



VARIANCE

APPLICATION SUMMARY



File Number	V-24-23
Property Address	374 MUSKINGUM GAHANNA, OH 43230
Parcel ID	025-001741
Zoning District	R-3 - Small Lot Residential
Project/Business Name	Muskingum Dr Fence
Applicant	Kate McEachern katemceachern12@gmail.com
Description of Variance Request	We are wanting to install a privacy fence to get full use of our yard. The fence is six feet in height. The fence starts on the side/ front yard since this is a corner lot. We are starting the fence after the front window on the side of the house. We also kept is a distance away from the tree to keep visibility clear for oncoming traffic better. The fence is around 9 feet from the sidewalk and a little over 3 feet from the neighbors lot. We kept it a good distance from the sidewalk, with plenty of grass space between the sidewalk and the fence. The fence is 112 feet in length. Our backyard is a very narrow lot and that's why we expanded to the side of the house to get full use of the yard and more space for our dog to roam.
Requested Variances	
Code Section Code Title	Code Description
1109.05(e)(1)(A) Fences Location	A.No fence shall extend beyond the front elevation of the principal structure.
1109.05(e)(1)(B) Fences Location	B.Privacy and/or chain link fences shall be prohibited in front yards.

Kate McEachern and Brenna Murphy

374 Muskingum Dr.

Gahanna, OH 43230

Timothy Walker and Petria Clarke

364 Muskingum Dr

Gahanna, Oh 43203

Lori Luma

364 Bowling Green Place

Gahanna, OH 43203

Variance Statement for 374 Muskingum Dr

First and foremost, we would like to apologize for installing the fence without getting a permit or looking into the regulations. We are first time home buyers and were not made aware of needing a permit for installing a fence.

1. We truly believed we were starting our fence from the side of our property. We assumed after seeing many other neighbors in the neighborhood and other corner lots around the city that it would be okay to bring it up to the point we did (pictures of various corner lots, around the city of Gahanna, have been uploaded), since we did not know it was considered a front yard. We have a bigger dog and we wanted to install a fence for him to be able to use the property and for us to have some privacy on our property. Our neighbor also asked us to put a fence in since they are scared of bigger dogs. We spoke with the neighbor, and we moved our fence off the property line to please everyone with it. We even purposely kept it quite a distance away from the sidewalk. And as shown in the photos, it can be seen that the fence does not block the roadway and stop sign at the intersection.
2. For the preservation and enjoyment of the property for this variance is for us to be able to use our full property and for our dog to enjoy his yard. It also keeps our dog fully in the yard at all times. A lot of people and cars drive by our property, and we wanted some privacy in our backyard and our dog to have a safe space to be let out at. Our backyard also looks directly into the neighbors and with the fence it feels a lot more private and secure. We also put a lot of hard work and money into the project, as we put the fence in all ourselves.
3. This fence is in our backyard and front/side yard. Its main purpose is to keep our dog safely inside our property and for us to have privacy on our property. The fence does not block any roadways or views for people driving, as shown in the photos. We don't believe this fence will affect the health of anything or anyone surrounding it. It does safely keep our dog inside the property at all times.

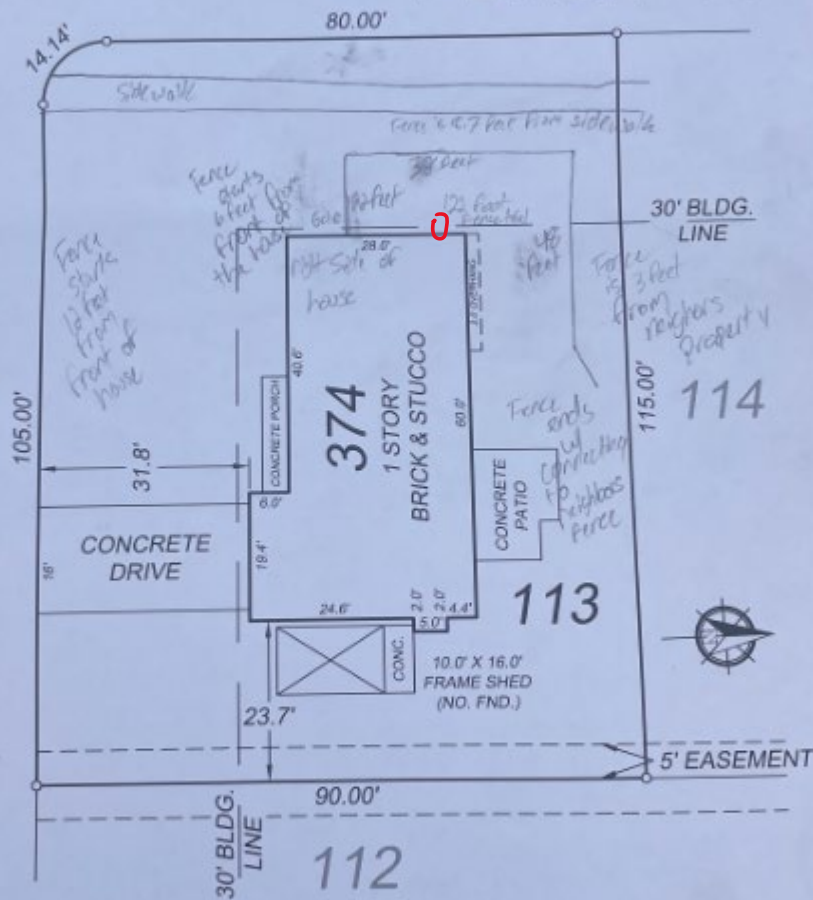
Site Plan

Sanitary cleanout is red circle.

PHONE: 614-507-1100
JOB NUMBER #: 2413-2024 S DATE OF DRAWING 5-16-24
CERTIFIED TO GREAT AMERICAN TITLE AGENCY, LLC
LENDER GUARANTEED RATE, INC. BUYER MCEACHERN & MURPHY
LEGAL DESC. LOT 113 - COLLEGE PARK P.B. 33 PG. 70
CITY/TWP. GAHANNA COUNTY FRANKLIN DRN. KLH CK. SJH DRAWING SCALE 1" = 20'
FEMA INFORMATION: FLOOD ZONE X MAP PANEL INFO 39049C 0194K MAP DATE 6-17-08

BOWLING GREEN PLACE 50'

MUSKINGUM DRIVE 50'



ENCROACHMENT INFORMATION
NONE NOTED

I / WE HAVE RECEIVED A COPY OF THIS SURVEY
AND FIND THE CONDITIONS ACCEPTABLE.

BUYER / OWNER

BUYER / OWNER

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 and is not to be used to erect fences or other structures. Easements shown on this plat were taken from the subdivision plat of record. Additional easements affecting this property may exist.

By

Steven J. Hoy



Photos of 374 Muskingum Dr Fence from the Road



← Stop Sign









Corner Lot #1 Fence





Corner Lot #2 Fence



Corner Lot #3 Fence



Corner Lot #4 Fence







Corner Lot #5 Fence



Corner Lot #6 Fence





Corner Lot #7 Fence







Corner Lot #8 Fence



Corner Lot #9 Fence





Corner Lot #10 Fence





Corner Lot #11 Fence





Corner Lot #12 Fence





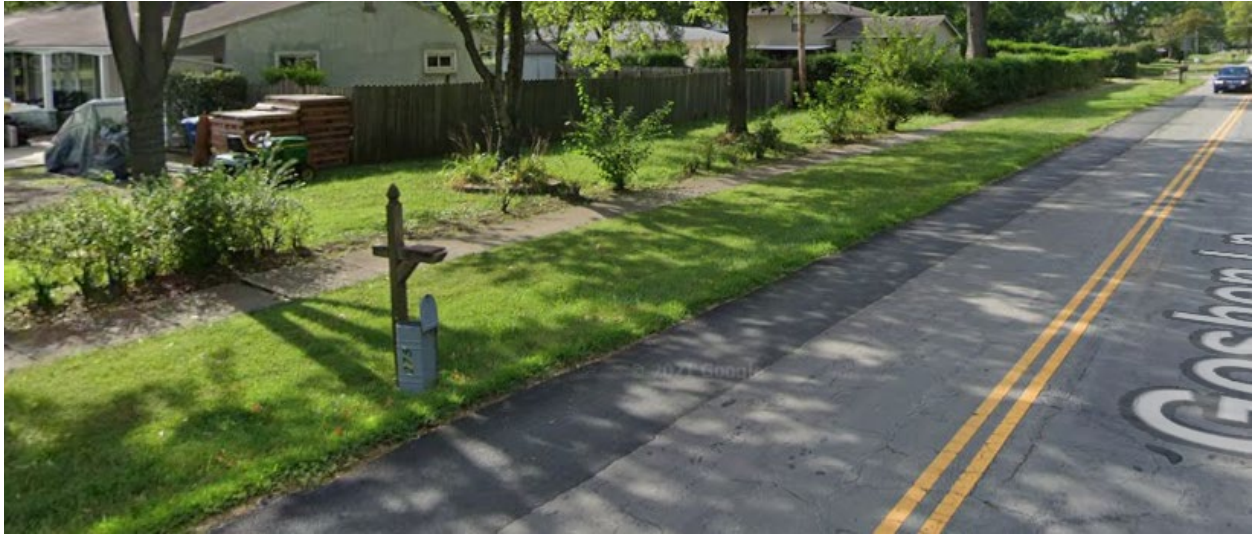
Corner Lot #13 Fence



Corner Lot #14 Fence



Corner Lot #15





PLANNING COMMISSION STAFF REPORT

Project Summary – 374 Muskingum Drive

Meeting Date: August 28, 2024

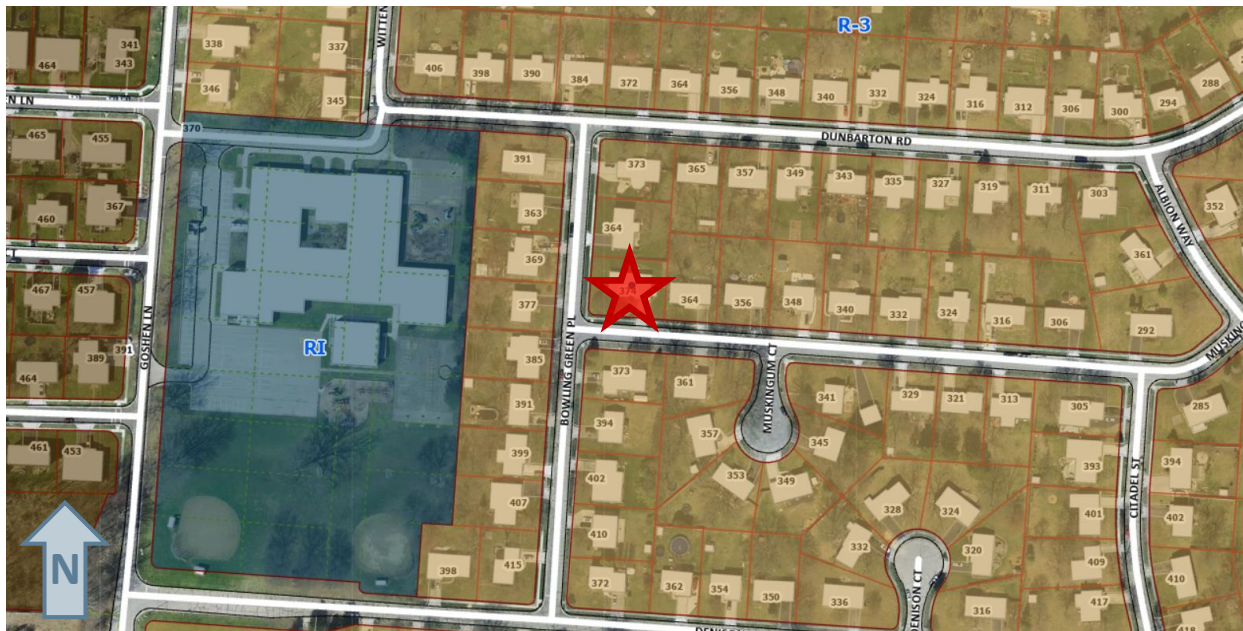
Zoning: Small Lot Residential (R-3)

Application Type(s): Variance (V)

Staff Representative: Maddie Capka, Planner II

Recommendation: Staff recommends approval with condition.

Location Map:



Staff Review

Overview

The applicant is requesting approval of a variance to allow a new 6 ft tall privacy fence to encroach into the required front yard setback at 374 Muskingum Drive. The property is a corner lot and has frontage on both Muskingum Dr and Bowling Green Pl. There is a required 25 ft front yard setback along each of these frontages.

The fence in question has already been partially installed and this variance application was filed due to Code Enforcement action. It is a 6 ft tall wood privacy fence and is located approximately 8 ft from the west property line, therefore encroaching 17 ft into the front setback.

In the current Zoning Code, all fencing must meet the same front yard setbacks as the primary structure on the lot. In R-3, the front yard setback is 25 ft, and therefore the fence must be at least 25 ft from both property lines with frontage. This is a different requirement than the former Zoning Code, which allowed fences to be located half the distance of the setback from the property line that is typically considered a side yard.

If this fence was installed under the former Code, it would have been permitted to be 12.5 ft from the property line along Bowling Green Pl. However, a variance application would have still been required for the fence to be only 8 ft from the property line.

Review Criteria

Variance (V)

The following variance has been requested:

1. 1109.05(e)(1)(A)/(B) – Fences
 - a. Privacy fences are prohibited in the front yard and no fence shall extend beyond the front of the house.
 - b. The fence is both within the front yard and extends beyond the front of the house.

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 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 recommends approval of the variance with the condition that the fence be located 12.5 ft from the west property line as permitted under the previous Code, instead of the requested 8 ft. Staff is currently working on Code revisions that would revert to the previous fence requirement for setbacks.

The applicant submitted photos of other corner lot properties with privacy fences that extend past the front of the house, but many of these are either legal non-conforming or meet the half distance requirement from the former Zoning Code. Staff is unaware of any recent fences that have been permitted to encroach further into the front yard setback. Additionally, Planning Commission recently voted on a variance application for a fence 8 ft from the property line at 1127 Riva Place. This property is also a corner lot, and the Commission approved the variance with the condition that it be located 15 ft from the property line instead of 8 ft.