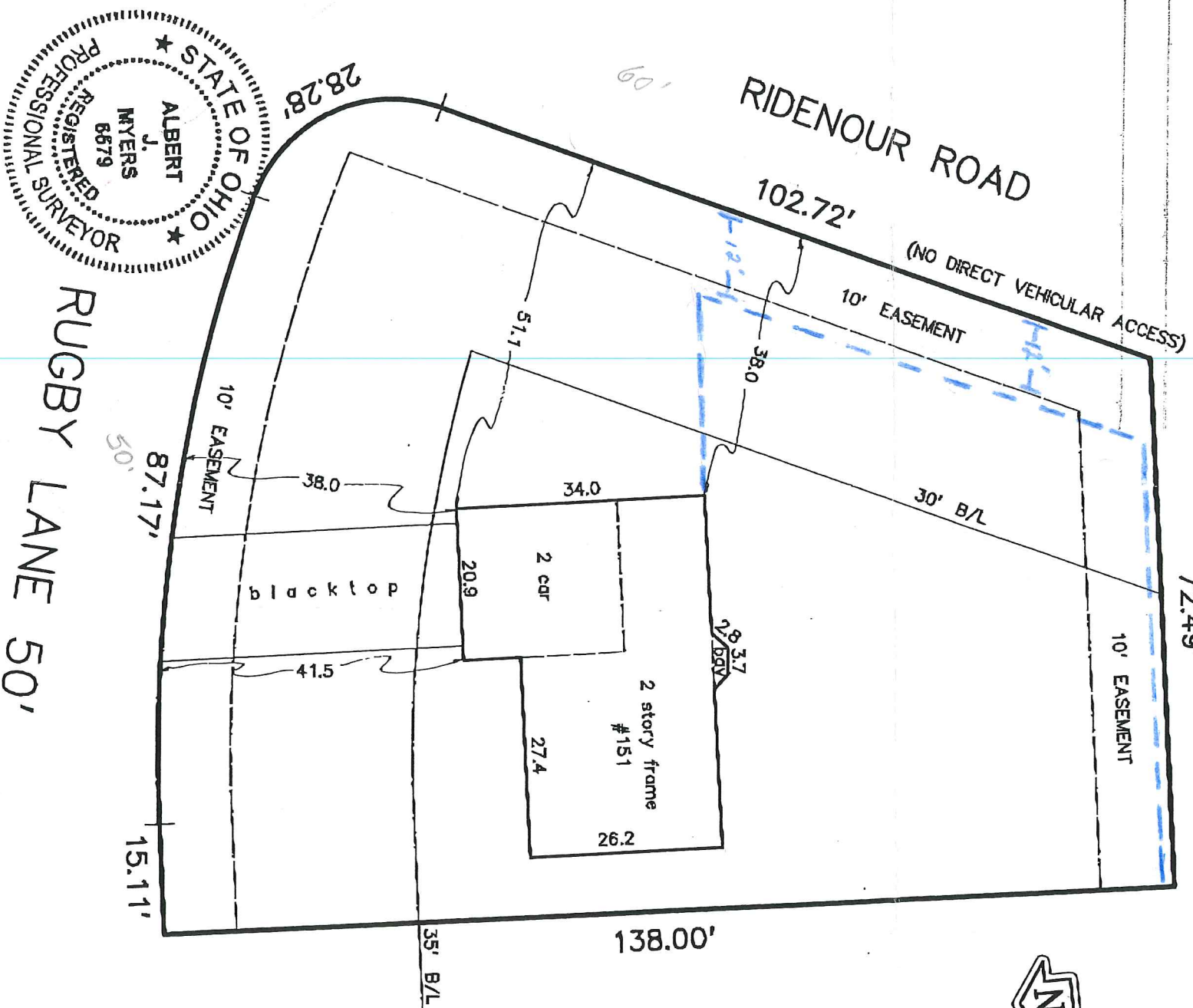
Applicant: Powell 133313

Posted Address: 151 Rugby Lane, Galena, Ohio

Apparent Encroachments: 1) None

I / We have read
of this survey & I
conditions accept

72.49'



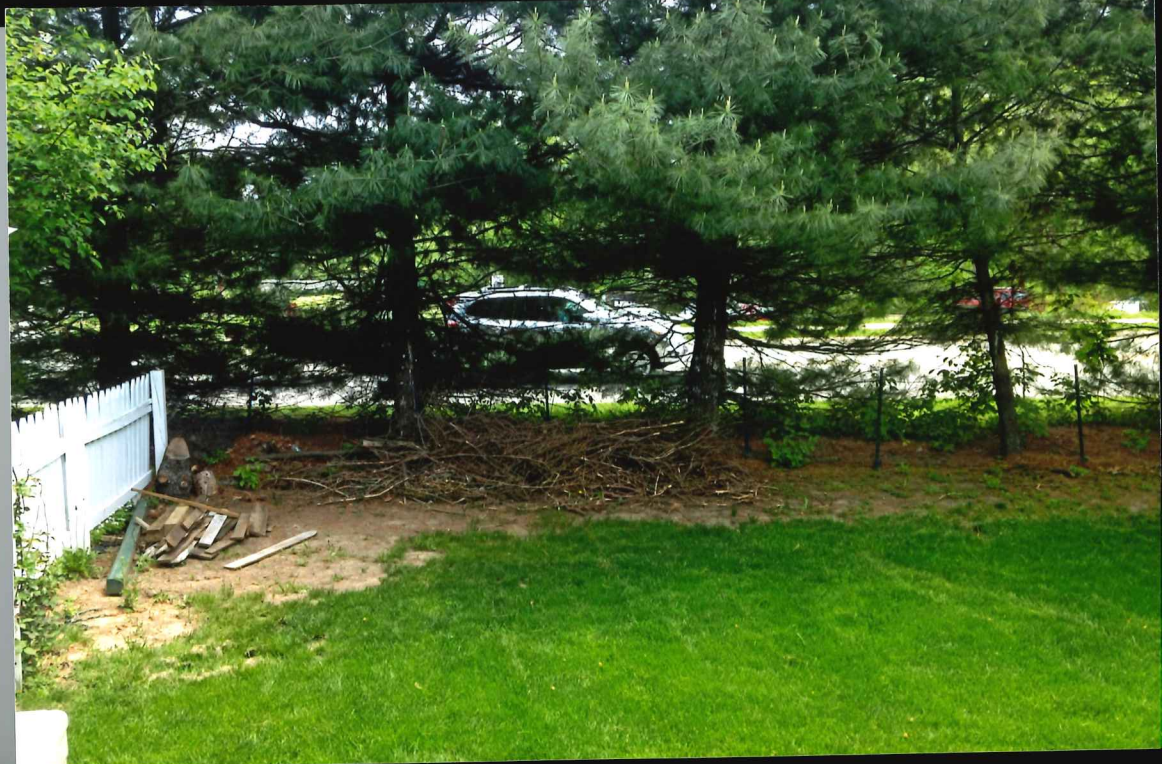
RUGBY LANE 50'

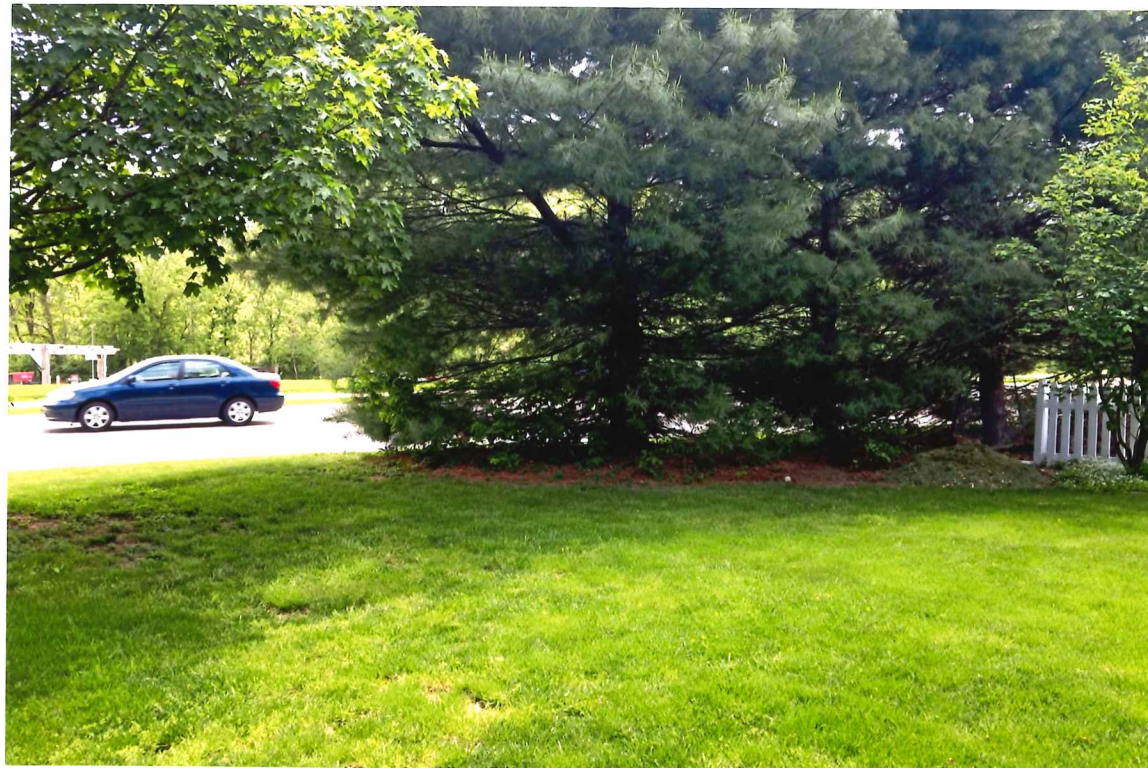
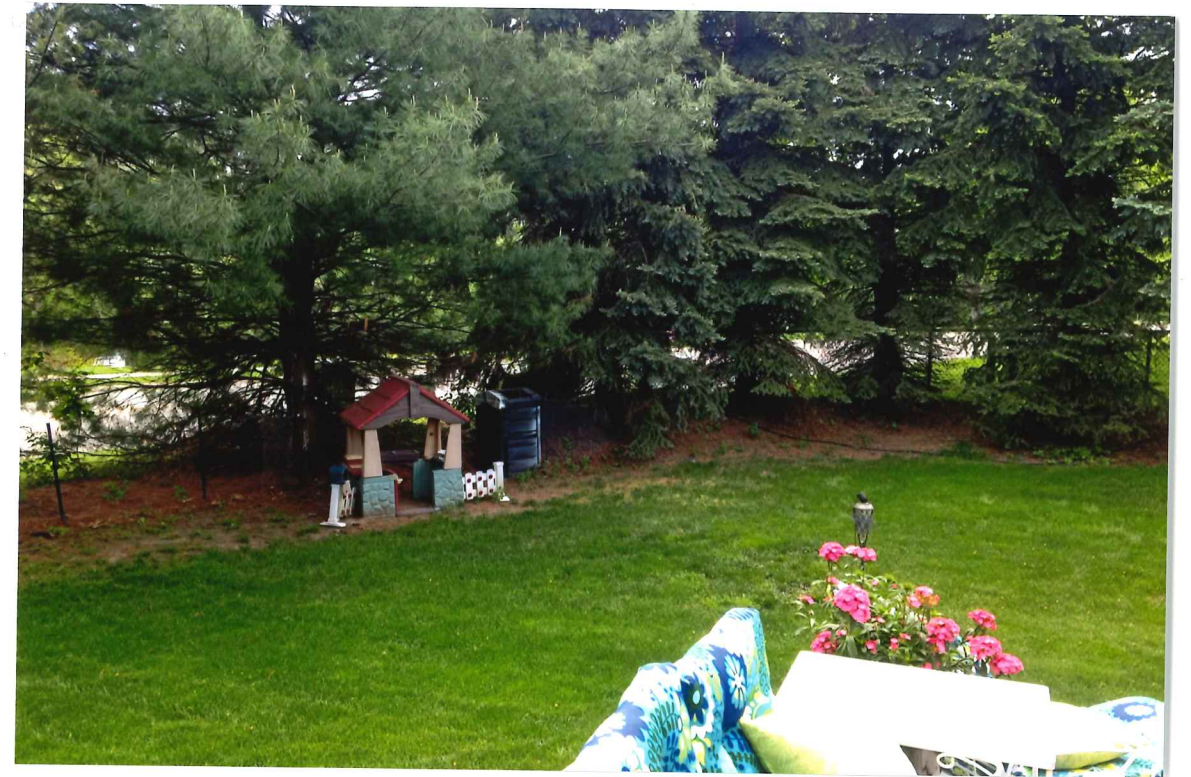
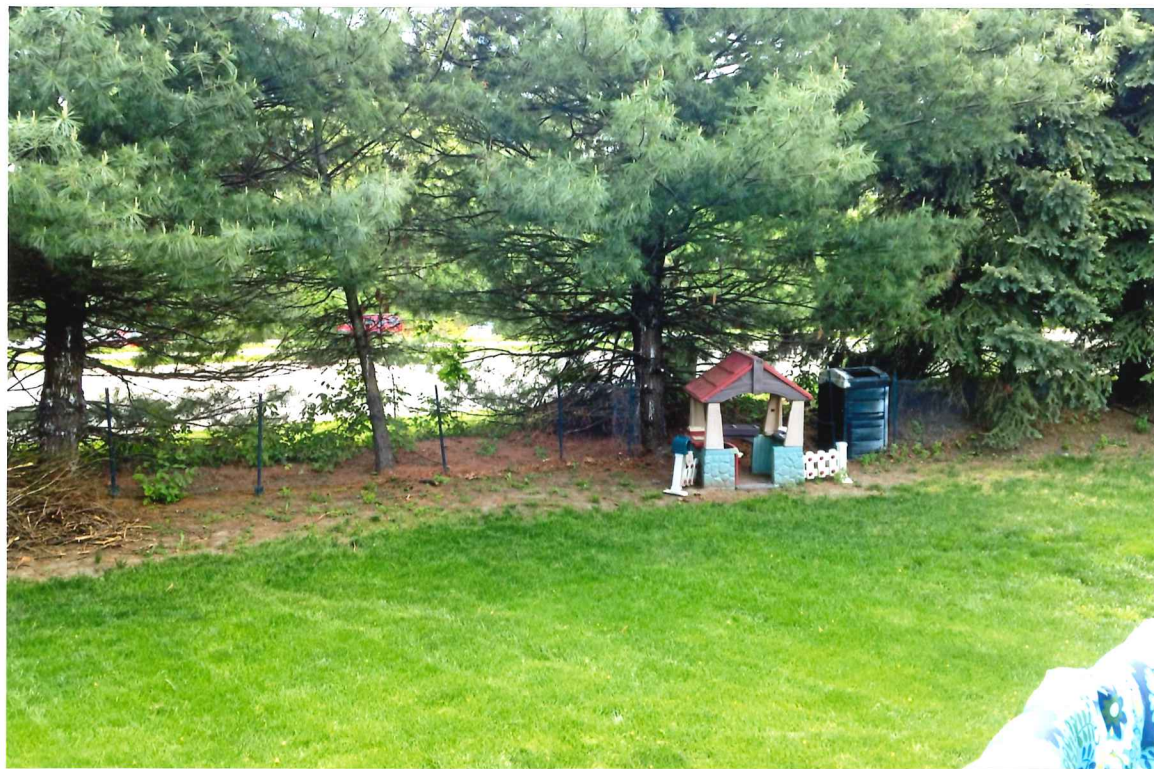
We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

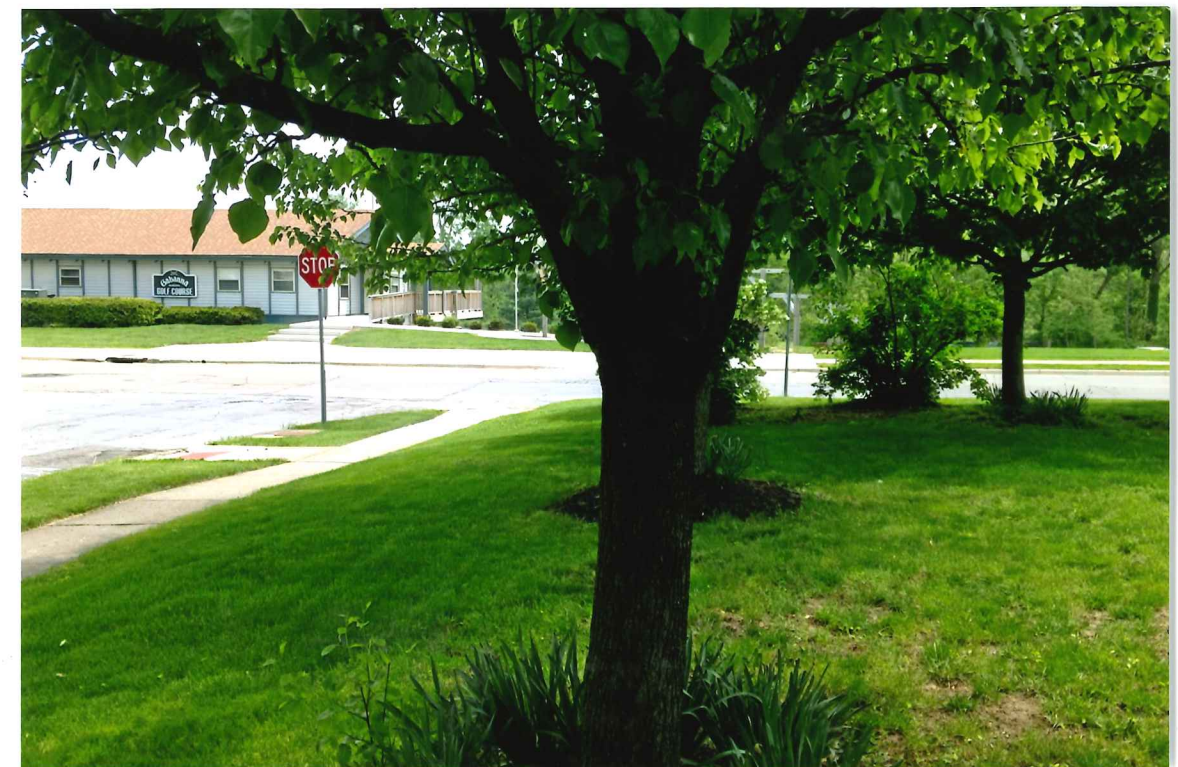
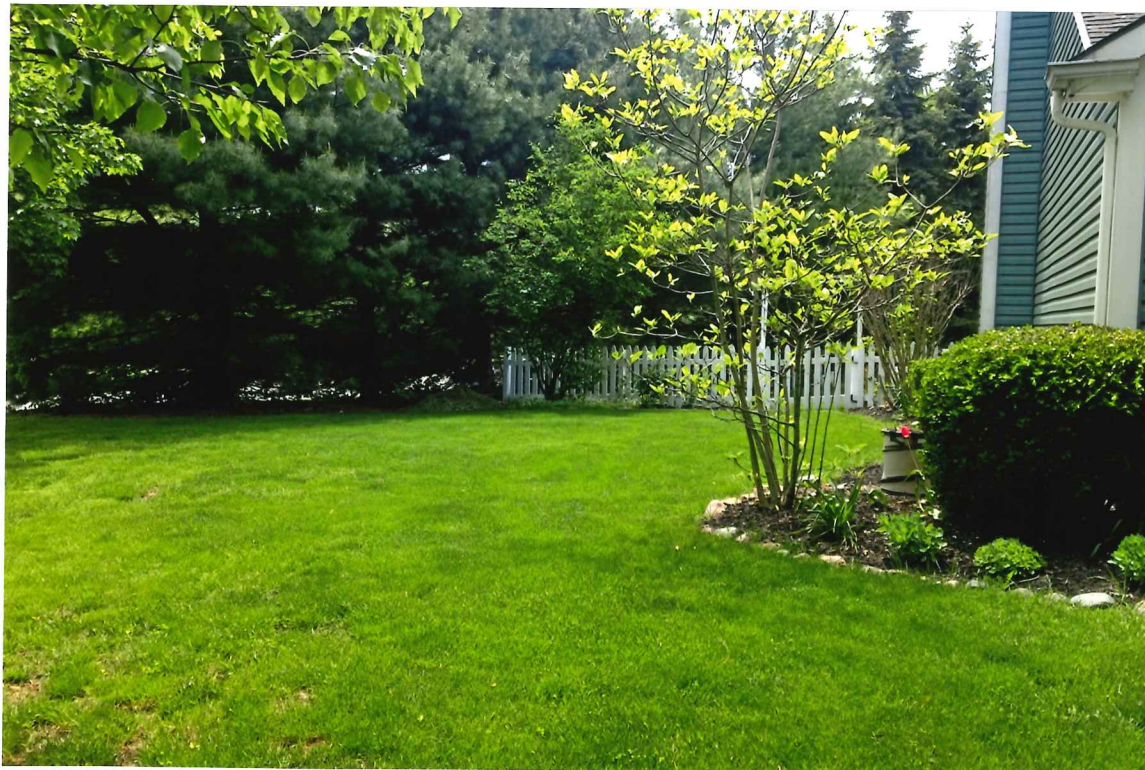
Myers Surveying Co., Inc.
By *Albert J. Myers*
Professional Surveyor

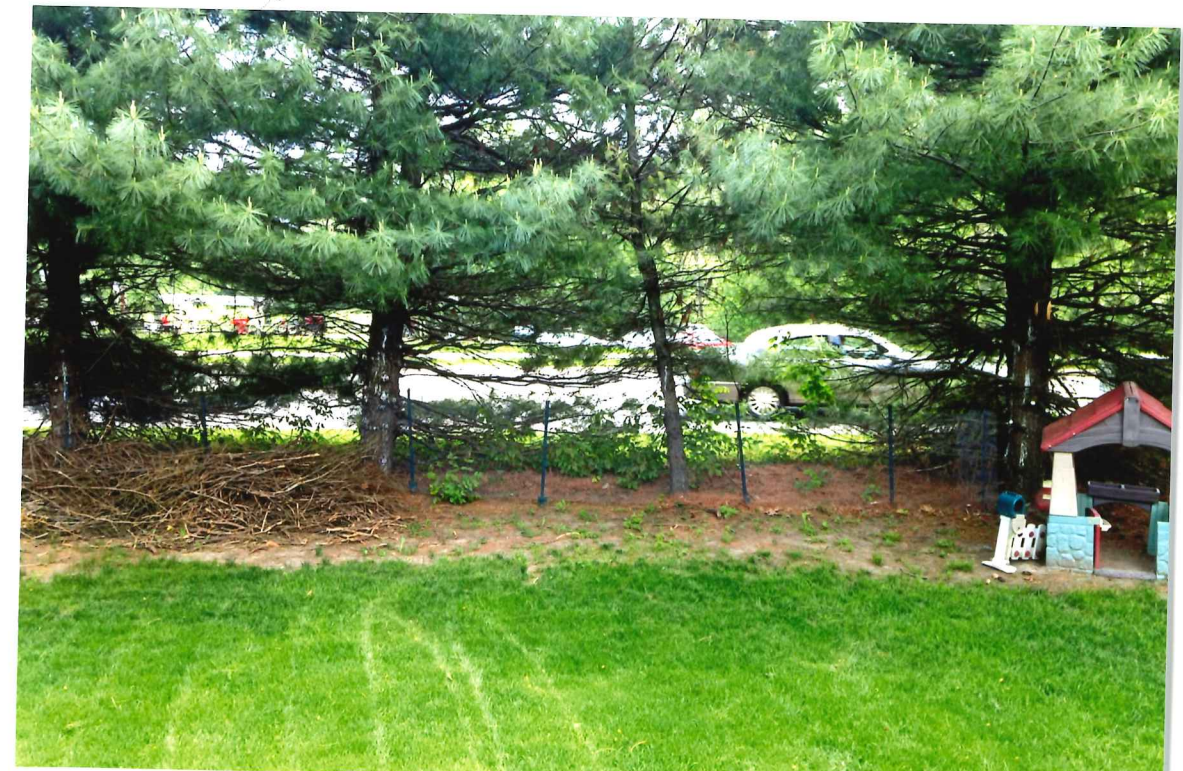
Myers Order No. - 3-08/20/2013
201308203

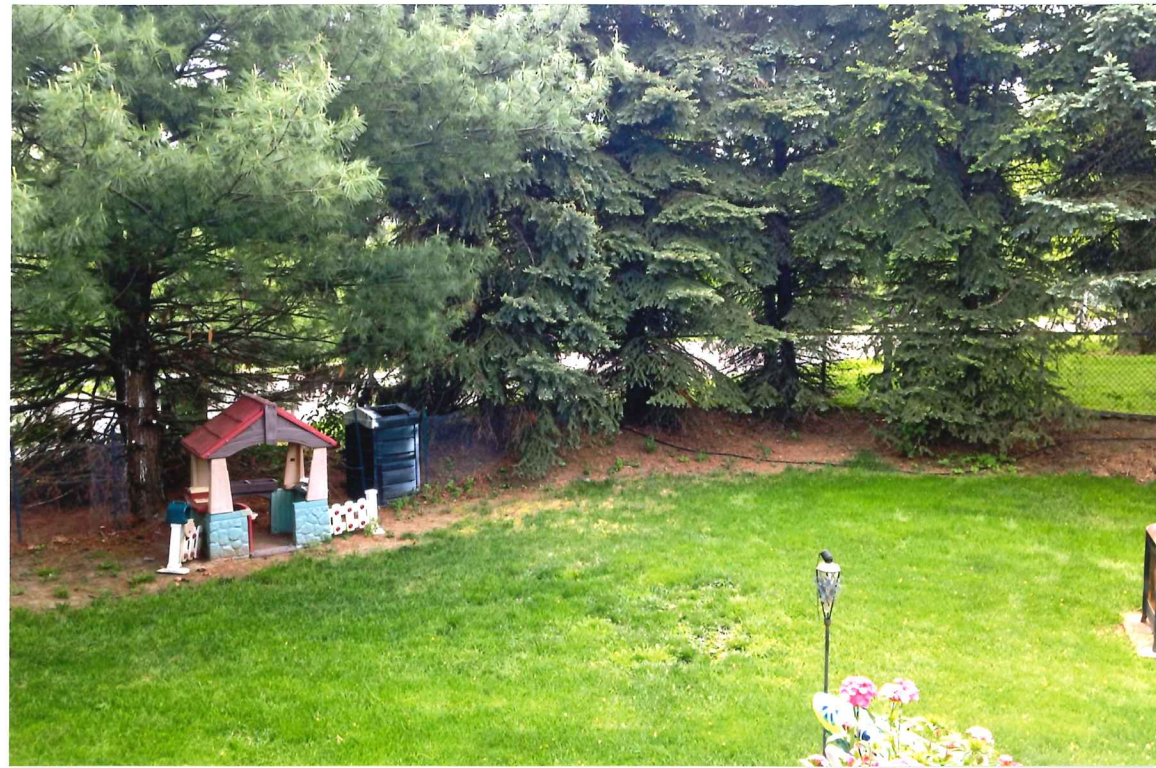
Rec.	Field	DWG	Ltr.	Clc
CA	ASM	DSO	DTG	













CITY OF GAHANNA

STAFF COMMENTS

Project Name: Fence Variance - Powell

Project Address: 151 Rugby Ln

The applicant seeks a variance to allow a 6' privacy fence to be erected within the 30' setback on the east side of the property. The code would allow for a 42", open decorative fence to be erected ½ the distance between the building line and the public right-of-way.

A site visit has confirmed that the sight triangle will not be compromised by the installation of the fence in the proposed location. This is a very busy intersection, and one can certainly appreciate the applicant's safety concerns.

1171.05 VARIANCES AND APPEALS.

(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

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



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CITY OF GAHANNA

(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.

(b) Appeals. Any person affected by any decision of the Planning and Zoning Administrator or the Planning Commission made pursuant to this chapter may file an appeal with the Board of Zoning and Building Appeals.

Respectfully Submitted By:

Planning and Zoning Administrator



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



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STAFF COMMENTS

Project Name: Fence Variance - Powell
Project Address: 151 Rugby Ln

- Objects within easement areas are subject to relocation at the Owner's expense for purposes of operational/maintenance needs for underground utilities.
- Ensure the fencing does not negatively impact adjacent drainage ways.

Respectfully Submitted By:

Matthew Holdren (Deputy Director of Public Service)

