



Board of Zoning Appeals

September 1, 2021

Board Meeting

Minutes

5:30 PM

CALL TO ORDER

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

Others in attendance: Lacie Blankenhorn, City Development Services Manager; P. Rob. Broeren, City Law Director; Patricia Jackson; Sheryl Logue

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Aug 18, 2021 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Susie L. Simpson, Member
SECONDER:	Don Carr, Vice-Chairman
AYES:	Percy, Simpson, Carr, Smith, Eyster
EXCUSED:	Boucher, Aryanata

BZA FILES

- 2021-BZA-17 : 707 W Sugar ST - Variance for Fence Height/Location

Sheryl Logue (sworn in) - explained they replaced a privacy fence along the west property line with a 4' 4" section extending from the front of the home to the front property line. (They did not obtain a permit prior to construction.) She states her dogs can jump over anything that is less than that.

It was clarified that across the front there is also a 4' 4" wire style fence. She states it has been existing for several years. (There is no indication of a permit for it.)

Ms. Logue stated the fence that was replaced was a 6' privacy fence. They reduced the front section down to 4' 4" approximately.

Mrs. Blankenhorn explained they were issued a violation letter for constructing the fence without a permit. Upon receipt of the violation letter they applied for a permit. Review of the application determined the fence was higher than 3' so the application for a variance was started.

Ms. Logue said the front fence is completely see-through. There is nothing impeding the line of sight.

Mr. Percy clarified they are requesting a variance for something that has already been installed.

Ms. Logue said the front yard is approximately 1/3 of the total yard. Lowering the fence to 3' will make the yard totally useless for the purposes that she needs it for. She can't let the dogs out. She did get support from her neighbors who signed an approval letter which was submitted with the application.

There were no written or other communications through the Development Services Manager.

Mr. Carr asked about the 2 names on the application. Ms. Logue explained her mother owns the property and she is renting to own.

Mr. Carr made a motion to approve the request as submitted.

Mr. Carr spoke of the number of fence height requests that have been submitted, calling attention to the requests that were denied. He is not in favor of encumbering the front yard with any accessory buildings and fences that don't meet the Code for height. He is against approving this application.

There was no further discussion.

RESULT:	DENIED [1 TO 4]
AYES:	Eyster
NAYS:	Percy, Simpson, Carr, Smith
EXCUSED:	Boucher, Aryanata

ADJOURN



Board of Zoning Appeals Meeting: 09/01/21 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 # 2390)

DOC ID: 2390

2021-BZA-17 : 707 W SUGAR ST - VARIANCE FOR FENCE HEIGHT/LOCATION

Item Number	2021-BZA-17
Site Address	707 W Sugar ST
Parcel Number	66-07656.000
Zoning District	R-1 Single Family District
Presented By	Patricia Jackson & Sheryl Logue

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

Request: 4' 4" fence in the front yard

COMMENTS - Current Meeting:

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It was clarified that across the front there is also a 4'4" wire style fence. She states it has been existing for several years. (There is no indication of a permit for it.)

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Mr. Percy clarified they are requesting a variance for something that has already been installed.

Ms. Logue said the front yard is approximately 1/3 of the total yard. Lowering the fence to 3' will make the yard totally useless for the purposes that she needs it for. She can't let the dogs out. She did get support from her neighbors who signed an approval letter which was submitted with the application.

There were no written or other communications through the Development Services Manager.

Mr. Carr asked about the 2 names on the application. Ms. Logue explained her mother owns the property and she is renting to own.

Mr. Carr made a motion to approve the request as submitted.

Mr. Carr spoke of the number of fence height requests that have been submitted, calling attention to the requests that were denied. He is not in favor of encumbering the front yard with any accessory buildings and fences that don't meet the Code for height. He is against approving this application.

There was no further discussion.

RESULT:	DENIED [1 TO 4]
AYES:	Otho Eyster
NAYS:	Michael Percy, Susie L. Simpson, Don Carr, William Smith
EXCUSED:	Tonya Boucher, Kate Aryanata



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

Applicant's Information

Owner's Name, Address and Phone

Patricia Jackson 810 E High St. Mt. Vernon, OH 740 397-6571

Agent's Name, Address and Phone

N/A

Site Information

Site Address

707 W Sugar St Mt. Vernon

Legal Description

Occup C & G Park Add 103

Parcel Number

6607656.000

Deed Volume and Page Number

815; 95-107

Zoning District

R-1

Existing use of property

Single-Family Home - residential

Proposed use of property

Single-Family Home - 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:

* See attached sheet.

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: 8-4-21

By:

Sheryl League

Status of Application

Filing Date

8/9/2021

Case Number

2021-BZA-17

Hearing Date

Sept 1, 2021

Fee deposit

\$75.00

Date Paid

8/9/21

Receipt Number

539

Status of Board's Action

☐ Approved

☐ Denied

Attachment: 2021-BZA-17 Application Package (2390 : 2021-Bza-17)

July 30, 2021

Board of Zoning Appeals,

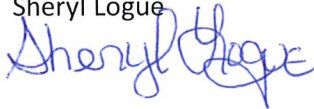
I am writing to seek a fence variance for my single-family home located at 707 West Sugar Street, Mt. Vernon. Current zoning rules say that fences must be no more than 3 feet tall from the front corner of the house; I respectfully request to install a fence that is 4' 4" tall and will be approximately 29 lineal feet of board-on board fence extending from the west front corner of the house to the sidewalk. (Picture A)

Without the additional height we will no longer be able to let our dogs have access to the front yard as they can jump over the 3' fence and escape. In addition, the entire West side fence also serves as a privacy screen for both myself and my neighbor which share the common property line. The back of the neighbor's house faces my property. (Picture B & C)

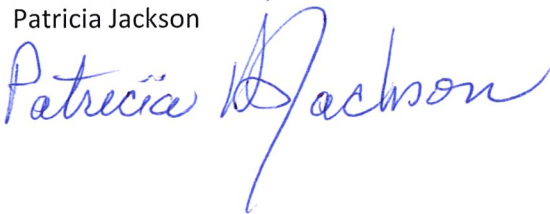
The additional fence height will not impede the line of sight for any public/city employees or emergency personnel as the front fence is see-through which allows a clear line of sight to the front and side yard. Also included is a support petition signed by our neighbors. (Picture D & signed petition)

Best Regards,

Sheryl Logue



Patricia Jackson



Attachment: 2021-BZA-17 Application Package (2390 : 2021-Bza-17)

Picture A



Attachment: 2021-BZA-17 Application Package (2390 : 2021-Bza-17)

Picture B

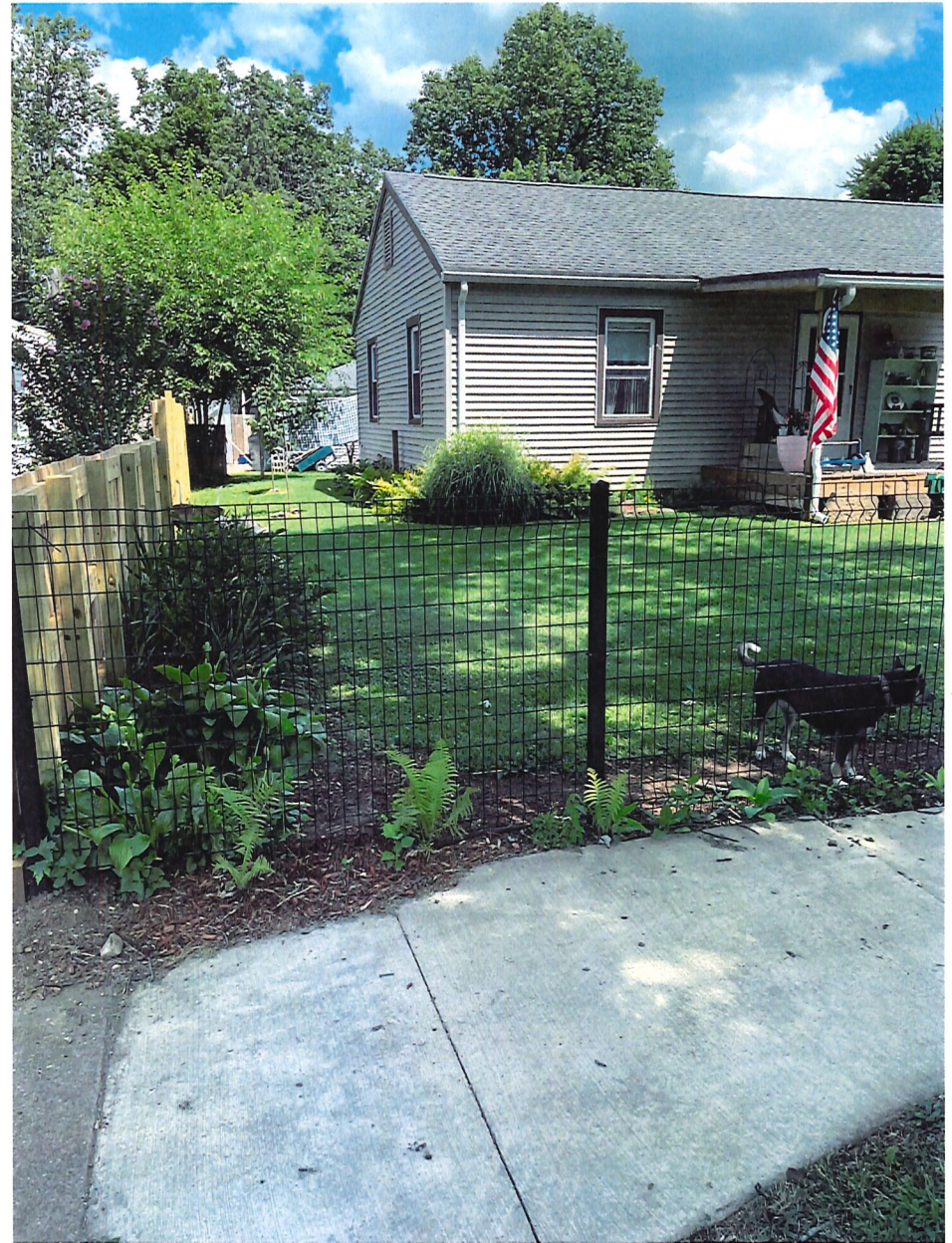


Picture C



Attachment: 2021-BZA-17 Application Package (2390 : 2021-Bza-17)

Picture D

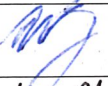
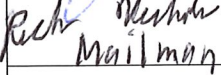
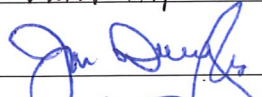
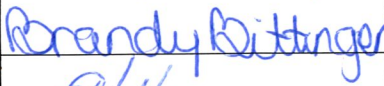
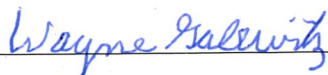
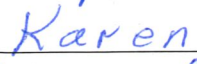
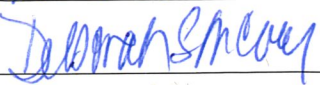


Picture D.A



Support Petition

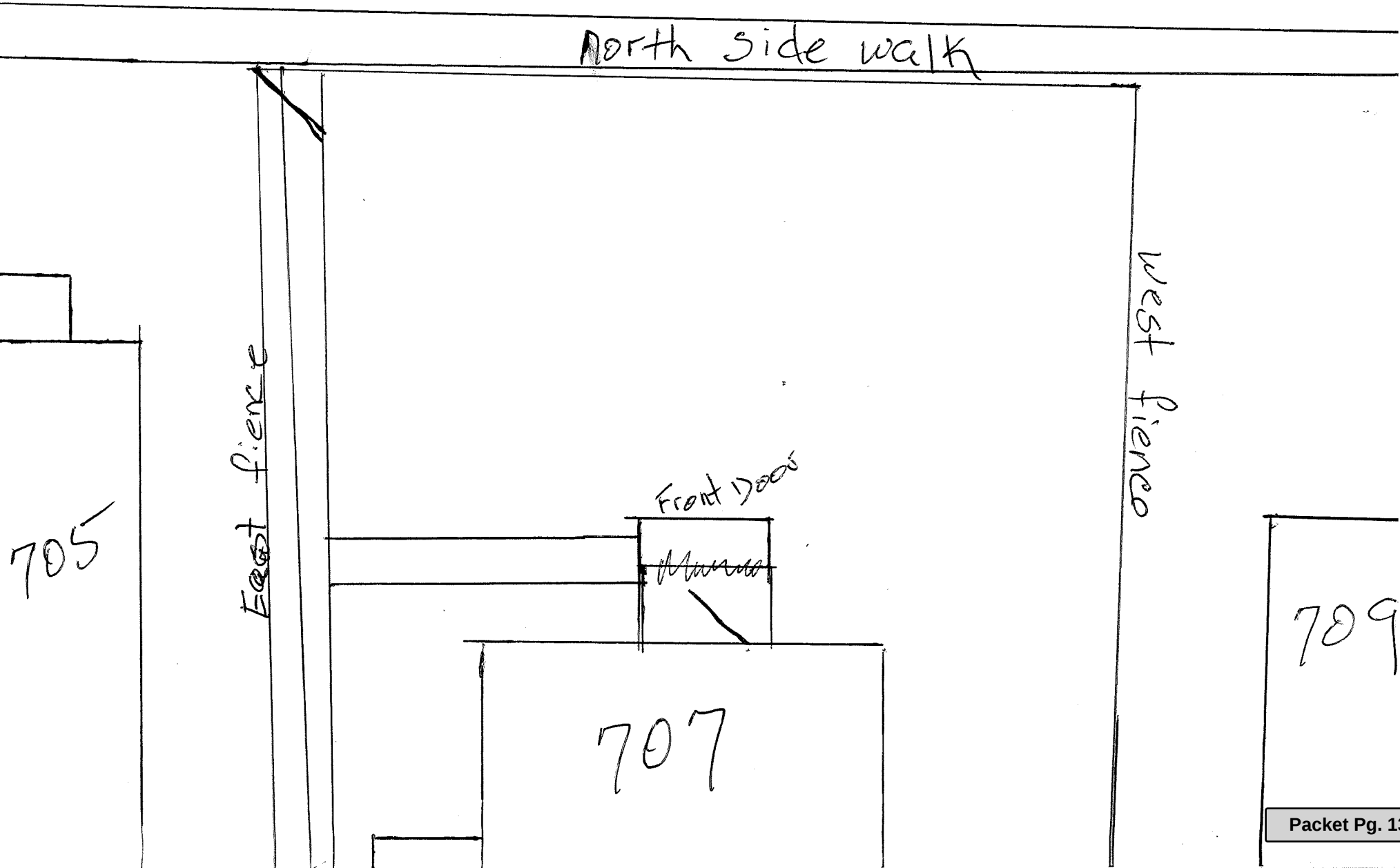
We are in support of the variance for the West side front fence located at 707 W Sugar St. The proposed fence will be 52" (4' 4") high instead of the 36" (3') allowed by Mt. Vernon Board of Zoning. The length of reduced height fence will be 29' 4", which is from the front corner of the house to the sidewalk. The reason for the additional height is to ensure that our dogs cannot jump over the fence, to keep the fence uniform and to allow privacy for ourselves and neighbors which share the common property line.

<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>DATE</u>
 Rich Moshko	709 W SUGAR ST	740-973-6294	7/31/21
 Mailman	501 Maywood	740-507-2211	7-31-21
 John Smith	706 W SUGAR	740-504-7754	7-31-21
 Mike	702 W Sugar	740-398-2157	7-31-21
 Randy Bittinger	607 W Sugar St	740-485-4542	8-1-21
 Ed	605 W SUGAR ST	330-390-5225	8-1-21
 Wayne Salwitz	805 W Sugar	740-397-5774	8-2-21
 Karen	" "	" "	" "
 Deborah McCreary	705 W Sugar St	(740) 243-8345	8-2-2021
 Celia	116 Mitchell Ave.	(330) 390-5309	8-3-2021

706

706

Sugar St.



Attachment: 2021-BZA-17 Application Package (2390 : 2021-Bza-17)

Narrative statements

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

SL 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.

SL 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.

If the fence height remains at 3' for the approx 29' of board on board fence we will not be able to allow our dogs access to the front yard, which is approx 40% of our yard area. In reality that will make the front ~~area~~ unusable. In addition, the West side neighbor's property ~~face~~ faces away from us which allows the back of their house to face ours, ^{thus it does not} create any line of sight. My house sits back from the sidewalk more than the neighbor's homes, which gives me a bigger front section of yard.

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

Front yard will not be usable for dogs, which will severely limit space. I have requested minimum variance that will make possible the reasonable use of land.

SL 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.

SL 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.

SL 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.

The West Neighbors also utilize their backyard for family functions and the additional 1' 5" in height will ensure that our dogs will not escape. For a total of 4' 6"