



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Meeting Minutes Planning Commission Workshop

*Bobbie Burba
John Hicks
Joe Keehner
Jennifer Price
Donald R. Shepherd
Michael Suriano
Thomas J. Wester*

Kayla Holbrook, Deputy Clerk of Council

Wednesday, April 11, 2018

6:30 PM

City Hall, Committee Room

OPEN MEETING

Vice Chair Hicks opened the meeting at 6:30 p.m.

Present 5 - Bobbie Burba, Thomas J. Wester, Joe Keehner, John Hicks, and Michael Suriano

Absent 2 - Donald R. Shepherd, and Jennifer Tisone Price

DISCUSSION ITEM FROM THE CITY ATTORNEY

- **Chapter 1171, Fence Standards & Maintenance (City Council referred to Planning Commission on March 26, 2018)**

Ewald said Fence Code was brought to their attention; had a resident who wanted to put a fence in and had deed restrictions; went through litigation and we came out with a different fence code; have a resident now that wants to place a fence on their property; is a partition fence; resident could choose not to put fence on property line, but we allow it; if that occurs, certain types of fences built in a particular manner, like a dog-eared fence that has to be nailed from the outside in, our code requires nice side face neighbor's property; if they have to maintain it, or to install it, they may trespass onto neighbor's property; could be an issue; reached out to other cities; most tend to ignore it and allow the same installation to occur; is uncommon; we ask resident complaining it is not maintained to allow the neighbor on their property to maintain the fence; we are allowing and requiring certain things; do not want one resident trespassing but being required to; live in an environment that people are more litigious; Hicks asked for comment from administration on this issue; Franey said we do not believe there is an issue with existing code; been with the City 26 years; one issue where issues between neighbors that ended in a fence argument; think we have current questions; asked around, do not believe we've had another issue; not

sure that rises to level of problem code; Ewald said does not disagree completely; asked to mediate previous issue and it was resolved; worth the time to bring to Planning Commission; City of New Albany said they just had this situation; the owner was a holdout for a development project and he decided not to participate and sell and now has issues with neighbors and maintaining the fence; do not want to see a situation where we will not enforce our code; Franey said our code permits to face on property line, but they are not compelled to; they can pull fence in; our zoning is reactive with fence complaints between property owners; adjacent property owner will have filed a complaint; if they will not allow them on the property to fix the fence, it is an argument between two property owners; we are always open to reviewing code; we do annually in our Department; want to be cautious to not be detrimental to all property owners' rights; Ewald said fence height issue was in addition to a resident wanting another trespassed; Franey said hates to modify code to avoid that type of situation; is such a rare bizarre situation; impacting everyone's rights because of one thing; Rosan said what about putting something on the permit that the applicant acknowledges there may be a trespass issue if it is placed on the property line; solution could be through permitting process; had a fence company advise her personally not to put on property line because of issues; Ewald said it creates a warning for new applicants; alternative is to allow structure side to face neighbor; not all fences will have that type of activity; potential for that; need to make sure residents are aware before they engage contractors; question is what you do with existing; not a high number, but if they have to maintain it, they may have to move their fence back; Burba said has a privacy fence and her neighbor maintains the side that faces them; this issue seems unusual; Suriano asked what the alternative is; who will maintain grass inside two fences; Keehner said people should be good neighbors; Wester said can take ownership of other property in some situations; Ewald said ORC is different, is more township type properties; smaller parcels don't allow the same leeway; do not want to see a resident dinged with trespass; Franey said ORC portion does not apply to municipalities; Hicks said Council refers this to the Commission; they are expecting a response; is there consensus to recommend not changing code at this time; Burba said likely would not vote to change it; Wester asked how this came about; Ewald said not particular installation of fence; dealing with code issues on another property; potential is there to have a problem; Wester said survey accompanied property at title transfer; Rosan said is mortgage location survey; Wester said if you go by that, difficult to find iron poles; Ewald said requires that as part of application process; likes idea of putting acknowledgement on permit; worry about maintenance of it; if we have an issue, we are going to ignore code; Franey said likely the adjacent property owner that complained; Ewald said would give recommendation to look at the code;

then make determination; Rosan said also missing two Commission members tonight; Hicks said consider request from Council; will schedule a Workshop before first Planning Commission meeting in May to reconsider; look at other municipalities; will allow public to comment before next meeting; Ewald said can get information to Planning Commission and administration.

Workshop at 6:15 PM on May 9th to discuss.

[CC-0002-2018](#) Chapter 1171, Fences

ADJOURNMENT

6:59 p.m.