



*Board of Zoning & Building Appeals Hearing
March 9th, 2017*

Application #2017-20;
Maximum Fence Height Variance

Applicant: Grant and Jacalyn Stuller
2450 Newark-Granville Road
Granville, Ohio 43023

Property Location: The property is located at 2450 Newark-Granville Road, and is zoned Suburban Residential District-A (SRD-B).

Request: The request is for review and approval of a variance to increase the maximum height of a fence in the front yard from forty-two (42”) inches to forty-eight (48”) inches to allow for the installation of a four-rail board fence with a driveway gate.

Staff Review: Listed below, referencing Chapter 1147, Variances and Chapter 1183, Height, Area and Yard Modifications.

- 1) Section 1147.03, Criteria for Approval.

The following considerations shall be examined in the review and the public hearing of an application for a variance:

a. *That special circumstances or conditions exist which are peculiar to the land or structure(s) involved and which are not applicable to other lands or structures in the same zoning districts.* _____

b. *That a literal interpretation of the provisions of this Zoning Ordinance would result in practical difficulties for the owner of the property.* _____



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The factors to be considered by the Board in making this determination are:

(1) *Whether the property in question will yield a reasonable return, or _____*

whether there can be any beneficial use of the property without the variance. _____

(2) *Whether the variance is substantial. _____*

(3) *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. _____

(4) *Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage). _____*



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(5) *Whether the property owner purchased the property with knowledge of the zoning restriction.* _____

(6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance.* _____

(7) *Whether the spirit and intent behind the zoning requirement would be required to be observed and substantial justice done by granting the variance.* _____

c. *That the special conditions and circumstances do not result from the actions of the applicant.* _____

d. *That the granting of the variance will in no other manner adversely affect the health, safety and general welfare of the persons residing or working within the vicinity of the proposed variance, and* _____

not diminish or impair established property values within the surrounding



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areas, and _____

not impair an adequate supply of light and air to adjacent properties, and _____

Not unreasonably increase the congestion in public streets.

- e. In granting a variance, the board may impose any requirements or conditions regarding the location, character, and other features of the proposed uses or buildings or structures as the board deems necessary to carry out the intent and purpose of this Zoning Code, and to satisfy the other conditions set forth in Division (d) of this Section.*

2) Section 1187.03, Yard Projections.

(b) Fences, Walls and Hedges.

(2) Front Yard Restrictions. *No person shall erect any fence or wall in the Village between the front yard setback line and the street; with the exception that decorative landscaping walls and fences which do not exceed forty-two inches (42") in height above ground level may be allowed. This type of fence must meet the following requirements:*

- (a) *That the proposed decorative landscape wall or fence is compatible with other similar structures in the neighborhood. **The applicant proposes***



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the installation of a four-rail board fence with a driveway gate in the front yard, having a maximum of 48” in height, to enclose the property.

- (b) *That the height of said fence or wall does not exceed forty-two inches (42”) in height when measured from the average grade of the yard where the fence or wall is to be installed. Artificially raising the height of the lot line by the use of mounding, retaining walls, or similar means shall be included in the forty-two inch (42”) maximum height. **The proposed fencing will be forty-eight (48”) inches in height, as installed. The applicant also proposes installation of one (1) driveway gate that will be of the same height.***
- (c) *The installation of such fence and/or wall shall not create visibility or safety concern for vehicular and/or pedestrian movement. **The proposed fencing is located well behind the right-of-way and will not create visibility or safety concerns for vehicular and/or pedestrian movement.***
- (d) *That no chain link, wire mesh, concrete block, or other similar type material can be installed fronting a street as a decorative landscape wall or fence. **The proposed fencing will be constructed of wood posts and rails, with wire dog fencing behind; meeting this requirement.***

- 3) *Staff Comments. **The applicants request to install a fence at the 48” height that will create a pleasing visual extension of the existing four-rail board fence on an adjacent property. The fence should not impair visibility and will contribute to the safety of the young children playing in the front yard.***

Staff Recommendation: “Approval of Application #2017-20, as submitted.”