



Board of Zoning Appeals
Board Meeting

Minutes

August 17, 2022
5:30 PM

CALL TO ORDER

Attendee Name	Title	Status
Michael Percy	Chairman	Present
Susie L. Simpson	Member	Present
William Smith	Member	Present
Otho Eyster	Alt. Member	Excused
Tonya Boucher	Member	Present
Kate Aryanata	Alt. Member	Excused
Cynthia Cunningham	Vice-Chairman	Present

Others in attendance: City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Don Carr; Cris Geiser; Jeff Hadsell; Theodore D. Whitney; Glenn Sigler; Chris Needles; et al

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Aug 3, 2022 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	William Smith, Member
SECONDER:	Susie L. Simpson, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata

BZA FILES

- 2022-BZA-24 : 6 S Concord ST - Variance for Side Setbacks

Cunningham recused herself from participating in the hearing.

Hadsell (sworn in) explained the property is narrower at the front and they would like to keep the proposed new home in line with the neighboring houses instead of pushing it back to achieve 10 feet setbacks on each side. Placing the home further from the street would also lengthen the driveway and make the back yard smaller.

There was no one else present to speak about the request and there were no communications submitted to the Development Services Manager.

The staff report was read: August 17, 2022 Case: 2022-BZA-24 6 S Concord ST Parcel #66-03515.000 Cris Geiser of Schlabach Builders requests for property owner Jeff Hadsell, variances for side setbacks in an R-1 Single Family District. The subject lot is slightly pie shaped with a 64' wide front property line width and a 99.2' rear property line width. The proposed new home will place the front corners of the home 8'7" from the

side property lines at a front setback distance of 35'. The rear corners of the home will be further away from the side property lines than the front, due to the shape of the lot. The homes on either side of the subject parcel set less than 30 feet from their front property lines. #7 of the original deed restrictions of the neighborhood call for a side setback of not less than 5 feet. Stakes at the site show house number 4 to be approximately an equal distance from the shared property line as the proposed home, see picture below. The zoning staff supports this request.

Percy stated his surprise that the neighborhood didn't comply with the Code. Blankenhorn is unsure what the Code was at the time the neighborhood was platted. Further stating the plat and deed restrictions created their own setbacks. The front setback was planned at 25' where City Code is currently 30' and the deed restrictions called for a side setback of 5'. Broeren added, if someone came to BZA to ask for less than 5' then one of the neighbors could bring a civil action to enforce the deed restrictions.

Percy called for a motion. Simpson made a motion to approved the proposal as submitted.

There was no further discussion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susie L. Simpson, Member
SECONDER:	William Smith, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata

- 2022-BZA-25 : 225 Ames ST - Variance for Side & Rear Yard Setbacks

Whitney (sworn in)

Percy asked the applicant if he is replacing an existing shed and if the existing shed is the same distance as what the variance request is for. Whitney said yes, he does want to replace the existing shed with a larger shed that will not be quite as close to the property lines. He wants to create more distance between the new shed and the existing fences.

There was no one else to speak about the request.

Blankenhorn spoke with Maxine Vaden, the owner of 218 Adamson ST which is directly to the north of the subject property. Vaden said she needs clearance to maintain her fence. She said she spoke with the applicant and she is satisfied with the proposed placement.

The staff report was read: August 17, 2022 Case: 2022-BZA-25 225 Ames ST Parcel #66-06584.000 Theodore D. Whitney requests reduced side and rear setbacks to place a yard shed 2 feet from each of the aforementioned property lines. There are 6 feet high privacy fences along the rear and side property lines. The application appears to show the proposed shed will replace an existing smaller shed. The zoning staff supports this request.

Percy called for a motion. Cunningham made a motion to support the request as presented.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata

- 2022-BZA-26 : 400 E Vine ST - Variance for Fence Height or Location

Sigler (sworn in) explained he is requesting a variance to extend an existing 6' fence along the S. Park ST side of his property. The existing 6' fence has been in place for approximately 21 years. The new fence has a 15-1/2' setback from the street, the same as the existing fence. The fence setback from the street allows them an unobstructed view of S Park Street when they are backing out from their driveway.

Percy asked if he started construction, noting the Notice of Violation included in the agenda packet. Blankenhorn said the fence was built without a permit. Percy asked if there was a variance granted from the previous fence. Blankenhorn said she could not find any record of permit for it. The applicant stated the fence was there when he bought the property.

Sigler said he bought the property in 2006.

Broeren said the previous fence was discussed with the previous administration. It was brought up in a discussion about people building 6' high fences right at the property line and what it is doing to sort of create tunnels.

Sigler added there is heavy car and truck traffic on S Park ST since it provides a shortcut between E High ST and E Gambier ST. This fence will provide them with backyard privacy and allow their dogs to utilize the backyard freely. He further stated they've never been able to use the backyard since there is no privacy from the sidewalk or street. Extending the existing 6' fence would allow them to protect their non-fenced area from trespassing, theft, and landscape damage - all of which they have experienced since purchasing the home in 2006. The applicant stated a 3' fence would not provide the adequate protection that they need. They have installed a security system, motion activated lighting. In the past 16 years they have had personal items stolen from their yard and garage. They have experienced numerous trespassers cutting across the back part of their property, damaging the landscaping. Their most important reason for wanting a 6' fence is for the security of their 3-year-old and 8-year-old granddaughters. A 3' fence would not protect them from being seen by passing cars or pedestrians on the sidewalk. He has received notices from the local Sheriff alerting him of sexual predators living on Ohio AVE.

Percy wanted to clarify if the picture provided in the agenda packet is current. The fence is proposed to extend across the driveway and all the way to the rear property line. Broeren said the fence has already been built.

Carr (sworn in) reiterated the fence code. He believes recent fence addition possibly creates a danger to the public walking on the sidewalk. A driver backing out to the street cannot see pedestrians walking until the vehicle has backed out past the front edge of the fence and onto the sidewalk. The sidewalk is not visible to the driver until the vehicle is almost clear of the fence. Carr is also concerned with what the fence does along the shared property line S Park ST and limiting their northern view. Only a few exceptions have been made by the Board for this type of construction. He detailed 3 variance applications for fence heights that were denied: 300 E Hamtramck ST; 500 E Vine ST; 705 E High ST.

The staff report was read: August 17, 2022 Case: 2022-BZA-26 400 E Vine ST Parcel #66-04362.000 Glenn E Sigler requests a variance for the height of a fence along a side property line on a corner lot. Mr. Sigler extended, a fence without a permit, in line with a fence that was in place when he purchased the property. There is no record of a permit for the original fence. The neighborhood is prolific with structures built on the property lines of corner lots, including garages directly across Park Street and 2 properties down from the subject property along Park Street. Few, if any of the parcels in the neighborhood meet current code regulations for size and setbacks. The zoning staff supports this request.

Simpson made a motion to accept the request as presented.

RESULT:	DENIED [2 TO 3]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Member
AYES:	Boucher, Cunningham
NAYS:	Percy, Simpson, Smith
EXCUSED:	Eyster, Aryanata

ADJOURN

- Adjourn Motion

Cunningham made a motion to adjourn the meeting, Boucher seconded and the meeting was adjourned at 5:51 PM

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Cynthia Cunningham, Vice-Chairman
SECONDER:	Tonya Boucher, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Eyster, Aryanata



Board of Zoning Appeals Meeting: 08/17/22 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

ADOPTED

Category: N/A
 Prepared By: Lacie Blankenhorn
 Initiator: Lacie Blankenhorn

BZA FILE (ID # 3615)

DOC ID: 3615

2022-BZA-24 : 6 S CONCORD ST - VARIANCE FOR SIDE SETBACKS

Item Number	2022-BZA-24
Site Address	6 S Concord ST
Parcel Number	66-03615.000
Zoning District	R-1
Presented By	Cris Geiser, Schlabach Builders for Jeff Hadsell

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1)

Request: Variance for side setbacks to allow for 8' 6" setbacks on both sides

COMMENTS - Current Meeting:

Cunningham recused herself from participating in the hearing.

Hadsell (sworn in) explained the property is narrower at the front and they would like to keep the proposed new home in line with the neighboring houses instead of pushing it back to achieve 10 feet setbacks on each side. Placing the home further from the street would also lengthen the driveway and make the back yard smaller.

There was no one else present to speak about the request and there were no communications submitted to the Development Services Manager.

The staff report was read: August 17, 2022 Case: 2022-BZA-24 6 S Concord ST Parcel #66-03515.000 Cris Geiser of Schlabach Builders requests for property owner Jeff Hadsell, variances for side setbacks in an R-1 Single Family District. The subject lot is slightly pie shaped with a 64' wide front property line width and a 99.2' rear property line width. The proposed new home will place the front corners of the home 8'7" from the side property lines at a front setback distance of 35'. The rear corners of the home will be further away from the side property lines than the front, due to the shape of the lot. The homes on either side of the subject parcel set less than 30 feet from their front property lines. #7 of the original deed restrictions of the neighborhood call for a side setback of not less than 5 feet. Stakes at the site show house number 4 to be approximately an equal distance from the shared property line as the proposed home, see picture below. The zoning staff supports this request.

Percy stated his surprise that the neighborhood didn't comply with the Code. Blankenhorn is unsure what the Code was at the time the neighborhood was platted. Further stating the plat

and dead restrictions created their own setbacks. The front setback was planned at 25' where City Code is currently 30' and the deed restrictions called for a side setback of 5'. Broeren added, if someone came to BZA to ask for less than 5' then one of the neighbors could bring a civil action to enforce the deed restrictions.

Percy called for a motion. Simpson made a motion to approved the proposal as submitted.

There was no further discussion.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susie L. Simpson, Member
SECONDER:	William Smith, Member
AYES:	Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED:	Otho Eyster, Kate Aryanata



Mount Vernon

City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Jeff Hadsell 1028 wedgwood dr mt Vernon Ohio 43050 7405047247

Agent's Name, Address and Phone

Cris Geiser schlabach Builders 6678 state route 241 Millersburg ohio 44654 3306002593

Site Information

Site Address

6 Concord st S mt Vernon Ohio

Legal Description

CONCORD ESTATES LOT #46

Parcel Number

66-03515.000

Deed Volume and Page Number

Zoning District

Existing use of property
empty lot

Proposed use of property
new single family home

Hearing Request

Type of Hearing Requested

☒ Variance
Use

☐ Conditional Use

☐ Appeal of Decision

☐ Map Interpretation

☐ Substantially Similar

In the following section, please list a brief description of the request. Narrative statements and any additional documents or information required by the Zoning Code and Chapter 1155 should be attached to this application as separate sheets.

Request:

request for variance of side setbacks, to allow for 8'6" setbacks on both sides.

I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact.

7/29/22

Cris Geiser

Date:

By:

Status of Application

Filing Date

7/29/2022

Case Number 2022 - BZA - 24

Hearing Date

August 17, 2022

Fee deposit

\$75.00

Date Paid

7/29/2022

Receipt Number

1081

Status of Board's Action

☐ Approved

☐ Denied

Attachment: 2022-BZA-24 Application (3615 : 2022-Bza-24)

Narrative statements

establishing and substantiating that the variance conforms to the following standards:

CG 1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

CG 2) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

3) Describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. There must be deprivation of beneficial use of land.

The lot is a pie share lot, and is narrower in the front. In order to place the house close to the same distance from the road as the surrounding homes, we would encroach the 10' setback requirements.

4) Explain the proof of hardship created by the strict application of this Zoning Ordinance.

To meet the 10' FT zoning requirements, we would have to put the house back 15'. Which in our opinion would not look right with the rest of the homes in the neighborhood. We are currently sitting at 8' 7" for the side setbacks.

CG 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

CG 6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

CG 7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

JEFF & KRISSTA HADSELL #3242

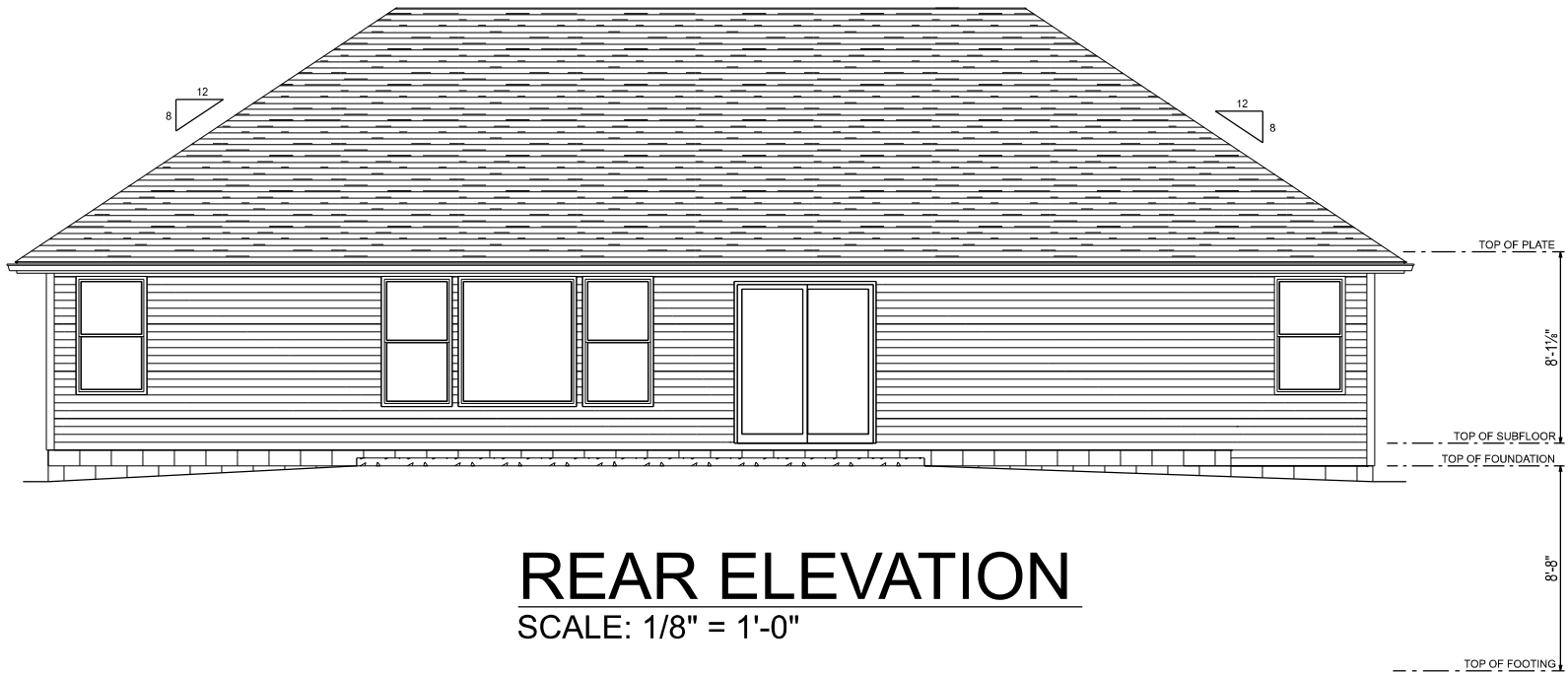
6 SOUTH CONCORD STREET
MT VERNON, OHIO 43050

KNOX CO



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

AREA SCHEDULE	
NAME	AREA
MAIN FLOOR	1730 SQ'
GARAGE	556 SQ'
PORCH	50 SQ'
PATIO	336 SQ'

PAGE:

1 / 6

3.1.c

DRAWN BY: WILLIS B.

SCALE: As Noted

DATE: Tuesday, July 5, 2022

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

6678 ST RT 241
MILLERSBURG
OH 44654
330.674.9386

Schlabach
BUILDERS

Attachment: Site Plan hadsell_jeff_krissta_11x17 (3615 : 2022-Bza-24)

Packet Pg. 9

DRAWN BY: WILLIS B.

SCALE: 1/8" = 1'-0"

DATE: Tuesday, July 5, 2022

JEFF & KRISSTA HADSELL #3242

6 SOUTH CONCORD STREET
MT VERNON, OHIO 43050

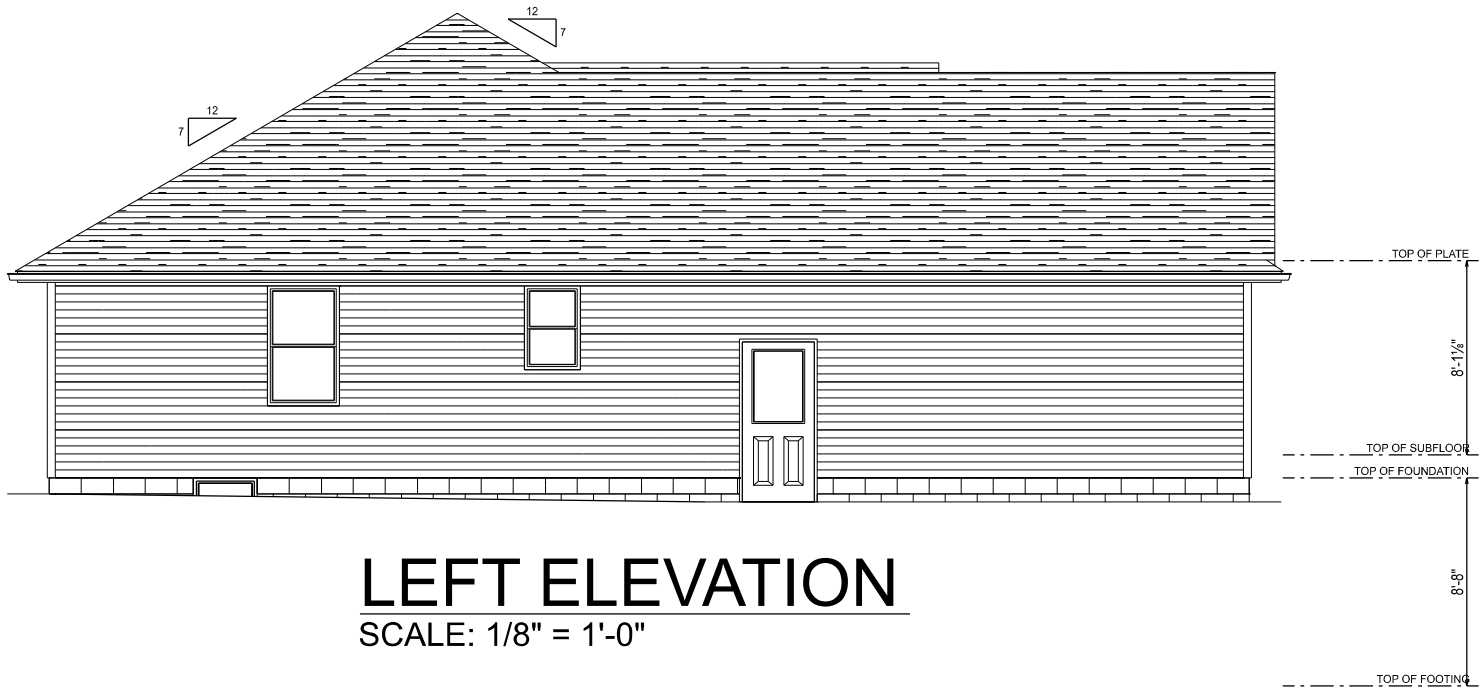
6678 ST RT 241
MILLERSBURG
OH 44654
330-674-9386

Attachment: Site Plan hadsell_jeff_krissta_11x17 (3615 : 2022-Bza-24)



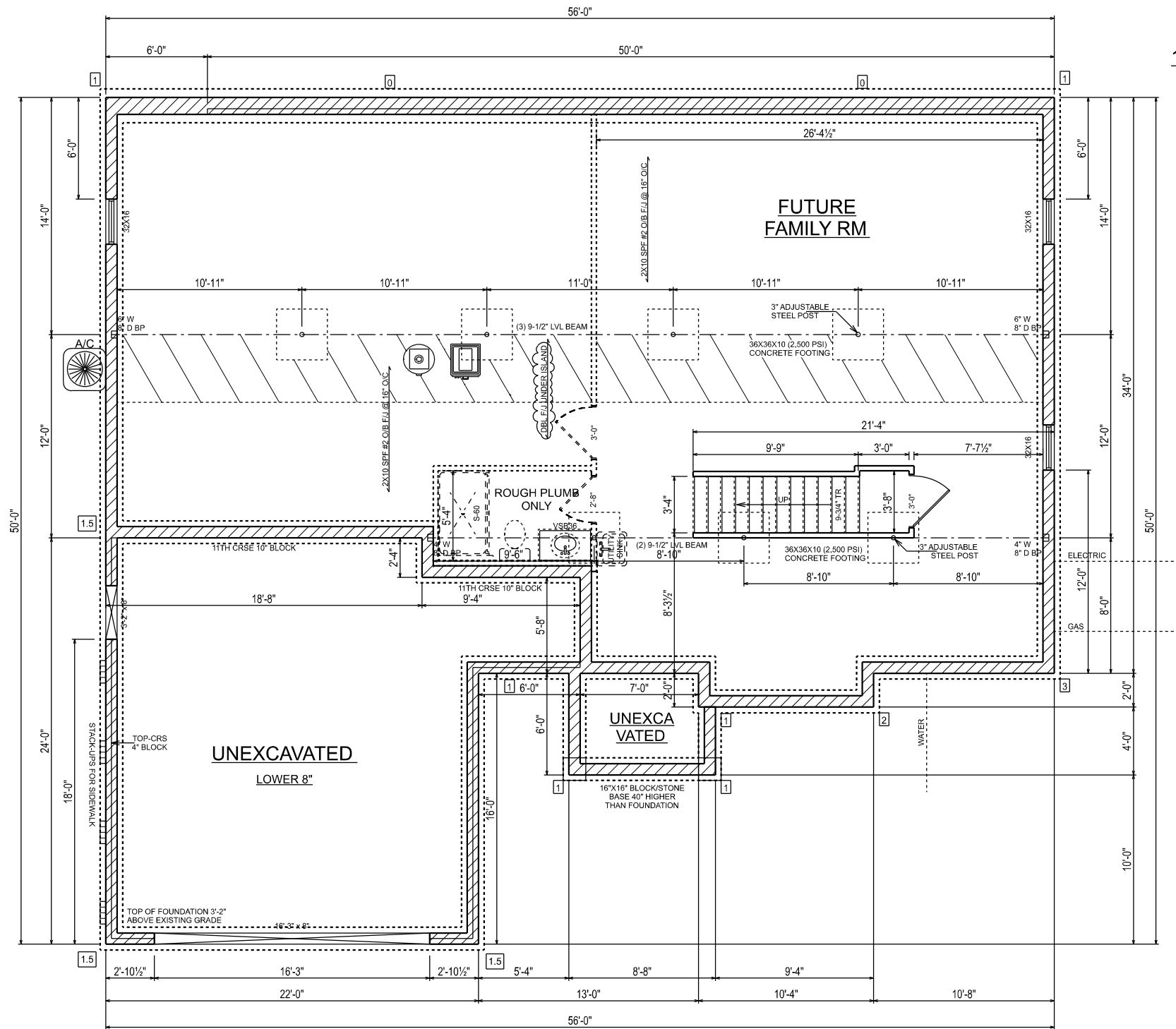
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



13-COURSE BLOCK

FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



6678 ST RT 241
MILLERSBURG
OH 44654
330-674-9386

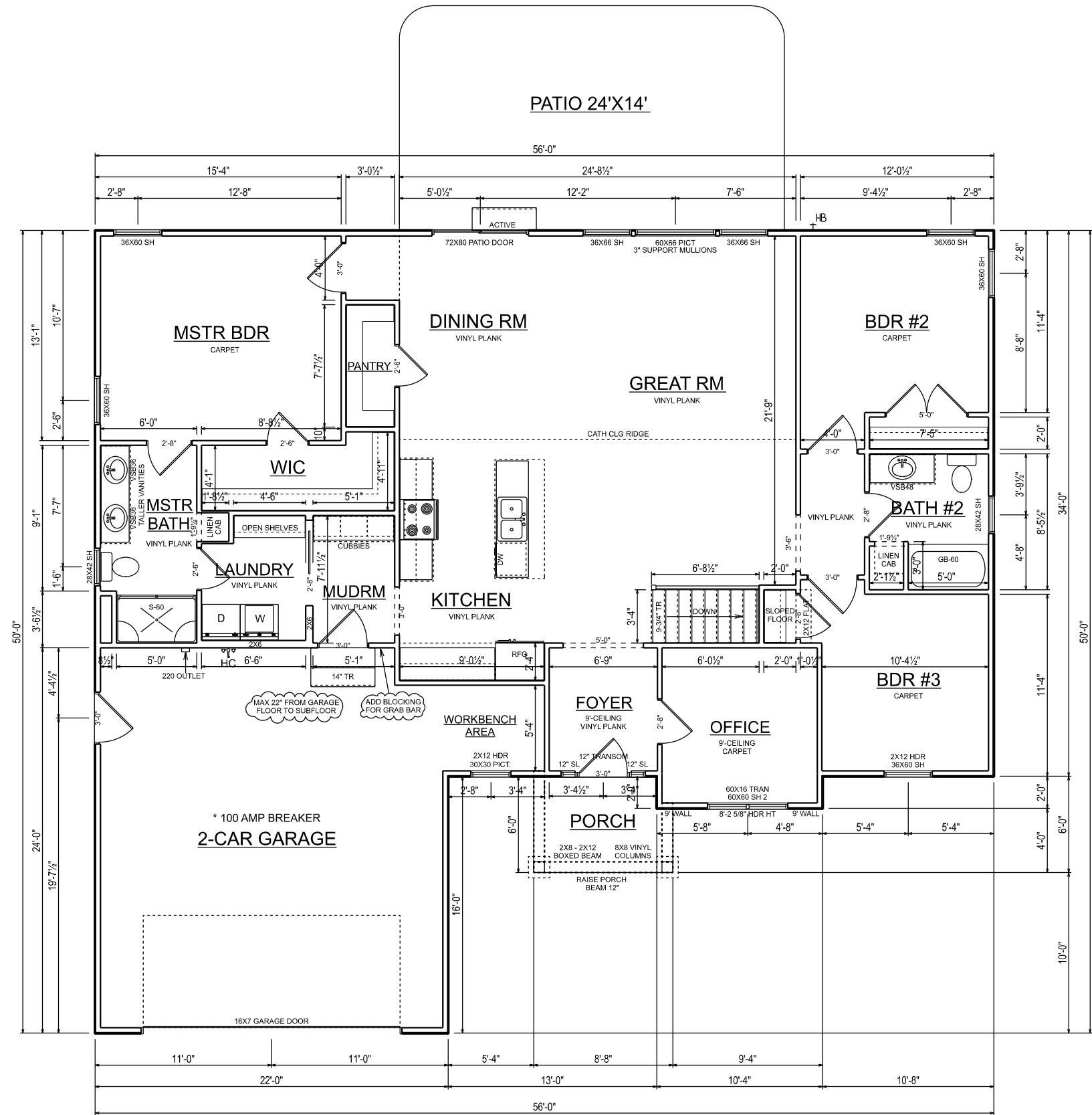
JEFF & KRISSTA HADSELL #3242
6 SOUTH CONCORD STREET
MT VERNON, OHIO 43050

DRAWN BY: WILLIS B.
SCALE: 1/8" = 1'-0"
DATE: Tuesday, July 5, 2022

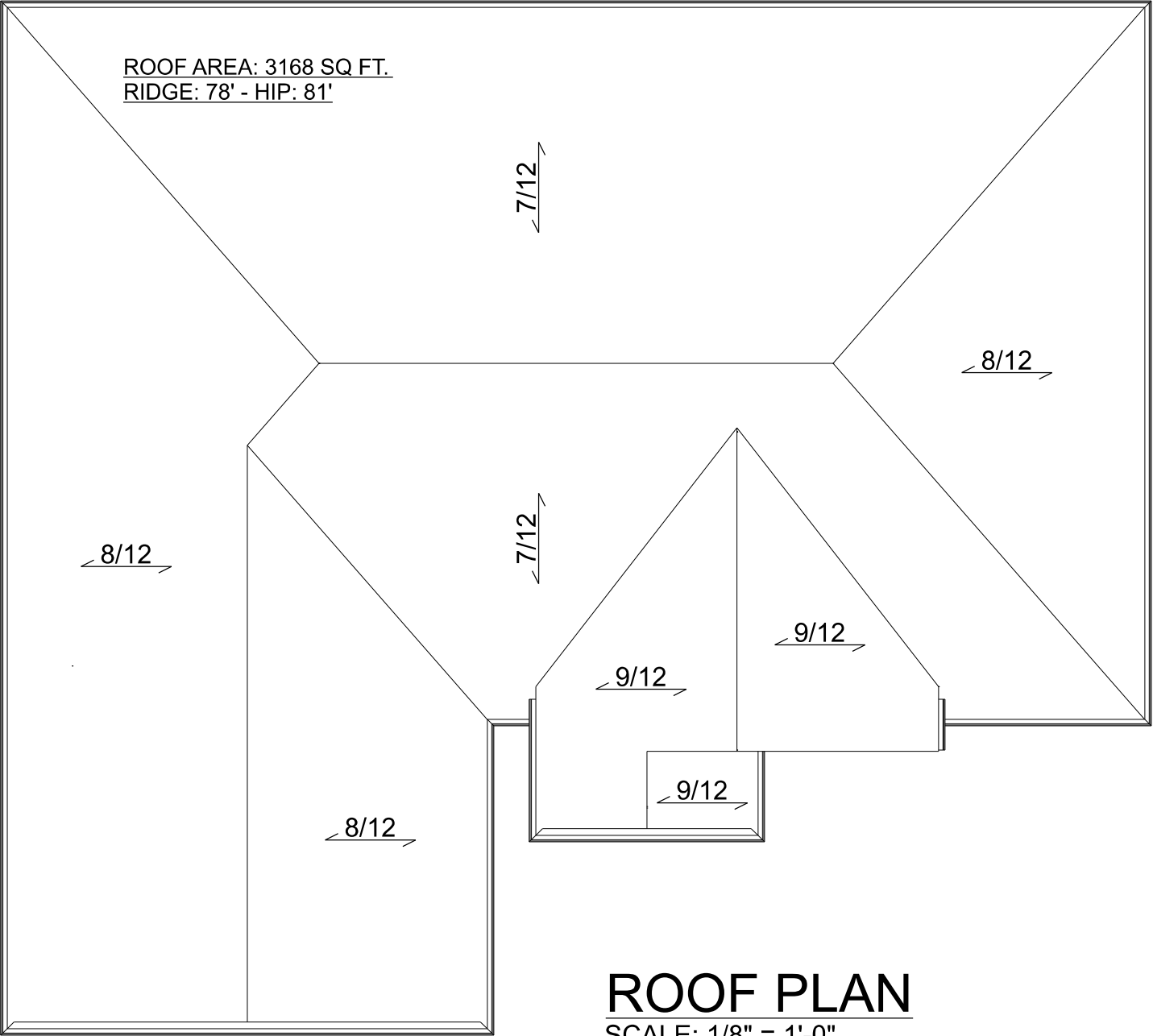
PAGE:
3/6

Attachment: Site Plan hadsell_jeff_krissta_11x17 (3615 : 2022-Bza-24)

Packet Pg. 11



MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"



6678 ST RT 241
MILLERSBURG
OH 44654
330-674-9386

JEFF & KRISSTA HADSELL #3242
6 SOUTH CONCORD STREET
MT VERNON, OHIO 43050

Attachment: [Site Plan hadsell_jeff_krista_11x17](#) (3615 : 2022-Bza-24)

DRAWN BY: WILLIS B.

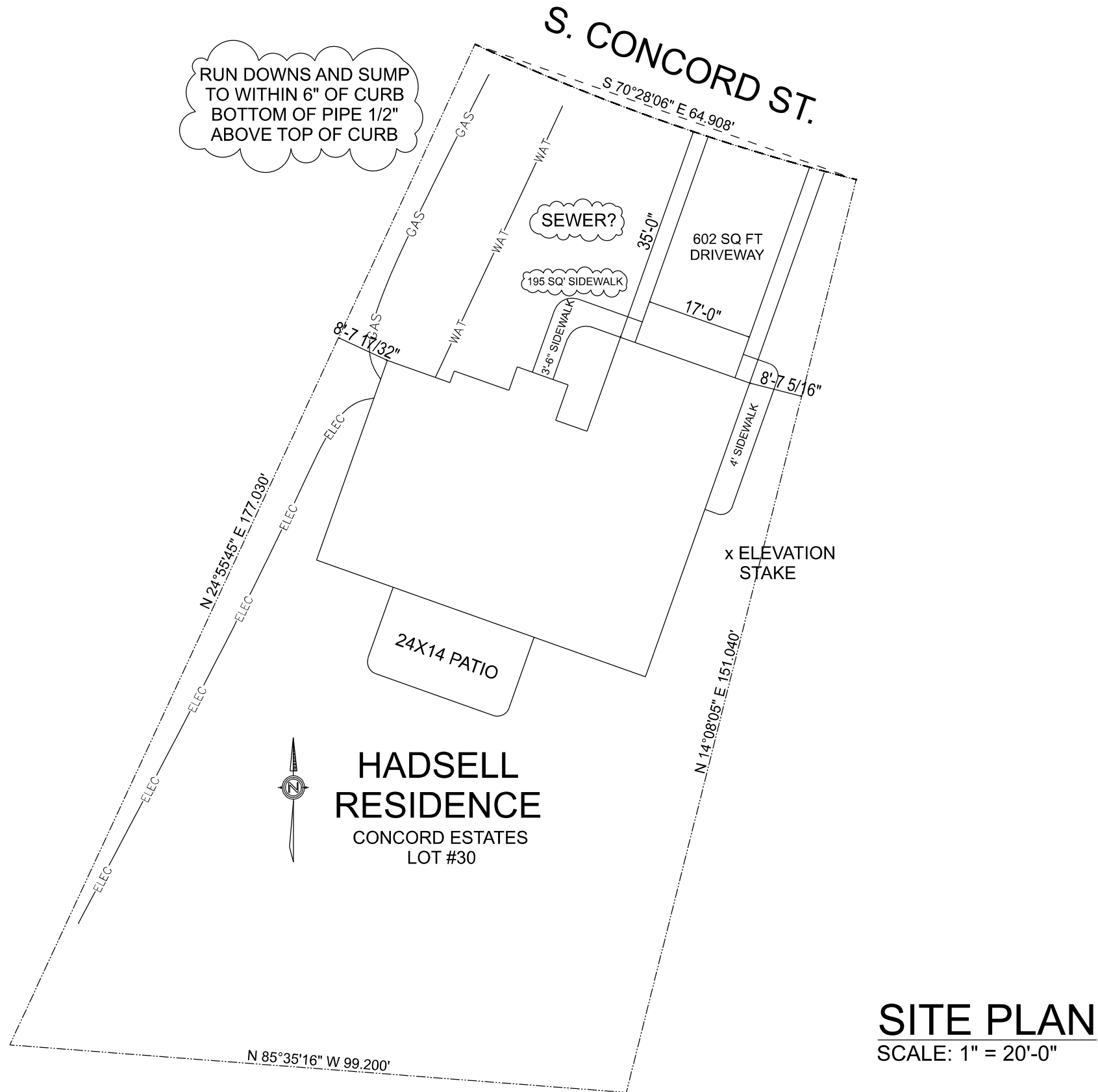
SCALE: 1/8" = 1'-0"

DATE: Tuesday, July 5, 2022

PAGE:

5/6

3.1.c





Board of Zoning Appeals Meeting: 08/17/22 5:30 PM
City of Mount Vernon Dept: Board of Zoning Appeals
Mount Vernon, OH 43050

ADOPTED

Category: N/A
 Prepared By: Lacie Blankenhorn
 Initiator: Lacie Blankenhorn

BZA FILE (ID # 3616)

DOC ID: 3616

2022-BZA-25 : 225 AMES ST - VARIANCE FOR SIDE & REAR YARD SETBACKS

Item Number	2022-BZA-25
Site Address	225 Ames ST
Parcel Number	66-06584.000
Zoning District	R-1
Presented By	Tedd Whitney

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1160.02 Development Standards (R-1)

Request: Place a 10' x 18' yard shed on the Northwest corner of lot, spaced 2' from the property lines (North & West)

COMMENTS - Current Meeting:

Whitney (sworn in)

Percy asked the applicant if he is replacing an existing shed and if the existing shed is the same distance as what the variance request is for. Whitney said yes, he does want to replace the existing shed with a larger shed that will not be quite as close to the property lines. He wants to create more distance between the new shed and the existing fences.

There was no one else to speak about the request.

Blankenhorn spoke with Maxine Vaden, the owner of 218 Adamson ST which is directly to the north of the subject property. Vaden said she needs clearance to maintain her fence. She said she spoke with the applicant and she is satisfied with the proposed placement.

The staff report was read: August 17, 2022 Case: 2022-BZA-25 225 Ames ST Parcel #66-06584.000 Theodore D. Whitney requests reduced side and rear setbacks to place a yard shed 2 feet from each of the aforementioned property lines. There are 6 feet high privacy fences along the rear and side property lines. The application appears to show the proposed shed will replace an existing smaller shed. The zoning staff supports this request.

Percy called for a motion. Cunningham made a motion to support the request as presented.

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Cynthia Cunningham, Vice-Chairman
SECONDER: Tonya Boucher, Member
AYES: Percy, Simpson, Smith, Boucher, Cunningham
EXCUSED: Otho Eyster, Kate Aryanata



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

THEODORE D. Whitney 225 Ames St. Mt. Vernon OH 43050 740-501-5447

Agent's Name, Address and Phone

Site Information

Site Address

Same

Legal Description

N OF LOT 4 CHAMBERS (70X127.5) 0.205A

Parcel Number

66-06584.000

Deed Volume and Page Number

1124/394

Zoning District

R-1

Existing use of property

Single Family Dwelling

Proposed use of property

Yard Shed

Hearing Request

Type of Hearing Requested

☒ Variance ☐ Conditional Use ☐ Appeal of Decision ☐ Map Interpretation ☐ Substantially Similar Use

In the following section, please list a brief description of the request. Narrative statements and any additional documents or information required by the Zoning Code and Chapter 1155 should be attached to this application as separate sheets.

Request:

I'm asking to place a yard shed (10x18') on the North West corner of my lot, spaced 2' from the property lines (N & W)

I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact.

Date:

7/19/22

By:

Theodore D. Whitney

Status of Application

Filing Date

7/20/2022

Case Number

2022-BZA-25

Hearing Date

August 17, 2022

Fee deposit

\$75.00

Date Paid

7/20/2022

Receipt Number

1061

Status of Board's Action

☐ Approved

☐ Denied

Attachment: 2022-BZA-25 Application (3616 : 2022-Bza-25)

Narrative statements

establishing and substantiating that the variance conforms to the following standards:

_____ 1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

_____ 2) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

3) Describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. There must be deprivation of beneficial use of land.

I am asking for a variance of the proximity of a shed to the North & West property lines because to move the shed out 5' from both reduces the available back yard space.

4) Explain the proof of hardship created by the strict application of this Zoning Ordinance.

The Back yard is small enough that losing several feet would create and sustain a cramped space for gathering. Moving the shed closer to the property lines would also reduce unusable space between the shed & the privacy fencing on both side affected.

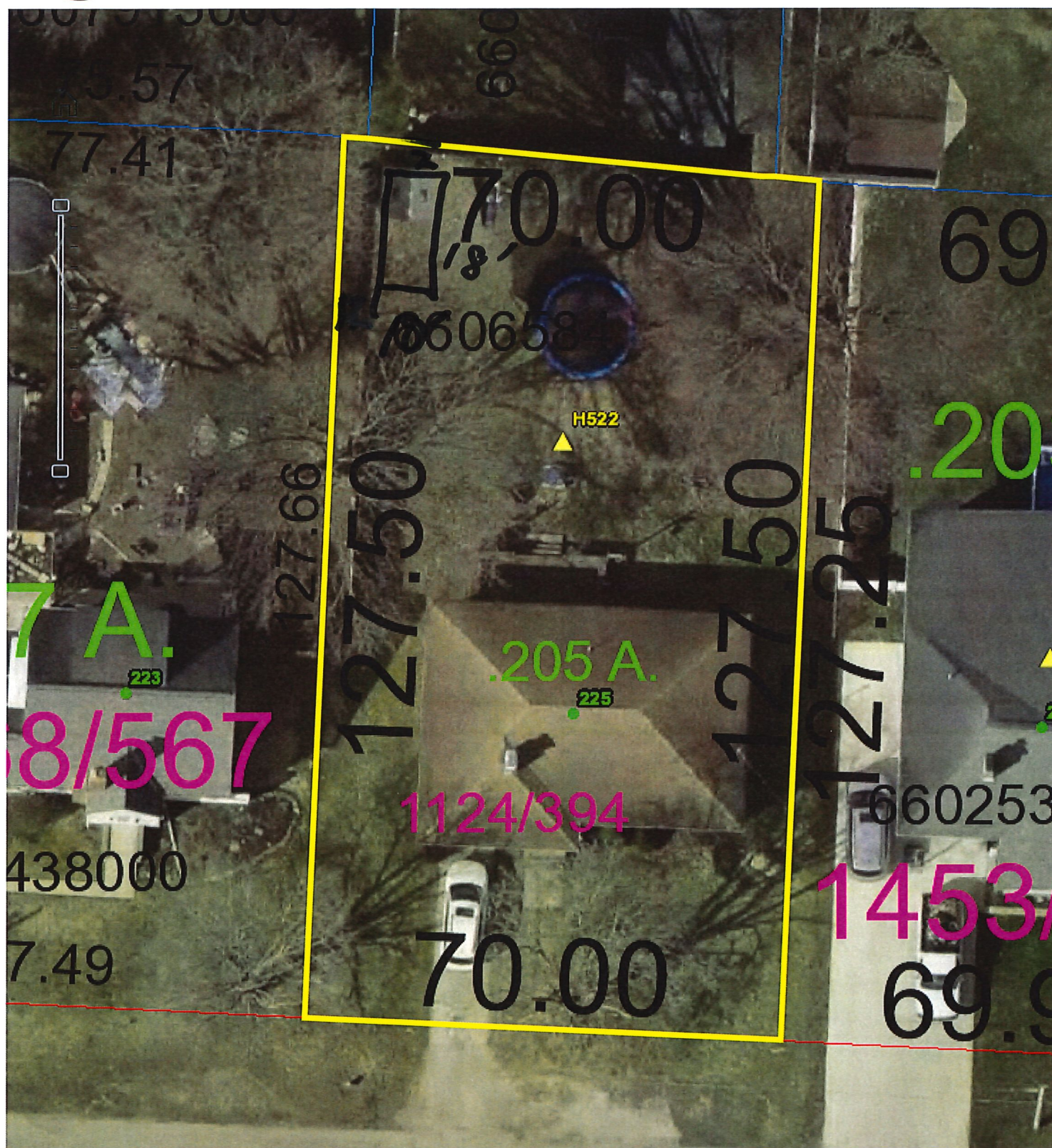
_____ 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

_____ 6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

_____ 7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



(<https://www.knoxcountyauditor.org/>) **Knox County Ohio, GIS**
Jonette Curry



Attachment: Sketch (3616 : 2022-Bza-25)



2021-09-28

20ft

225 acres
2' from property lines

[Click here for Legal Disclaimer](#)

Packet Pg. 19



Board of Zoning Appeals Meeting: 08/17/22 5:30 PM
City of Mount Vernon Dept: **Board of Zoning Appeals**
Mount Vernon, OH 43050

DEFEATED

Category: N/A
 Prepared By: Lacie Blankenhorn
 Initiator: Lacie Blankenhorn

BZA FILE (ID # 3617)

DOC ID: 3617

2022-BZA-26 : 400 E VINE ST - VARIANCE FOR FENCE HEIGHT OR LOCATION

Item Number	2022-BZA-26
Site Address	400 E Vine ST
Parcel Number	66-04362.000
Zoning District	R-1
Presented By	Glenn E. Sigler

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1178.02 Regulations (Fences and Hedges)

Request: variance to install a 6' fence along the S Park ST side of property. This is an extension of an existing fence that has been in place for 21 plus years.

COMMENTS - Current Meeting:

Sigler (sworn in) explained he is requesting a variance to extend an existing 6' fence along the S. Park ST side of his property. The existing 6' fence has been in place for approximately 21 years. The new fence has a 15-1/2' setback from the street, the same as the existing fence. The fence setback from the street allows them an unobstructed view of S Park Street when they are backing out from their driveway.

Percy asked if he started construction, noting the Notice of Violation included in the agenda packet. Blankenhorn said the fence was built without a permit. Percy asked if there was a variance granted from the previous fence. Blankenhorn said she could not find any record of permit for it. The applicant stated the fence was there when he bought the property.

Sigler said he bought the property in 2006.

Broeren said the previous fence was discussed with the previous administration. It was brought up in a discussion about people building 6' high fences right at the property line and what it is doing to sort of create tunnels.

Sigler added there is heavy car and truck traffic on S Park ST since it provides a shortcut between E High ST and E Gambier ST. This fence will provide them with backyard privacy and allow their dogs to utilize the backyard freely. He further stated they've never been able to use the backyard since there is no privacy from the sidewalk or street. Extending the existing 6' fence would allow them to protect their non-fenced area from trespassing, theft, and landscape damage - all of which they have experienced since purchasing the home in 2006. The applicant

stated a 3' fence would not provide the adequate protection that they need. They have installed a security system, motion activated lighting. In the past 16 years they have had personal items stolen from their yard and garage. They have experiences numerous trespassers cutting across the back part of their property, damaging the landscaping. Their most important reason for wanting a 6' fence is for the security of their 3-year-old and 8-year-old granddaughters. A 3' fence would not protect them from being seen by passing cars or pedestrians on the sidewalk. He has received notices from the local Sheriff alerting him of sexual predators living on Ohio AVE.

Percy wanted to clarify if the picture provided in the agenda packet is current. The fence is proposed to extend across the driveway and all the way to the rear property line. Broeren said the fence has already been built.

Carr (sworn in) reiterated the fence code. He believes recent fence addition possibly creates a danger to the public walking on the sidewalk. A driver backing out to the street cannot see pedestrians walking until the vehicle has backed out past the front edge of the fence and onto the sidewalk. The sidewalk is not visible to the driver until the vehicle is almost clear of the fence. Carr is also concerned with what the fence does along the shared property line S Park ST and limiting their northern view. Only a few exceptions have been made by the Board for this type if construction. He detailed 3 variance applications for fence heights that were denied: 300 E Hamtramck ST; 500 E Vine ST; 705 E High ST.

The staff report was read: August 17, 2022 Case: 2022-BZA-26 400 E Vine ST Parcel #66-04362.000 Glenn E Sigler requests a variance for the height of a fence along a side property line on a corner lot. Mr. Sigler extended, a fence without a permit, in line with a fence that was in place when he purchased the property. There is no record of a permit for the original fence. The neighborhood is prolific with structures built on the property lines of corner lots, including garages directly across Park Street and 2 properties down from the subject property along Park Street. Few, if any of the parcels in the neighborhood meet current code regulations for size and setbacks. The zoning staff supports this request.

Simpson made a motion to accept the request as presented.

RESULT:	DENIED [2 TO 3]
MOVER:	Susie L. Simpson, Member
SECONDER:	Tonya Boucher, Member
AYES:	Tonya Boucher, Cynthia Cunningham
NAYS:	Michael Percy, Susie L. Simpson, William Smith
EXCUSED:	Otho Eyster, Kate Aryanata



Mount Vernon

City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Glenn E. Sigler, 400 East Vine Street, Mount Vernon, Ohio, 614-138-1698

Agent's Name, Address and Phone

Site Information

Site Address

400 East Vine Street

Legal Description

Eastern 42 EX 38 S End

Parcel Number

66-04362.000

Deed Volume and Page Number

997/77

Zoning District

R-1

Existing use of property

510-Single family Dwlg owner occup

Proposed use of property

Hearing Request

Type of Hearing Requested

☒ Variance
Use

☐ Conditional Use

☐ Appeal of Decision

☐ Map Interpretation

☐ Substantially Similar

In the following section, please list a brief description of the request. Narrative statements and any additional documents or information required by the Zoning Code and Chapter 1155 should be attached to this application as separate sheets.

Request: I am requesting a variance to install a 6' fence along the S. Park St. side of my property at 400 E. Vine Street. I am extending the length of existing 6' fence that has been in place for 21 plus years which should have had a variance in place when I purchased the home in 2006. The existing and new fence has been set back from the street at 15'6" which provides an unobstructed view for cars backing from driveway up and down S. Park Street.

I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact.

Date:

7/27/2022

By:

Glenn E. Sigler

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

\$75.00

Date Paid

Receipt Number

Status of Board's Action

☐ Approved

☐ Denied

Attachment: 2022-BZA-26 Application Packet (3617 : 2022-Bza-26)

Narrative statements

establishing and substantiating that the variance conforms to the following standards:

✓ 1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

✓ 2) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

3) Describe the special circumstances or conditions, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. There must be deprivation of beneficial use of land.

Many of the attached photos are examples of how a driver's view is blocked when backing out of their garage or driveway by either fences, hedges, or structures. The driver must pull into the street or alley to have an unobstructed view of on-com traffic. The fence ~~at back~~ allows us to back out past the fence without pulling into the street to observe oncoming traffic on S. Park Street. We experience heavy car and pedestrian traffic on S. Park Street. The fence would provide us with backyard privacy for enjoyment and allow our dog to use this part of our yard freely.

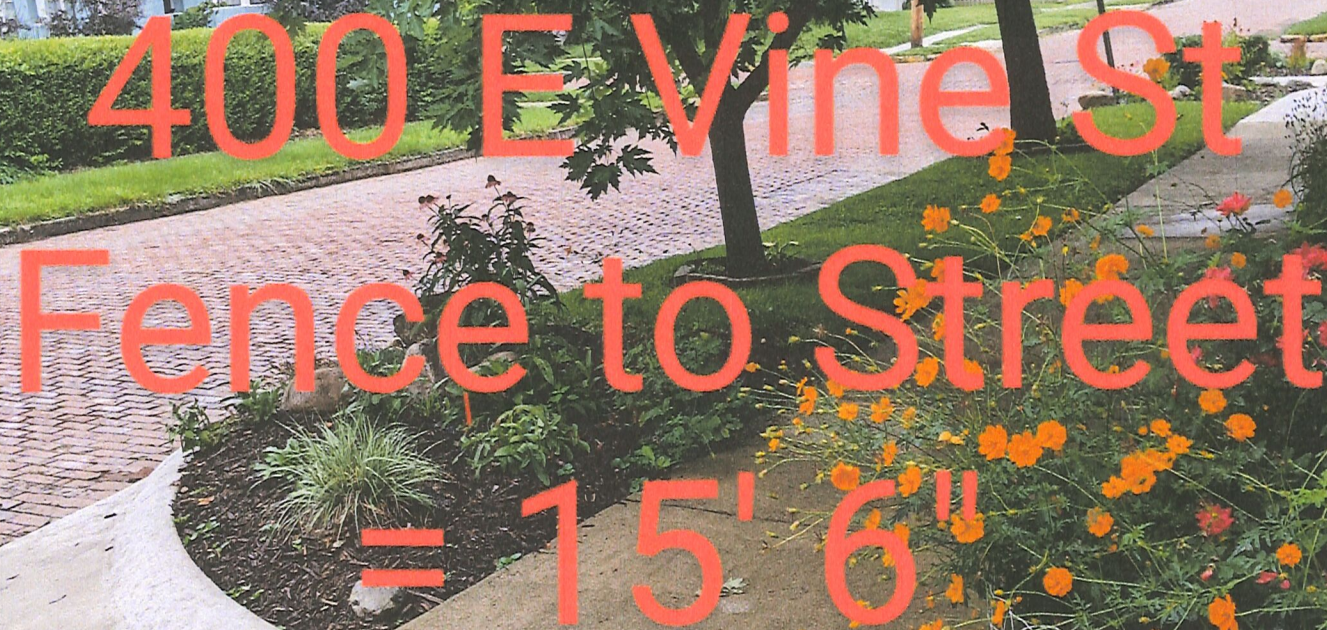
4) Explain the proof of hardship created by the strict application of this Zoning Ordinance.

Extending the existing fence allows us to protect our non-fenced property from trespassing, theft, and landscape damages. A three foot fence would not provide adequate protection. We have installed a security system, motion activated lights, and security cameras along with locking existing gates and doors to safe guard our property. In the past 16 years we have experienced personal items stolen from our yard and garage. Trespassers cutting across our property have damaged our landscaping.

✓ 5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

✓ 6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

✓ 7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



400 E Vine St
Fence to Street
= 15' 6"



400 E. Vine St.
Fence to street
= 15' 6"

Unobstructed View North Park St

Unobstructed View South Park St

Attachment: 2022-BZA-26 Application Packet (3617 : 2022-Bza-26)



Knox County Ohio, GIS
Jonette Curry
(<https://www.knoxcountyauditor.org/>)



Attachment: Site plan (3617 : 2022-Bza-26)

400 E Vine St

City of Mount Vernon, Ohio

Zoning Enforcement

40 Public Square
Mount Vernon, OH 43050
Phone (740) 393-9528



City of Mount Vernon, Ohio

NOTICE OF ZONING CODE VIOLATION**Date of Notice:** July 18, 2022**Property Address:** 400 E. Vine St.**Parcel Number:** 66-04362.000

Property Owner: Glenn E. & Rebecca J. Sigler
400 E. Vine St.
Mount Vernon, Ohio 43050

Permit Number: N/A**Violation:** Construction of a fence without acquiring a zoning permit.**Sections in Violation:** Section 1178.03.**Penalty:** \$25.00 penalty for violation of Section 1178.03 added to permit cost.

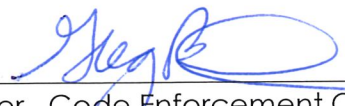
Corrective Action Required : Obtain zoning permit.
:Additional corrective action may be required.

***Permits can be obtained through the City of Mount Vernon Engineering Office at City Hall, 40 Public Square. Permit forms are also available online at www.mountvernonohio.org.**

***Please be advised that you have (14) days after the date of this notice (August 2, 2022) to remedy the above violation to avoid additional penalties.**

***Penalties for failure to comply with City of Mount Vernon zoning ordinances: (See Attached)**

If you have any questions about the violation or the required corrective action, please call the City Code Enforcement office at 740-393-9577. For additional permit information call the City Engineering office at 740-393-9528.

Notice By: 
Greg Bemiller, Code Enforcement Officer

Attached: Sections 1178.02 & 1178.03
Penalties
Picture

Attachment: Site plan (3617 : 2022-Bza-26)

1178.02 REGULATIONS.

In any residential or O/I district no fence or wall shall exceed six feet in height and no fence shall exceed thirty-six inches in height between the street right-of-way line and the building setback lines. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall. Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort or safety of the public.

(Ord. 2005-34. Passed 12-12-05.)

1178.03 PERMIT AND INSPECTION.

No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Enforcement Officer who shall review each request to determine its compliance with this chapter. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land. An inspection by the City shall not be construed to mean that the City has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein or otherwise.

(Ord. 2005-34. Passed 12-12-05.)

City of Mount Vernon

40 Public Square, Mount Vernon, OH 43050
 Phone: 740-393-9520 Fax: 740-397-6595
 E-mail: safetyservice@mountvernonohio.org



City of Mount Vernon Zoning Violation Penalty Schedule

The following penalty schedule for zoning violations is effective February 5, 2021 and is authorized under ordinance 2021-01.

Violation	Penalty
Failure to Obtain a Zoning Permit Prior to Work	\$25
If permit application is not filed within 14 days from violation notice	\$10 per day until application is filed
If permit is not paid for within 7 days after notification of approval	\$10 per day until permit fee is paid
Any Zoning Violation Including, but not limited to, insufficient setbacks, fence/wall height, oversized/unallowable signage, oversized structure, over coverage of a lot, too many accessory structures, improper use	
If no action is taken within 30 days from the date of violation notice	\$10 per day until violation is corrected
Long-term Noncompliance	
For any violation, if no action is taken after receiving penalties for 30 days	Penalties increase to \$50 per day

- If applicable, penalties will be added to the permit fee at the time of payment.
- Invoices for penalties will be sent every 30 days. If penalties are not paid within 30 days of receiving the invoice a lien for the invoiced amount will be placed onto the property in violation.
- If an application for a zoning permit, for work that has already been started or completed, is rejected the application will have 30 days to correct the violation before penalties are assessed. If the applicant elects to have the issue heard before the Board of Zoning Appeals (BZA), the applicant will have 30 days from the decision of the BZA to correct the violation, if one still exists.
- The Development Services Manager is authorized to adjust the penalty schedule on a case-by-case basis with justification.

Attachment: Site plan (3617 : 2022-Bza-26)

