

The Tuesday November 9, 2021 meeting of the Delhi Township Board of Zoning Appeals was called to order by Clay Tharp at 6:00 p.m. at the Delhi Lodge with the Pledge of Allegiance to the flag.

Members present:

Clay Tharp
Stephen Schott
Scott Heenan
Jennifer Vatter
Andrew Mattei

Also present:

Gregory J. DeLong, Assistant Township Administrator
Anthony S. Roach, Zoning Administrator

Anthony Roach certified that the requirements of Section 121.22 of the Ohio Revised Code and the rules adopted pursuant thereto had been completely complied with as they concerned the meeting.

On Motion by Mr. Schott and seconded by Mr. Heenan to approve the minutes of the Boards' October 5, 2021 meeting but to dispense with the reading. Msrs. Tharp, Schott, Heenan and Mattei voted aye and Mrs. Vatter abstained.

On Motion by Mr. Heenan and seconded by Mr. Mattei to approve the Findings of Fact and Conclusion of Law Denying Appeal in Case A2021-02 and Affirming the Declaration of the Delhi Township Zoning Administrator. Msrs. Tharp, Schott, Heenan and Mattei voted aye and Mrs. Vatter abstained.

The Public Hearing was convened.

Mr. DeLong advised this is Case VA2021-03 to hear a variance request to permit a six-foot high fence enclosing the front yard alongside Bandana Drive whereas the Zoning Resolution prohibits fences greater than six-feet in height in any yard other than the rear yards, and on corner lots, fences shall not exceed four feet in height and shall not extend more than half of the distance into the required front yard that does not include the façade of the residence with the front door and/or other significant or distinguishing architectural features; for property located at 5445 Boutique Drive in the "C" Residence District. He commented that the subject fence was being erected without any permits, it was proposed to replace a three-foot split rail fence located in the same location. He noted that the proposed fence is requested to be six feet in height with split-rail and black chain link and extend thirty-three feet from the façade of the home or two and a half feet from the public sidewalk and it's also enclosing the front yard along Bandana Drive. He advised that prior to 2018 fences were permitted to enclose all front yards in the Township. He commented that concerns arose from this regulation including but not limited to aesthetics, access for safety services and vicious animals being in close proximity to public sidewalks. He noted that the Township did a rewrite of the Zoning Resolution that went into effect in April of 2021, and the

new regulations allows for fences to go half the distance into the front yard for the non-main side of the home.

Ryan Lee (sworn), 5445 Boutique Court advised he is not worried about keeping the fence at six feet and would lower it down to four feet. He commented that the fence had been there for twenty-seven years and was like to keep the fence in the same location. He noted that he does not want to lose the square footage in the rear yard.

Stephanie Lee (sworn), 5445 advised she did not know she needed a permit to replace the fence. She commented that had she know that she was not allowed to take it down and replace as it was; she would have just left it alone.

To Mr. Tharp's question as to was the denial being because of the placement or the height of the fence Mr. DeLong advised it was both.

To Mr. Heenan's question as to with the old fence falling down, was there a way they could have repaired the fence without losing the grandfather status. Mr. DeLong advised they could have as long as they repaired a little bit at a time.

To Mr. Heenan's question as to if they would have removed the whole fence and put up the same fence back up would the Township be recommending, we grant the variance Mr. DeLong advised we would be here because they removed the entire fence, therefore the grandfathered clause is lost.

To Mr. Heenan's question as to if they would have taken one post out at a time would that have been fine. Mr. DeLong responded in the affirmative.

To Mr. Tharp's question as to if they would have only replaced three -fourths of the fence would the only violation be the height of the fence. Mr. DeLong responded in the affirmative.

Mr. Lee advised the fence is 2.5 feet away from the public sidewalk.

To Mr. Schott's question as to what would the distance be if the fence was properly installed. Mr. Roach advise it would be about fifteen feet from the back corner of the house.

To Mr. Tharp's question as to why did you choose to put up a six-foot fence as opposed to a four-foot fence. Mr. Lee advised he felt it was safer.

Mr. Heenan advised he is leaning to grant the variance in part to allow the repaired/new fence as long as it matches the old fence that was taken down.

Mrs. Vatter advised she agrees with Mr. Heenan.

To Mr. Tharp's question as to would you be willing to bring the fence down to 4 feet. Mr. Lee responded in the affirmative.

Mr. DeLong advised the Board if you plan on granting the variance, staff requests that you consider a deadline date to have the work completed.

On Motion by Mr. Heenan and seconded by Mrs. Vatter to grant the variance with the condition that the fence be four feet in height and that the work is to be completed by December 31, 2021. Mssrs. Heenan, Schott, Tharp, Mattei and Mrs. Vatter voted aye.

Old Business:

- Nothing

New Business:

- Mr. DeLong advised we will have a sign variance coming in soon.
- Mr. DeLong advised we are staying busy in our department and we have a new Inspector, John Schill.
- Mr. DeLong advised we had the ceremonial ground breaking on the Township project and will start seeing activity soon.
- Mr. DeLong advised we issued the zoning certificate for Take Five.

There being no further business on motion of Mr. Schott seconded by Mr. Heenan the meeting was adjourned at 6:35 pm. Mssrs. Heenan, Schott, Tharp, Mattei and Mrs. Vatter voted Aye.

Anthony S. Roach
Zoning Administrator