



Board of Zoning Appeals
Board Meeting

Agenda

August 18, 2021
5:30 PM

CALL TO ORDER

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Jul 7, 2021 5:30 PM

BZA FILES

- 2021-BZA-14 : 500 E Vine ST - Variance for Fence Height/Location
- 2021-BZA-16 : 104 Oakway DR - Variance for Front Yard Setback

BZA PROCEDURES

Discussion about motion formatting

- Limitations of MinuteTraq: Request Adopted or Denied

ADJOURN



Board of Zoning Appeals Meeting: 08/18/21 5:30 PM
City of Mount Vernon Dept: **Board of Zoning Appeals**
Mount Vernon, OH 43050

SCHEDULED

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

BZA FILE (ID # 2376)

DOC ID: 2376

2021-BZA-14 : 500 E VINE ST - VARIANCE FOR FENCE HEIGHT/LOCATION

Item Number	2021-BZA-14
Site Address	500 E Vine ST
Parcel Number	66-01063.000
Zoning District	R-1 Single Family District
Presented By	Richard Primm

Quick Guide to Codified Ordinance Sections (may not be inclusive): 1178 Fences and Hedges

Request: Mr. and Mrs. Primm would like to install a 5-6-foot fence beside the sidewalk in their backyard. The privacy fence would go along the sidewalk and driveway. See application packet for additional details.



Mount Vernon

City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

RICHARD AND RACHEAL PRIMM / 500 E. VINE ST., MT. VERNON / (210) 589-1257 / (210) 544-4409

Agent's Name, Address and Phone

Site Information

Site Address

500 EAST VINE STREET, MT. VERNON

Legal Description

LOT NO. 46 EASTERN ADDITION TO SAID CITY

Parcel Number

66-01063.000

Deed Volume and Page Number

*BOOK 1763, Pg 119
BOOK 1653, Pg 195*

Zoning District

KNOX COUNTY

Existing use of property

RESIDENTIAL

Proposed use of property

RESIDENTIAL

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:

WE WOULD LIKE TO REQUEST TO INSTALL A 5-6 FOOT FENCE BESIDE THE SIDEWALK IN OUR BACK YARD. THE FENCE WOULD GO ALONG THE SIDEWALK AND DRIVEWAY. IT WOULD BE A PRIVACY FENCE.

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: *July 21, 2021*

By: *Richard Primm*

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

Date Paid

Receipt Number

\$75.00

Status of Board's Action

☐ Approved ☐ Denied

Attachment: Vine ST, 500 E - BZA Application packet (2376 : 2021-Bza-14)

Application for Variance

- 1) The granting of the variance should be in accord with the general purpose and intent of 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) My family and I recently bought the property at 500 E. Vine Street, in Mount Vernon, Ohio. It is a corner lot at the intersection of S. Division. Currently, we have overgrown hedges that line the backyard on the Division Street side of the house (Attach 1). Similar hedges line the yard-side of our driveway. We are going to have these hedges removed for various reasons (difficult to maintain, wasted yard space, intertwined with other plants to include poison ivy, lack of containment for pet) and would like to install a privacy fence in their place. We have been told that we can only build a three-foot-high fence in the desired location, or we can build an (up to) six-foot fence from the corner of our house.
- 4) A three-foot fence would not be sufficient for a couple of reasons: 1) We have four children and do not feel it would provide the privacy/safety that we would like to have from those who may be traveling down the street by foot and by car, and 2) we do have a dog. Our dog is not aggressive and has never bitten anyone; however, he is protective. With a three-foot fence, it is my fear that anyone walking along the sidewalk could easily put part of his/her body over the fence (for any reason) and that could cause our dog to react in a negative way. Neither of these would be possible with a four to six-foot fence.
- 5) While we do already have permission to build a six-foot fence from the corner of our home, this is not a good solution for us. Building a fence in this manner would cause us to lose more than 400 sq. feet of back yard space for our family. (Attach 2)
- 6) The granting of this variance for (up to) a six-foot fence (Attach 3) will not cause any safety issue at all. I know the first concern for all is "line of sight" and public safety. Remember though, we are not adding something that is not already there, we are simply replacing something that already exists. The hedges that line Division Street sidewalk are at least five-feet tall and range to near six feet, at some points. While they do present issues for our family, they do also provide privacy and will most likely stay if the variance is not granted. Also, although we are on a corner lot, we do have a long lot, and will not be interfering with the traffic (4-way stop) at Division and Vine.
- 7) I do realize, that if this variance is granted, it would only apply to fencing that would line the driveway in my backyard, perpendicular (and lining) the sidewalk, then back to the house. Any other structures or buildings would be requested and approved/denied separately.



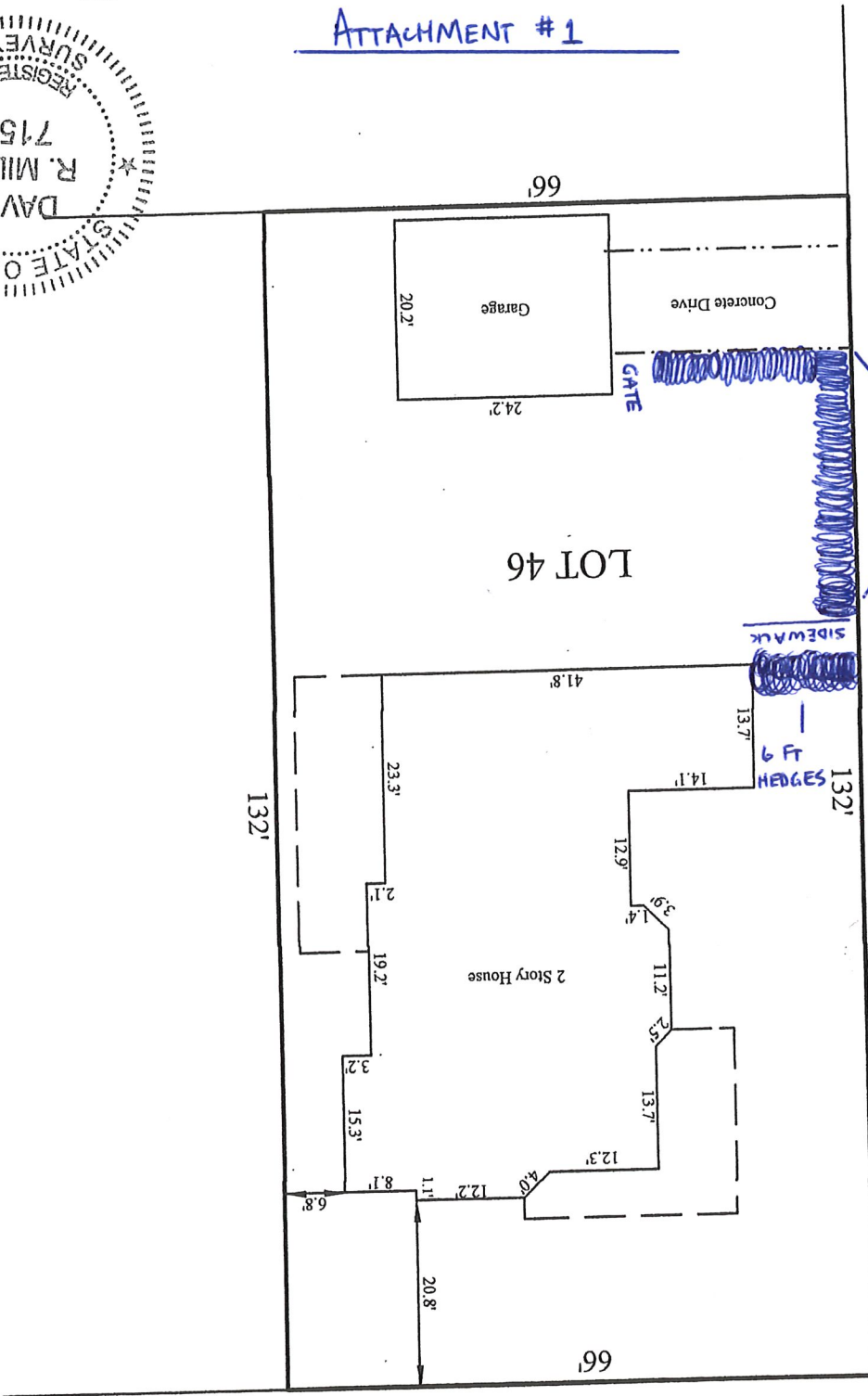
Date: April 8, 2021
Scale: 1" = 20'

○ - Iron Pin Set (5/8" x 30")
● - Iron Pin Found
PARCEL # 66-01063.000

LOCATION: 500 East Vine Street
Mount Vernon, Ohio
YER/SELLER: Richard L. & Rachael A. Primm / Bethany R. and Edward M. Kupiec
OC 03529

Being Lot 46 in the Eastern Addition to the
City of Mount Vernon, Knox County, Ohio

East Vine Street (66')



South Division Street (49.5')
5 TO 6 FT. HEDGES
6 FT. HEDGES
SIDEWALK
GATE

ATTACHMENT #1





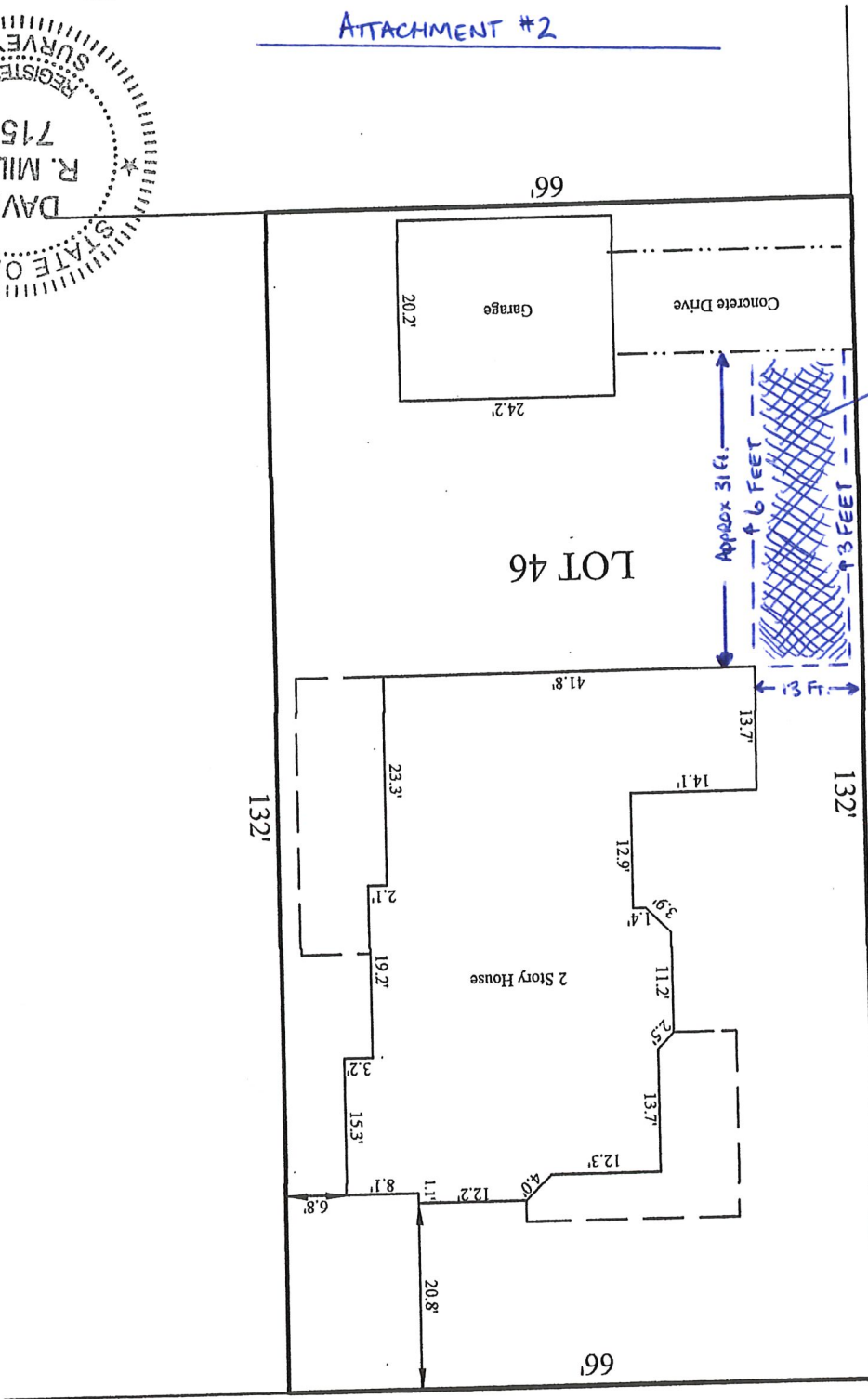
Date: April 8, 2021
Scale: 1" = 20'

○ - Iron Pin Set (5/8" x 30")
● - Iron Pin Found
PARCEL # 66-01063.000

LOCATION: 500 East Vine Street
Mount Vernon, Ohio
VER/SELLER: Richard L. & Rachael A. Primm / Bethany R. and Edward M. Kupiec
OC 03529

Being Lot 46 in the Eastern Addition to the
City of Mount Vernon, Knox County, Ohio

East Vine Street (66')

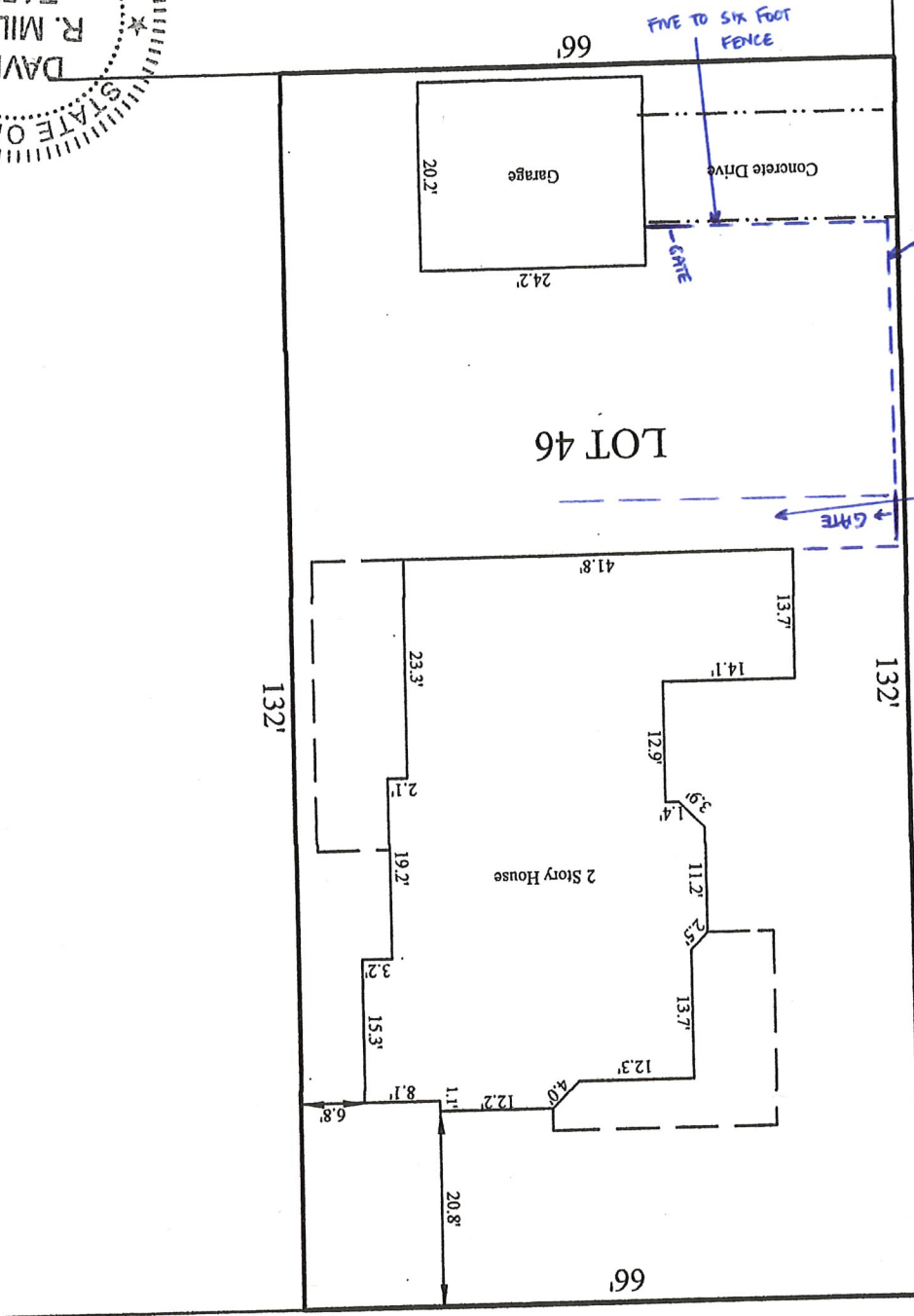


South Division Street (49.5')

ATTACHMENT #2



ATTACHMENT # 3



South Division Street (49.5')

East Vine Street (66')

EXISTING SIDEWALK
BEHIND HOUSE TO
STREET

FIVE TO SIX FOOT
FENCE

FIVE/SIX FOOT
FENCE WITH
2 GATES

GATE

GATE



Attachment: Vine ST, 500 E - BZA Application packet (2376 : 2021-Bza-14)

PARCEL # 66-01063.000
● - Iron Pin Found
○ - Iron Pin Set (5/8" x 30")

Date: April 8, 2021
Scale: 1" = 20'



Attachment: Vine ST, 500 E - BZA Application packet (2376 : 2021-Bza-14)



Attachment: Vine ST, 500 E - BZA Application packet (2376 : 2021-Bza-14)



Board of Zoning Appeals Meeting: 08/18/21 5:30 PM
City of Mount Vernon Dept: **Board of Zoning Appeals**
Mount Vernon, OH 43050

SCHEDULED

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

BZA FILE (ID # 2377)

DOC ID: 2377

2021-BZA-16 : 104 OAKWAY DR - VARIANCE FOR FRONT YARD SETBACK

Item Number	2021-BZA-16
Site Address	104 Oakway DR
Parcel Number	66-00763.000
Zoning District	R-1 Single Family District
Presented By	Joseph Porter

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

Request: Mr. Porter is requesting a variance from the required front yard setback (30') to build a deck on the front of his home that will be 25.4' from the property line. See the application packet for additional details.



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information			
Owner's Name, Address and Phone Joseph Porter, 104 Oakway Drive, Mount Vernon, Ohio 43050			
Agent's Name, Address and Phone DNA			
Site Information			
Site Address 104 Oakway Drive		Legal Description Being Lot Number Three (3) in Northridge Subdivis	
Parcel Number 66-00763.000	Deed Volume and Page Number 1837 931-933	Zoning District R1	
Existing use of property Single Family Dwelling		Proposed use of property Single Family Dwelling	
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 am requesting a variance to section 1160.2(a)(3) of Mount Vernon Codified Ordinance Title 5-Zoning requiring a minimum front yard distance of thirty (30) feet.			
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: July 25, 2021		By: Joseph Porter	
Status of Application			
Filing Date 7/27/21		Case Number 2021-BZA-16	
		Hearing Date August 18, 2021	
Fee deposit \$75.00		Date Paid 7/27/21	Receipt Number 523 iwerQ
Status of Board's Action			
☐ Approved ☐ Denied			

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

City of Mount Vernon, Ohio Board of Zoning Appeals

Request for Hearing

Applicant Information- Joseph Porter, 104 Oakway Drive, Mount Vernon, Ohio 43050. 740-504-6048

Site Information – 104 Oakway Drive, Mount Vernon, OH 43050.

Legal Description – Being Lot Number Three (3) in the Northridge Subdivision in the said City of Mount Vernon, according to a plat thereof recorded in Volume 3, Page 157, Plat Records, Knox County, Ohio

Description of Variance – A variance to section 1160.2(a)(3) of Mount Vernon Codified Ordinance Title 5 – Zoning requiring a minimum front yard distance of thirty (30) feet.

Narrative Statements as required by section 1155.14(e) of Mount Vernon Ohio Codified Ordinance Title 5 – Zoning

1. This request is being made to allow a twelve (12) foot wide x seven (7) foot deep wooden deck to the front of the home to replace the deteriorating five-foot five-inch (5' 5") by four-foot (4') front door stoop and sidewalk. There is nothing indicating that this project is not in accord with the general purpose and intent of the regulations nor that it will be injurious to the area or otherwise detrimental to the public welfare.
2. The granting of this variance will not change to use of the single-family dwelling
3. Title 5 1160.2(a)(3) requires a distance of 30 of front yard. The survey from my property shows the property line toward Oakway Drive is thirty-two-point four (32.4) ft. The distance from the front of my house to the edge of Oakway Drive is around forty-eight (48) ft. The existing sidewalk is seventeen (17) feet across the front of the house starting at the west edge of the house and the north edge, toward Oakway Drive, of the sidewalk is seven (7) ft from the house. The north edge of the new deck would be seven (7) feet from the front of the house and twenty-five point seven (25.7) feet from the front property line. Approximately forty-one (41) feet from existing south edge of Oakway Drive. I purchased the home in March 2021 and have updated the electric, am replacing the roof and gutters, and repainting the exterior of the home. I believe that a small deck on the front would also help to enhance the home's use and appearance in the neighborhood.
4. I honestly cannot show any hardship due to strict application of the code. I do not believe that the impact on the property or the neighborhood would be any less than that of the existing

sidewalk and stoop. I would prefer to replace the stoop with something that is more functional and looks better than a concrete stoop. Though the surveyed property line is 30 feet Infront of the house. I do maintain the yard to the edge of Oakway Drive.

5. I cannot state that the granting of the variance is necessary for the reasonable use of the land or building. Not granting the variance will not affect the reasonable use.
6. The variance should not have any effect on the supply of light or air to adjacent properties. The sides of the deck will not extend more than 5 feet above ground level and will not endanger the public safety. The granting of the variance and addition of the deck should increase property values of the adjacent areas.
7. I do not believe that the granting of this variance will confer any special privilege to other lands, structures or buildings. It is a simple 12 x 7 wooden deck on the front of the house.

Thank you for consideration in this matter. The bottom line is, am requesting a four-point six (4.6) foot variance to the 30-foot front yard requirement. I am attaching photos and a copy of the surveyed area. I apologize for the haphazard painting on the front. I am trying to prime and match areas repaired with new cedar siding to primer over the old paint. It will take a bit of time to get the match. I have included some basic measurements on the survey that should be to scale.

Respectfully submitted,

Joseph Porter

July 25, 2021



Permit APP # 2021468

Mount Vernon OH <wo@iworq.net> Fri, Jul 16, 9:47 AM (9 days ago)

to me

Joseph - what is the setback distance from the front property line? Code requires 30', otherwise you can request a variance through the Board of Zoning Appeals. Thank you, Lacie Blankenhorn, Development Services Manager

Permit #: 2021468

Permit Date: 07/16/21

Permit Type: Zoning

Site Address (Name ST, # Dir): Oakway DR, 104

Applicant Name: Joseph Porter

Applicant Company (if applicable):

Phone Number: 7405046048

Applicant Email: joeporter21@gmail.com

Description of Proposed Work: Small deck on front of home

Project Cost: 1444

Square Feet: 0

Structure Height:

Existing Use of Property:

Proposed Project/Improvement/Development:

New Dwelling Units: 0

Deed Volume & Page:

Work started without permit:

ERU: 0

Status: Review

Assigned To: Lacie Blankenhorn

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
66-00763.000	104 OAKWAY DR	NORTHRIDGE SUB DIV LOT 3	PORTER JOSEPH L		R-1

Uploaded Files

Date

File Name

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

07/16/2021

[d6377f8871a9643c494a1a8365718617_9ebb0928-d496-471c-8d16-43d3f0cab5a3.jpeg](#)

07/16/2021

[fad6f2b1628b8bcb85ab0b576fc9f512_2ef2b096-e036-4b9b-91e7-e85c1fe3aecc.jpeg](#)

Joe Porter <joeporter21@gmail.com> Fri, Jul 16, 10:32 AM (9 days ago)

to **dsm**

Lacie,

I will dig the survey out this evening. I stopped by and did a quick laser measure from the edge of the street to the front of the house is around 48ft. The deck will be 7ft deep, so, will be 41ft from the line.

Thanks,

Joe

Joe Porter

Lacie Blankenhorn Jul 16, 2021, 11:02 AM (9 days ago)

to me

The edge of the street is not the property line. The property line is represented by the yellow line on the aerial image you included in your application from the County Auditor's website.

Lacie Blankenhorn

Development Services Manager

City of Mount Vernon

40 Public Square

Mount Vernon, OH 43050

Phone (740) 393-2033 Fax: (740) 397-6595

Visit us at: www.mountvernonohio.org

PLEASE NOTE: This message and any response to it may constitute a public record and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, employee or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.

Secured by Google.

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)



Joe Porter <joeporter21@gmail.com> Fri, Jul 16, 11:59 AM (9 days ago)

to Lacie

The aerial view is not accurate. If it were, my property line would go through my neighbor's living room.

Joe Porter

Lacie Blankenhorn Jul 16, 2021, 1:02 PM (9 days ago)

to me

Joe,

I got your voicemail. The survey is definitely the accurate document to use, not the aerial image on the Auditor's website. I know there are discrepancies with the aerial image, but it's an easy quick reference.

I need to know the setback distance from the front property line, not the edge of pavement, to the proposed porch. If it is less than 30' you will need to request a variance.

Thank you,

Lacie Blankenhorn

Development Services Manager

City of Mount Vernon

40 Public Square

Mount Vernon, OH 43050

Phone (740) 393-2033 Fax: (740) 397-6595

Visit us at: www.mountvernonohio.org

PLEASE NOTE: This message and any response to it may constitute a public record and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, employee or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.

Secured by Google.



Joe Porter <joeporter21@gmail.com> Fri, Jul 16, 1:10 PM (9 days ago)

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

to Lacie

I will pull the survey when I get home tonight.

Thanks

Joe Porter



Joe Porter <joeporter21@gmail.com> Jul 16, 2021, 5:57 PM (9 days ago)

to Lacie

Lacie.

Looks like I am 4.6 ft short.

How do I go about an appeal?

Does the city own the other 16 ft that I am mowing?



Scan of the survey attached. My scanner won't do legal size. I can stop in and you can make a copy if you need the whole thing if needs be.

Have a good weekend.

Thanks,

Joe Porter

Attachments area

Lacie Blankenhorn Mon, Jul 19, 7:53 AM (6 days ago)

to me

Joe,

[Here is the link to the application.](#) A narrative statement is also required, addressing the 7 standards outlined in section 1154.14(e).

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

The City does own the area labeled on the survey as Oakway Drive (50').

Lacie Blankenhorn

Development Services Manager

City of Mount Vernon

40 Public Square

Mount Vernon, OH 43050

Phone (740) 393-2033 Fax: (740) 397-6595

Visit us at: www.mountvernonohio.org

PLEASE NOTE: This message and any response to it may constitute a public record and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, employee or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.

Secured by Google.



Joe Porter <joeporter21@gmail.com> Jul 19, 2021, 8:24 AM (6 days ago)

to Lacie

Ok.

Thank you.

Joe Porter

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

TRACY & MILLS SURVEYORS

DAVID R. MILLS, PS

10 East Vine Street
 Mount Vernon, Ohio 45050
 Tel.: 740-397-8324 Fax: 740-397-5910
 e-mail: tracyandmills@aol.com

THOMAS M. TRACY, PS
 1941-2002

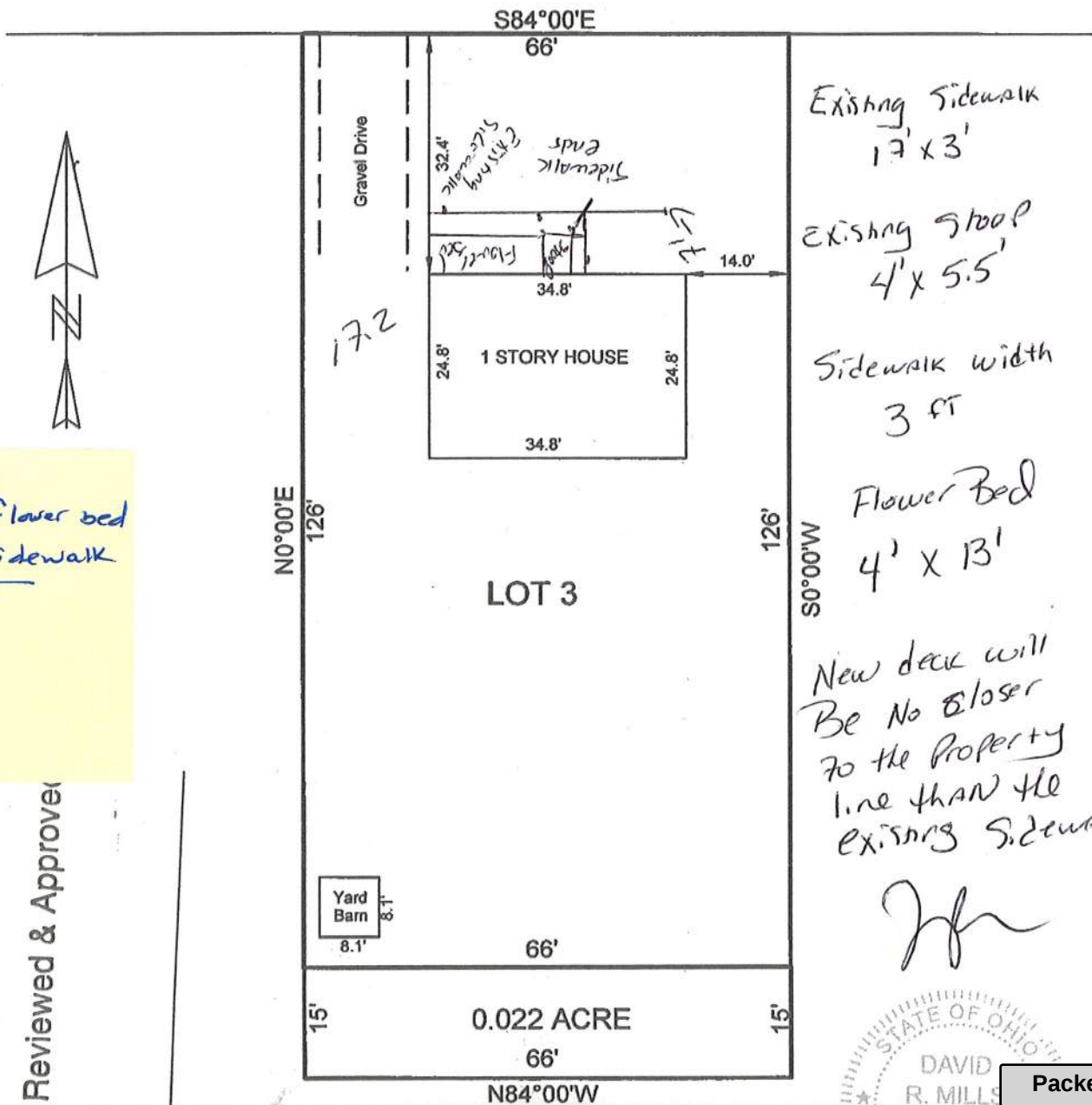
MORTGAGE LOCATION SURVEY FOR **Owl Creek Title Agency / Fairway Independent Mortgage**
LOCATION: 104 Oakway Drive Being Lot 3 of the Northridge Subdivision and part of a
 Mount Vernon, Ohio Vacated Street, City of Mount Vernon, Knox County, Ohio
BUYER/SELLER: Joseph L. Porter / Robert D. & Chelsea A. Smith OC 03415

Date: February 17, 2021
 Scale: 1" = 20'

○ - Iron Pin Set (5/8" x 30")
 ● - Iron Pin Found

PARCEL # 66-00763.000
 # 66-09690.000

OAK WAY DRIVE (50')



Reviewed & Approved

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

Mount Vernon Ohio Zoning Permit App #2021468

Board of Zoning Appeals Request for Hearing

Photos

1. Deck plan
2. Auditors overview and site info
3. 104 Oakway Drive front stoop and sidewalk
4. 104 Oakway Drive front yard
5. 104 Oakway Drive front view
6. 104 Oakway Drive front stoop
7. Oakway Drive looking west 104 front yard is on the left (south). 103 is on the right (north)

MacBook Air



Joe Porter

Jul, 15, 2021 10:13 PM
LOWE'S OF MARION, OH. (1091)

Deck Layout

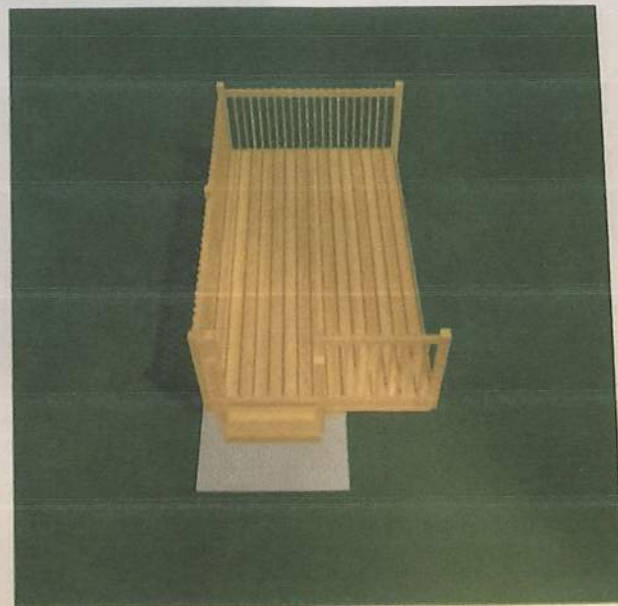
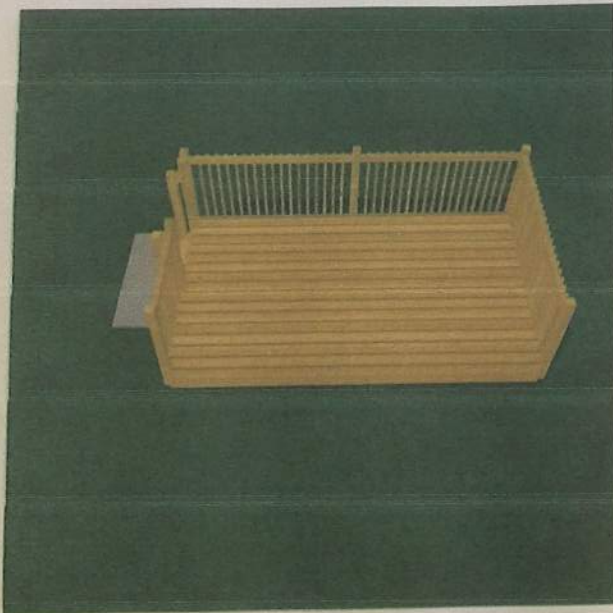
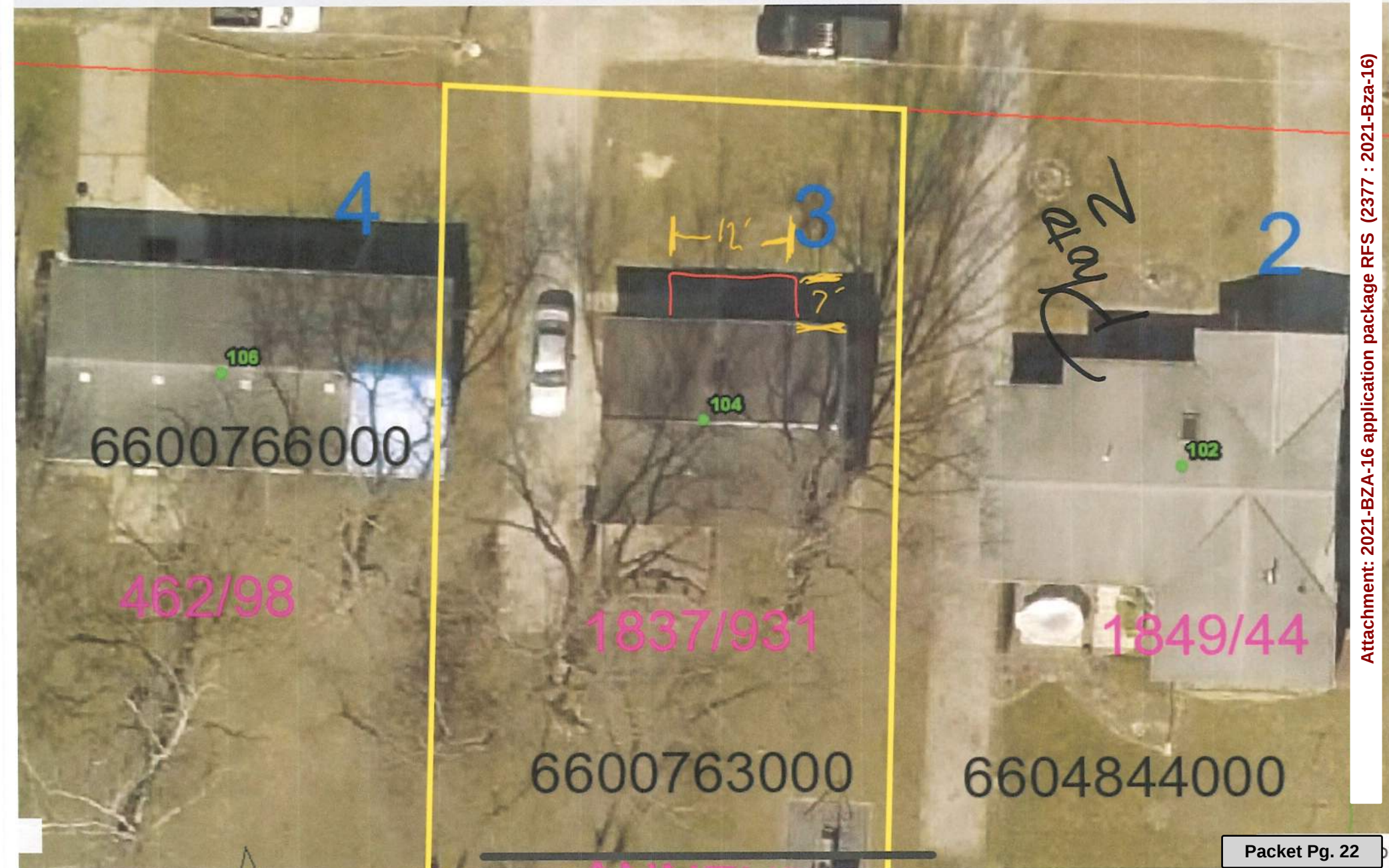


Photo 1

Project ID: 448ba0e3-12e6-486f-b1cf-
-2da15b011alowes.deckdesignersupport.3dcloud.com/view-materials-list-and-pricing<https://lowes.deckdesignersupport.3dcloud.com/view-materials-list-and-pricing>

Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)



Flow 3



Photo 4



Photo 5



Attachment: 2021-BZA-16 application package RFS (2377 : 2021-Bza-16)

