



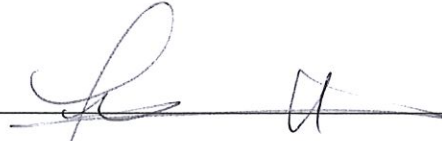
ZONING DIVISION  
 200 S. Hamilton Road  
 Gahanna, Ohio 43230  
 614-342-4025  
 zoning@gahanna.gov  
 www.gahanna.gov

**VARIANCE APPLICATION**

Project/Property Address or Location: 703 Deer Tail Ct, Gahanna, OH		Project Name/Business Name:	
Parcel ID No.(s): 025008830	Zoning Designation: Residential SF-2	Total Acreage: .4	
Description of Variance Requested: Allow small storage shed off side of driveway. No permanent foundation			
STAFF USE ONLY – Code Section(s): 1167.17 (b) Accessory Use Structure			
APPLICANT Name-do <u>not</u> use a business name: Timothy Steele		Applicant Address: 703 Deer Tail Ct, Gahanna, OH 43230	
Applicant E-mail: tim.steele@whostimsteele.com		Applicant Phone No.: (630) 569-1862	
BUSINESS Name (if applicable):			
<b>ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)</b>			
Name(s): Timothy Steele		Contact Information (phone no./email): tim.steele@whostimsteele.com (630)569-1862	
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/Primary Contact Signature:  Date: 8/13/20

INTERNAL USE

Zoning File No. V-2000-2000

RECEIVED   
 DATE: 8/13/20

PAID: 250.00  
 DATE: 8/13/20



# 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.

Timothy Steele  
(applicant/representative/property owner name printed)

[Signature]  
(applicant/representative/property owner signature) 8/13/20  
(date)

Subscribed and sworn to before me on this 13<sup>th</sup> day of August, 2020.

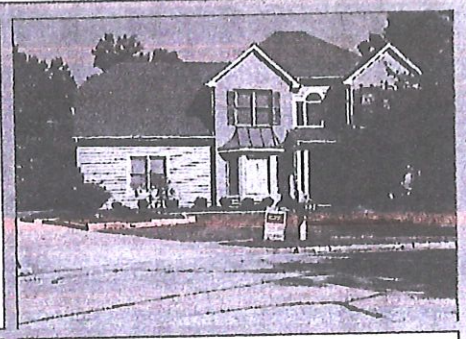
State of Ohio County of Sharpley

Notary Public Signature: Fredena L. Williams





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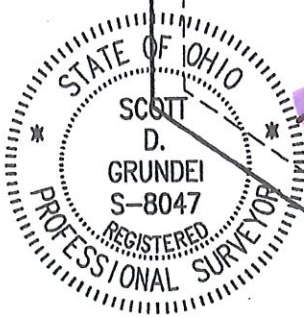
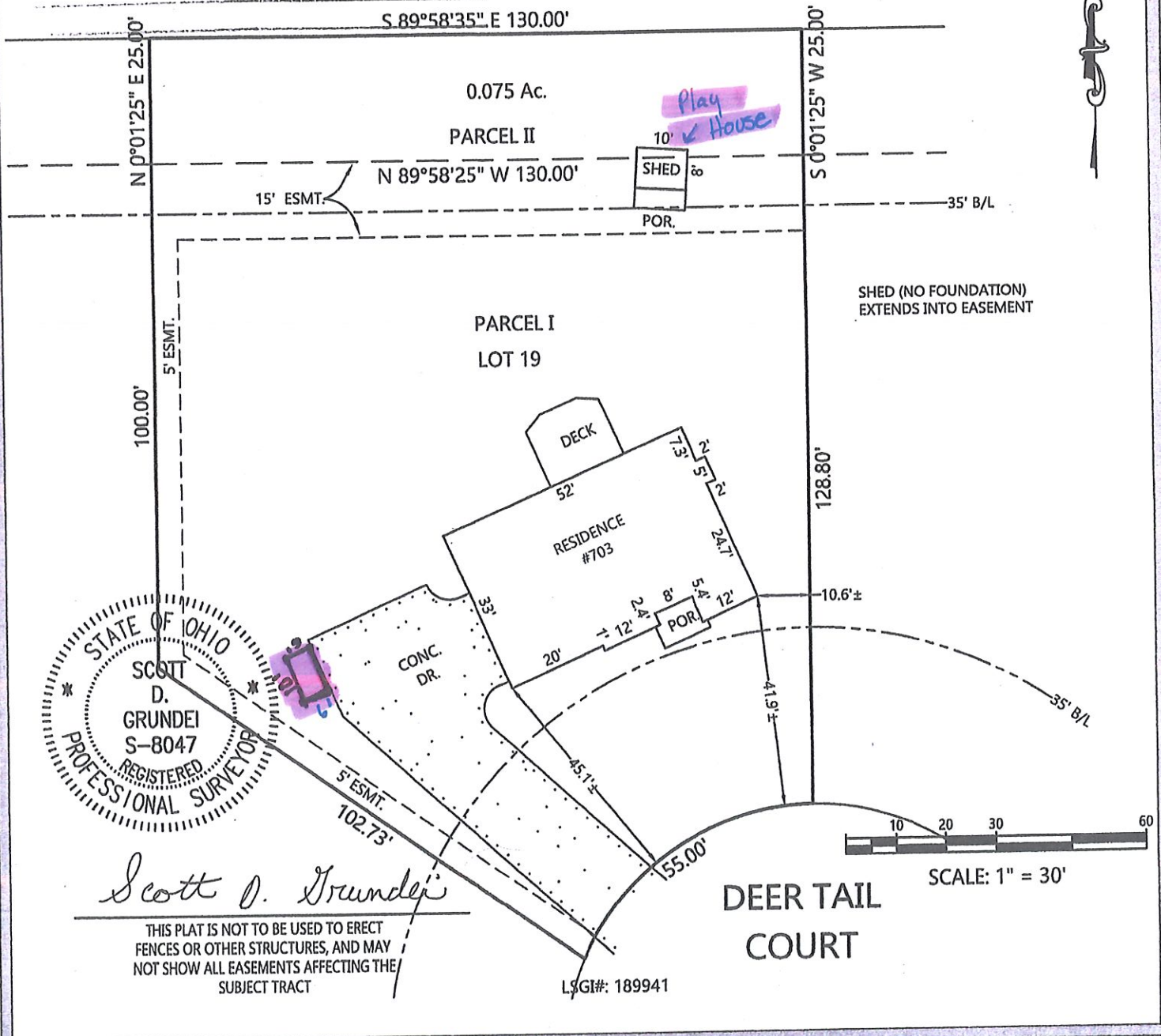


PROPERTY ADDRESS: 703 DEER TAIL COURT GAHANNA, OHIO 43230

SURVEY NUMBER: 189941

**COMMISSION DRIVE**

I acknowledge receipt of this survey and  
 accept the property in its condition as shown.



*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#: 189941

**DEER TAIL  
 COURT**

SCALE: 1" = 30'

POINTS OF INTEREST: SHED (NO FOUNDATION) EXTENDS INTO EASEMENT.

CLIENT NUMBER: 11-3238

DATE: 10/10/2016

THIS MORTGAGE LOAN IDENTIFICATION SURVEY IS NOT TO BE USED  
 FOR THE INSTALLATION OR BUILDING OF FENCES, SHEDS, GARAGES,  
 DRIVEWAYS OR ANY OTHER STRUCTURE TO DETERMINE EXACT

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August 13, 2020

Timothy Steele  
703 Deer Tail Ct.  
Gahanna, OH 43230  
(630) 569-1862

**Statement of Reason RE: 20-0641-NP**

I am asking for a variance for a small, six feet-by-ten feet, non-permanent storage building to be placed on the side of my driveway instead of being placed behind my main residence.

With two Sport Utility Vehicles (SUVs) and the size of the garage, we are unable to fit both cars in the garage and the tools necessary to maintain the property (i.e., lawnmower, snowblower) and larger toys used by our daughter. Without additional storage, we would have to choose between storing our cars outside of our garage or storing items outside of the garage. This impacts the ability to preserve and enjoy the property. Storing the vehicles, tools, or toys permanently unprotected outside the garage exposes them to the outside elements and creates risk for theft, damage, and financial impact.

The back parcel of land (PARCEL II) exists upon a hill. During wet periods, water and run-off from PARCEL II drains down the hill, across the rear of the property and around the sides of the house. Water draining the property at the southwest of the property is also combined with the water and run-off for 272 Crossing Creek N. and 278 Crossing Creek N. Water draining at the east of the property is also combined with the water and run-off for 704 Deer Tail Ct. During high water and run-off periods, the high volume of water attempting to drain the property is backed up and creates a "soggy" yard for PARCEL I, so much so that we are unable to mow the backyard until it has dried out or our push lawn mower creates ruts in the yard. This land would be unable to support any structure without sinking. Attempting to place the storage structure along the back of the driveway risks interfering with existing drainage that is already insufficient. This creates a special set of circumstances and conditions that requires a variance.

If the structure was placed upon PARCEL II, this would create difficulty in accessing the items that require storing. During periods of heavy snow when my snowblower would need to be accessible, it would be difficult to retrieve and store it through these snow conditions at the back of my property at the top of the hill. Large toys, such as a power-wheel or a wagon, will be difficult for my daughter and/or wife to retrieve and store if the structure is placed in PARCEL II at the back of the property. Furthermore, if the yard is wet or soggy, it would be difficult to retrieve any heavy items from the shed without damaging the yard. Having these items readily available from the driveway is necessary for the preservation and enjoyment of my property.

The shed is built on top of ground-contact rated 4x4's, which rest on top of leveled cinder blocks to maintain structural integrity. It uses t1-11 paneling and 20-year shingles. It does not pose a health or safety risk.

August 13, 2020

Timothy Steele  
703 Deer Tail Ct.  
Gahanna, OH 43230  
(630) 569-1862

**Contiguous Properties RE: 20-0641-NP**

Jonathan Sadler & David Daulton  
704 Deer Tail Ct.  
Columbus, OH 43230

Geoffrey & Barbara Stern  
278 N. Crossing Creek  
Columbus, OH 43230

Darin & Kimberly Block  
272 N. Crossing Creek  
Columbus, OH 43230



Notice of Violation

Date: August 10, 2020
Filing: 20-0641-NP

Timothy Kristin Steele
703 Deer Tail Ct
Columbus, OH 43230

Property in Violation: 703 Deer Tail Ct

Dear Timothy Kristin Steele:

The Zoning Division has been made aware of a situation at 703 Deer Tail Ct, Gahanna, Ohio, Parcel #025008830, that requires your immediate attention. An inspection on 8/10/2020, showed you are responsible for the following code violation(s):

Table with 3 columns: Code Section, Nature of the Violation, Comply By. Row 1: OHGA 1301.04, No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto. 8/14/2020. Staff Notes: New structure added alongside driveway without zoning compliance or a permit.

We request that you correct the aforementioned violation(s).

We will review this situation again on or after August 14, 2020 to assure compliance.

Zoning requirements are enacted for the promotion of public health, safety and general welfare of citizens of our community. Compliance with these regulations ensures the rights of all citizens are protected.

If you have any questions, feel free to contact the Zoning Office between the hours of 8:00am and 5:00pm, Monday through Friday at (614)342-4025. Your prompt attention to this matter will be appreciated.

Sincerely,

Kyle Whalen
Kyle Whalen Code Enforcement Officer



September 14, 2020

Timothy Steele  
703 Deer Tail Ct  
Columbus, OH 43230

RE: Project 703 Deer Tail Ct Shed Variance

Dear Timothy Steele:

The following comments were generated from the review of the submitted plans and documents for the referenced project. For the next submittal, please provide a disposition of comments, revised plans, and/or other information as requested for further review. The disposition of comments needs to include both the original comment and the appropriate response. If desired, these comments can be emailed. Re-submitted plans that do not include the disposition of comments document will not be reviewed and will be returned to you.

### **Building**

1. No comments.

### **Fire District**

2. The fire division has no objection to the Shed Variance. Variances are not referenced in the 2017 Ohio Fire Code.

### **Parks**

3. No Comment Per Julie Prederi

### **Engineering**

4. No comments.

### **Community Development**

5. Providing photos of the structure, the backyard, and any other relevant information may be helpful in illustrating the compatibility of the shed and the difficulty of placing it elsewhere on the lot.
6. Informational Comment - Setback variances are required to demonstrate that there exists a unique set of conditions that prevents strict adherence with the code. The applicant has provided a very detailed statement which states these conditions, however, staff does not see a hardship. Instead it is staff's opinion that the request is for convenience purposes. It appears staff will not be able to support the variance request. Please be aware staff cannot approve or deny the request, staff only recommends.
7. Chapter 1141.08(c) requires structures to be setback a minimum of 10' from the side property line. Please revise the site plan to demonstrate compliance with this requirement. The application may be modified to include a variance from this requirement if the shed is less than 10' from the property line.

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

Sincerely,  
Kelly Wicker  
Administrative Assistant

September 21, 2020

Timothy Steele  
703 Deer Tail Ct.  
Gahanna, OH 43230  
(630) 569-1862

### **Disposition of Comments RE: 20-0641-NP 703 Deer Tail Ct Shed Variance**

This is the disposition of comments received on 703 Deer Tail Ct Shed Variance.

#### **Issue 5**

**Original Comment:** *Providing photos of the structure, the backyard, and any other relevant information may be helpful in illustrating the compatibility of the shed and the difficulty of placing it elsewhere on the lot.*

Photos have been submitted along with this disposition of comments.

#### **Issue 6**

**Original Comment:** *Informational Comment - Setback variances are required to demonstrate that there exists a unique set of conditions that prevents strict adherence with the code. The applicant has provided a very detailed statement which states these conditions, however, staff does not see a hardship. Instead it is staff's opinion that the request is for convenience purposes. It appears staff will not be able to support the variance request. Please be aware staff cannot approve or deny the request, staff only recommends.*

Additional clarification to outline a unique set conditions and hardship that requires a variance from the code:

#### ***Clarification 1:***

PARCEL II has a fence bisecting the lot. The land on the North side of the fence abutting Commission Drive contains mature trees and overgrowth that help block the noise from Commission Drive, the noise from Johnstown Road, and provides privacy from neighbors on the other side of Commission Drive. The land on the South side of the fence is part of the yard. PARCEL II's land inside the fence is mostly easement, with a five foot property line easement and a 10 foot utility easement. This leaves a stretch of land that is a little over seven feet wide that is not easement. This is not enough space to build a six foot deep shed, and provide room between the shed and the fence to perform maintenance (ex. painting the shed, caulking the shed, staining the fence). In order to build a six foot by nine foot shed on PARCEL II, it would need to be built on top of a utility easement which would require a variance and place the future of the structure at risk if work was ever required on utilities in the easement.

The PLAYHOUSE structure on PARCEL II was placed there by the previous home owners. Upon purchase, we signed paperwork acknowledging the structure was built on top of a utility easement, and understand that if work is required the house will need to be removed from the easement.



September 21, 2020

### **Clarification 2:**

Commission Drive sits higher above ground than PARCEL I and the house at 703 Deer Tail Ct. Because of the topographical elevation difference, PARCEL II slants downwards towards PARCEL I. The slant starts out gradual, but just past the Northern 5' property easement of PARCEL I, there is a 2.5' to 3' drop over a 6 foot span. If a shed was built on PARCEL II, it would be difficult to use beyond just inconvenience. This sudden decline in elevation makes it difficult to move equipment, tools, or machinery up and down the steep slope. This slope is dangerous for a small child trying to pull out a wagon, power wheel, or a bike that is stored in the shed. In inclement weather, such as heavier snow, it makes it near impossible to retrieve and store a snow blower necessary to clear a driveway and a sidewalk.

Although a pre-existing structure sits on PARCEL II, it serves a separate purpose. The existing structure is a playhouse, and does not store equipment or large toys. The new structure is a shed, whose sole purpose is to store equipment and large toys. This becomes difficult, dangerous, and in some cases near impossible with the existing topography.

### **Clarification 3**

As outlined in *Clarification 2*, Commission Drive sits above PARCEL I and the house at 703 Deer Tail Ct, and PARCEL II slopes into PARCEL I. During heavy rainfall or melt off, the water from PARCEL II drains into PARCEL I. PARCEL I then drains out of the Southwest corner of the lot, along with the water draining from the yards of 278 Crossing Creek N and water draining from 272 Crossing Creek N. The amount of water exiting three properties combined with PARCEL I's "bowl-like" topography creates an extremely wet and soggy yard incapable of supporting weight and structures. The drainage issues in the yard have led the home owner to make the following improvements:

- Install a 40' pebble drain along the East of the yard to attempt to redirect some water to drain from the Southeast corner of the property.
- Install a 30' French pebble drain along the Southwest of the property, connecting drain pipes to pipe leading to a hole bored in the curb, to help speed up the drainage of water from the 3 properties.
- Installing two raingardens that act as two large swales, with 2 River Birch trees, and 2 Cypress trees to help issues with standing water.

Even with these improvements, PARCEL I is still soggy. Walking across PARCEL I, you can feel the ruts from my push lawn mower when I had to mow during times with above average rainfall. As an example, on September 15<sup>th</sup> the lawn was still saturated from the previous rainfall on September 12<sup>th</sup>, which was 3 days prior.

PARCEL I being unable to support the weight of a push lawn mower during normal seasonal rain, makes it unsuitable to support the weight of a structure like a shed. The wet and soggy nature of PARCEL I would cause a shed to sink.

September 21, 2020

**Issue 7**

**Original Comment:** *Chapter 1141.08(c) requires structures to be setback a minimum of 10' from the side property line. Please revise the site plan to demonstrate compliance with this requirement. The application may be modified to include a variance from this requirement if the shed is less than 10' from the property line.*

The shed is eleven feet and five inches (11' 5") from the property line. This meets the requirement in Chapter 1141.08(c). I have revised the site plan to show that it meets the 10' requirement of the side property line. I have also made additional marks on the revised plan:

- Showing there is a fence bisecting PARCEL II.
- Correcting the existing SHED is a PLAYHOUSE.
- Showing there is 7' of clearance between the PLAYHOUSE and the FENCE.

September 21, 2020

**IMAGES**

***Image 1***



Showing the steep slope between PARCEL II and PARCEL I. You can also see that the existing structure on the site plan is a playhouse, not a shed. Also, the top of this slope extending back towards the fence is 15' of easement.

September 21, 2020

**Image 2**



Showing the slope from PARCEL II to PARCEL I in the other direction.

September 21, 2020

Image 3



Show large toys inside shed that would be dangerous and difficult for a small child to retrieve from shed, down the slope, through a wet and soggy yard, and to the driveway.

September 21, 2020

Image 4



Showing equipment and machinery. It is important to have easy access to snow blower during inclement weather.

September 21, 2020

Image 5



Back of the shed. Showing portable wood shed behind the shed. Also, second rain garden swale for help with draining and standing water from. This corner is where water draining from all three properties combines, and then drains out towards the court. The shed is built on top of an elevation with large builders to help form the swale.

September 21, 2020

**Image 6**



Front and side of shed. It is 6' x 9', and sits in the corner of the driveway. It is elevated from the swale and drainage behind it so it does not interfere with any drainage, and the ground underneath does not get soggy. It is placed on treated 4x4 skids resting across cinder blocks. You can also see the rut where all three yards water drains out towards the court.



September 21, 2020

Image 7



Shows the slope from PARCEL II to PARCEL I. Can also see the slope from the east side of the yard. There is a slope on North, East, and West side of the back yard, which leads to the “bowl-like” topography that captures so much water. It also makes it so I cannot add any structures along the East side of the property, as you can see from this picture there is a large slope along there as well. If you look at the site plan, you can see that essentially the top of the slope on the northern part of the property going 15’ back is easement. You can also see that the existing structure on the site plan is a play house, and not a shed.

September 21, 2020

**Image 8**



This is the second swale rain garden. It is on the other side of the fence from the other rain garden. This is the corner where all the water exits out of my yard. This area never dried out and had standing water so it become difficult to almost impossible to mow and maintain. The standing water also hurt water trying to drain from the rest of the yard. The swale has helped standing water in the rest of the PARCEL I, but it is still too soggy to support structures.

September 21, 2020

**Image 9**



Here you can see more slopes into PARCEL I, creating the “bowl-like” topography. This is the slope into the yard on the West side. Almost the entire yard, PARCEL I and PARCEL II, drains through this corner of the back yard.

September 21, 2020

**Image 10**



Close up of the lawn – taken on September 15<sup>th</sup>. We had rain September 12<sup>th</sup>. 3 days later, the lawn is still wet and soggy.

September 21, 2020

**Image 11**



This is an old image before the shed, or rain garden swale was built. This is the French pebble drain I installed to help drain the water. The drain at the end goes under the sidewalk and drains out to the street through a hole bored in the curb. You can see even with the pebbles, drain pipes, and hole through the curb to the street, there is still water backing up trying to drain from all three yards. This back up of water backs up the water trying to drain from my yard, which is what keeps my back yard wet and soggy.

September 21, 2020

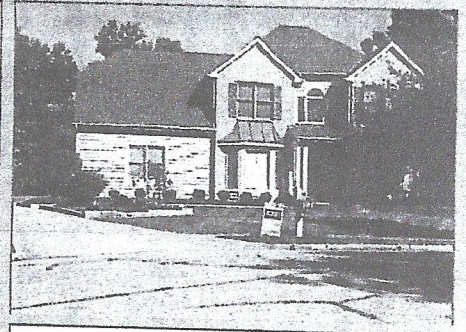
**Image 12**



This is a picture from when I connected the drain from the previous picture to a pipe that drains through the curb into the street. Even with 3" pipe draining out to the curb, water still backs up. I know I included a lot of drainage pictures, but I am hoping you see how severe the problem is.



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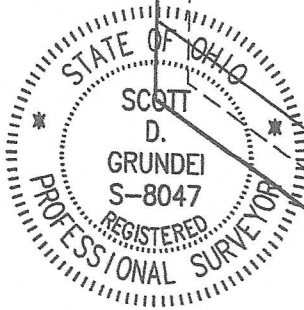
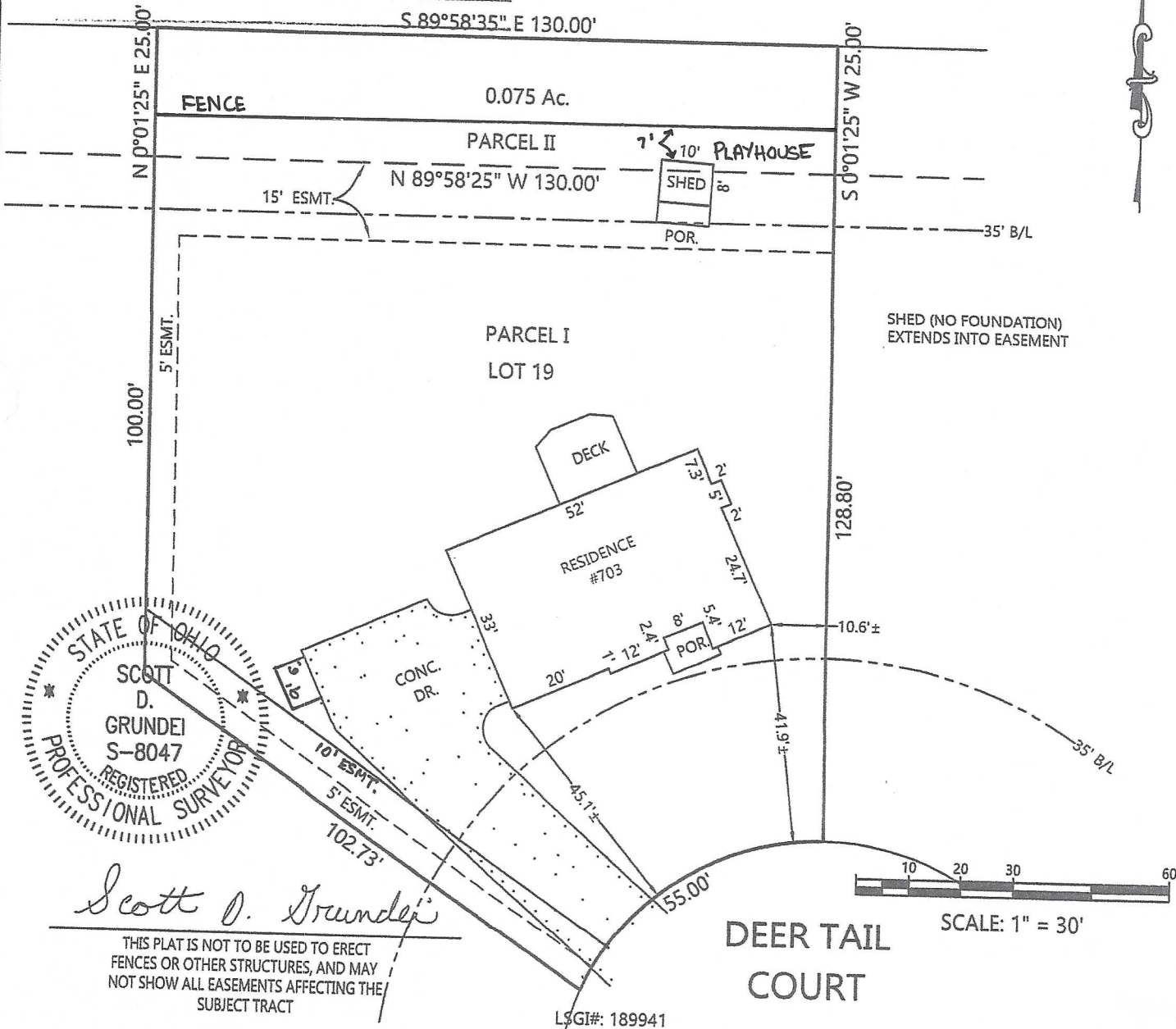
PROPERTY ADDRESS: 703 DEER TAIL COURT GAHANNA, OHIO 43230

SURVEY NUMBER: 189941

**COMMISSION DRIVE**

I acknowledge receipt of this survey and accept the property in its condition as shown.

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*Scott D. Grunel*

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

POINTS OF INTEREST: SHED (NO FOUNDATION) EXTENDS INTO EASEMENT.

CLIENT NUMBER: 11-3238

DATE: 10/10/2016

THIS MORTGAGE LOAN IDENTIFICATION SURVEY IS NOT TO BE USED FOR THE INSTALLATION OR BUILDING OF FENCES, SHEDS, GARAGES,



October 1, 2020

Timothy Kristin Steele  
703 Deer Tail Ct  
Columbus, OH 43230

RE: Project 703 Deer Tail Ct Variance Comment Letter

Dear Timothy Kristin Steele:

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

**Building**

1. No comments.

**Fire District**

2. The fire division has no objection to the Shed Variance. Variances are not referenced in the 2017 Ohio Fire Code.

**Parks**

3. No Comment Per Julie Prederi

**Engineering**

4. No comments.

**Community Development**

5. Informational Comment - Setback variances are required to demonstrate that there exists a unique set of conditions that prevents strict adherence with the code. The applicant has provided a very detailed statement which states these conditions, however, staff does not see a hardship. Instead it is staff's opinion that the request is for convenience purposes. It appears staff will not be able to support the variance request. Please be aware staff cannot approve or deny the request, staff only recommends.

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

Sincerely,

Kelly Wicker  
Administrative Assistant

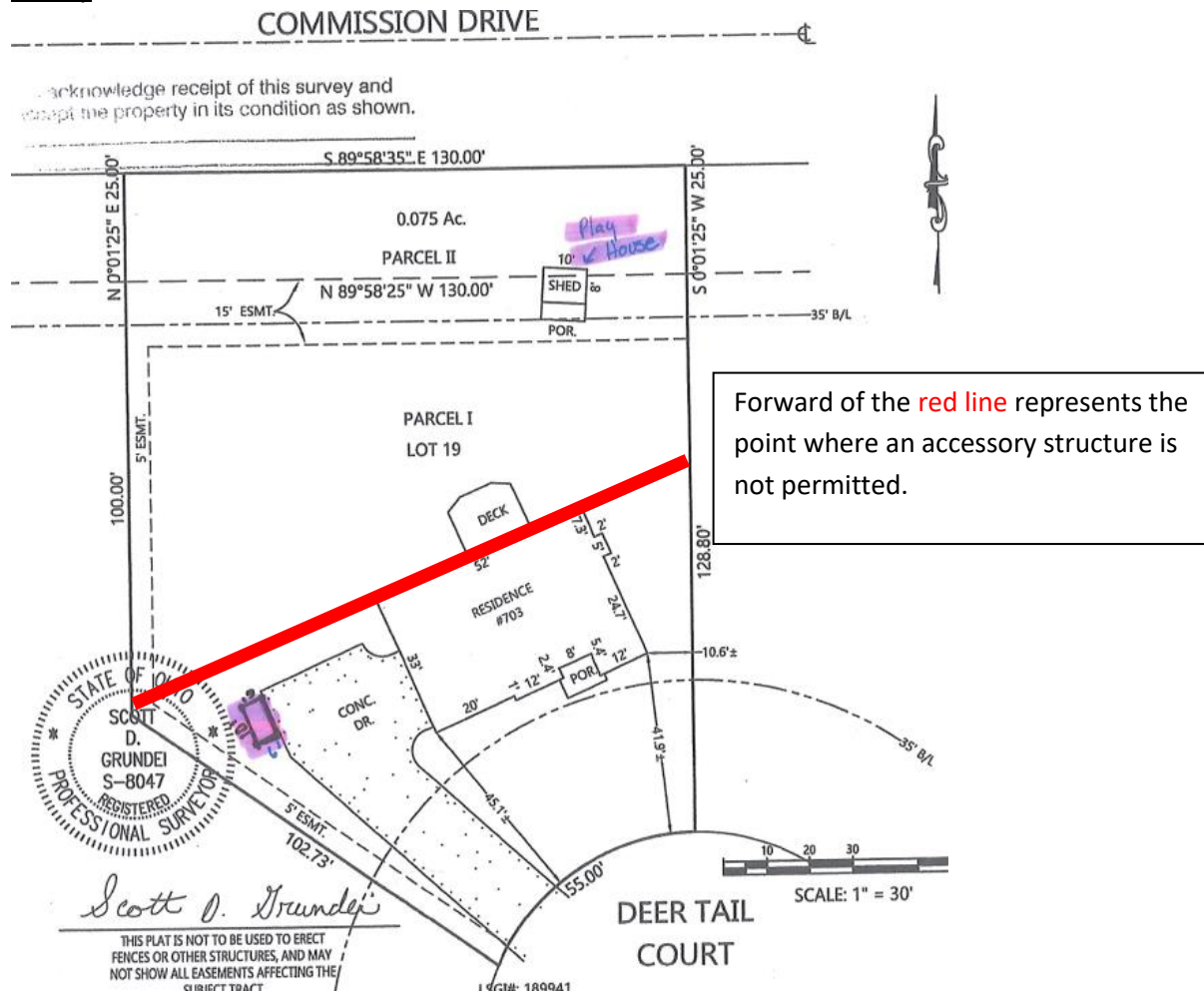


## PLANNING STAFF REPORT

### Summary

The applicant is requesting a variance to permit a shed in the side yard for the home located at 703 Deer Tail Ct. The property is zoned single family (SF-2). Accessory structures such as sheds are required to be placed to the rear of the dwelling. The applicant requests to have the shed in the side yard due to topography and drainage.

### Survey



### Variance

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply:

- There are special circumstances or conditions applying to the land, building or use referred to in the application.
- The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially

detrimental to the public welfare or injurious to property or improvements in such neighborhood.

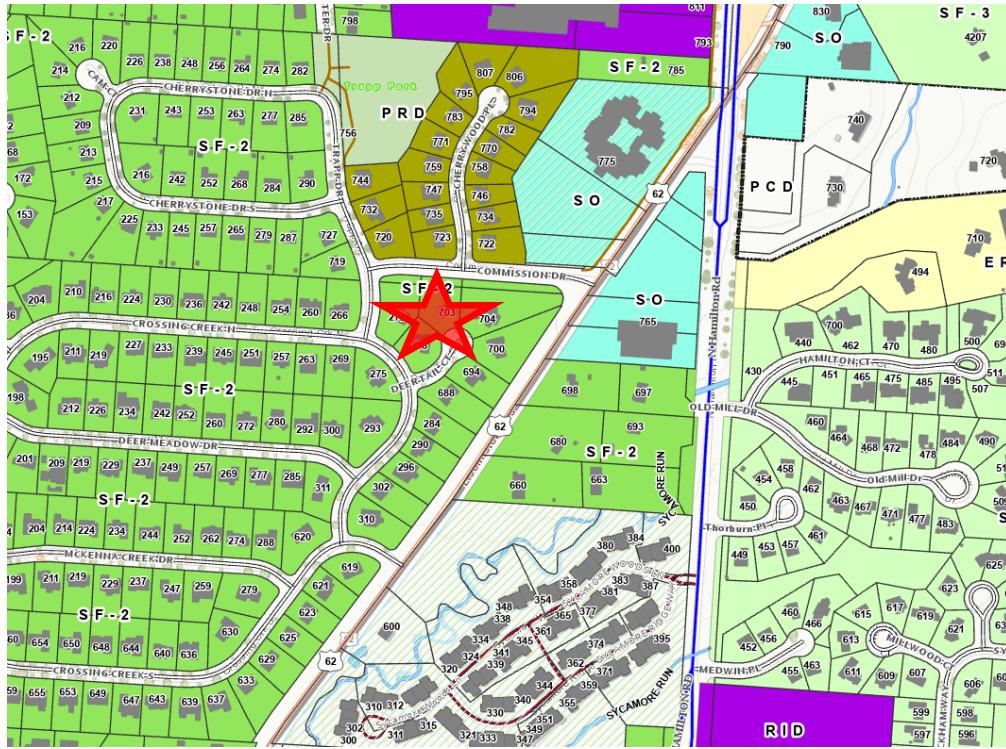
Recommendation

The applicant has provided information to support the variance request. Challenges with locating the shed behind the home, as required by the zoning code, include slope/topography of the property and drainage.

Image of Shed from Road



Location/Zoning Map



Respectfully Submitted By:  
Michael Blackford, AICP  
City Planner/Zoning Administrator