



Board of Zoning Appeals

November 1, 2023

Board Meeting

Agenda

5:30 PM

VIDEO BROADCASTING & RECORDING

The meeting videos are now being broadcast live and published on YouTube.com
<https://www.youtube.com/@cityofmountvernon3369>

CALL TO ORDER

MINUTES APPROVAL

- Board of Zoning Appeals - Board Meeting - Oct 4, 2023 5:30 PM

BZA FILES

- 2023-BZA-22 : Bylaws
- 2023-BZA-23 : 202 S Edgewood RD - Variance for Fence Height

ADJOURN



Board of Zoning Appeals Meeting: 11/01/23 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 # 3890)

DOC ID: 3890

2023-BZA-22 : BYLAWS

Item Number	2023-BZA-22
Site Address	N/A
Parcel Number	N/A
Zoning District	N/A
Presented By	Matthew T. Starr, Chairman

Quick Guide to Codified Ordinance Sections (may not be inclusive):

1155.05(b) Board of Zoning Appeals: The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with this Zoning Ordinance.

Request: Review proposed bylaws for adoption



BYLAWS OF THE

Board of Zoning Appeals for the City of Mount Vernon, Ohio

ARTICLE 1. NAME

The name of the board is *BOARD OF ZONING APPEALS*. (Ordinances 1155)

ARTICLE 2. PURPOSE AND DUTIES (1155.08)

- (A) The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with the Zoning Ordinance of the City of Mount Vernon. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection. The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman. (Ord. 2014-08. Passed 4-28-14.)
- (B) In exercising its duties, the Board may, as long as such action is in conformity with the terms of the bylaws and the Zoning Ordinance from which they were developed reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. At such time, to that end shall have the powers of the Zoning Enforcement Officer from whom the appeal is taken. For the purpose of the bylaws according to the Zoning Ordinance the Board has the following specific responsibilities:
- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer.
 - (b) To authorize such variances from the terms of the bylaws as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of the bylaws and/or zoning ordinance will result in unnecessary hardship, and so that the spirit of the bylaws and/or zoning ordinance shall be observed and substantial justice done.

- (c) To grant conditional use permits as specified in the Schedule of District Regulations and under the conditions specified in Section [1155.22](#) and such additional safeguards as will uphold the intent of the bylaws.
- (d) To hear and decide requests for the interpretation of the Zoning Map.
- (C) Members of the Board of Zoning Appeals shall serve without pay. (Ord. 1990-11. Passed 4-16-90.)
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) Members are expected to let the City Clerk know if there are any conflicts of interest regarding the business set forth on the agenda or that may arise in a meeting.

ARTICLE 3. MEMBERSHIP

- (A) The Board of Zoning Appeals shall consist of five (5) members to be appointed by the Mayor, and approved by City Council. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year.
- (B) The Mayor shall also appoint two alternate members, with the approval of City Council, who may be called upon by the chairman to hear appeals if a member is unavailable or has a conflict of interest.
- (C) Each member shall serve until his successor is appointed and qualified.
- (D) Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (E) Vacancies shall be filled by appointment by the Mayor, with the approval of council, and shall be for the unexpired term.
- (F) Attendance - members are expected to let the City Clerk know if they are not able to attend the meetings.

- (G) The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with the bylaws and the zoning ordinances from which they were drawn. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection.
- (H) The chair, or in his absence the vice-chair, shall advise Council by letter if any Board of Zoning Appeals member has absented himself from all meetings held during any period of ninety consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such a member.
- (I) A member who seeks to resign from the Commission shall submit a written resignation to their appointing authority. If possible, the resignation should allow for a thirty day notice so the appointing authority can appoint a replacement.

ARTICLE 4. OFFICERS

- (A) The officers of the board shall consist of the Chair and the Vice-chair.
- (B) The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman.

ARTICLE 5. DUTIES OF OFFICERS

- (A) The Chair shall preside at board meetings and approve each final meeting agenda.
- (B) In the absence of the Chair, the Vice-chair shall perform all duties of the Chair.

ARTICLE 6. AGENDAS

- (A) Upon receipt of an application for a zoning appeal, which is accompanied by the material required by the provisions of subsection [1172.1155.23](#) of the codified ordinances of the City of Mount Vernon, the Zoning Enforcement Officer or his designee shall place the application on the agenda for the Board of Zoning Appeals at its next regular meeting following 30 days from the date the application is filed. The Zoning Enforcement Officer (or designee) shall further cause to be published in a newspaper of general circulation in the City, a public notice of the scheduled hearing of the application together with a general description of the nature of the application. The applicant shall be notified by

mail of the date of the hearing.

(B) Agendas are published on the City's website.

ARTICLE 7. MEETINGS

(A) Board meetings shall comply with the Ohio Open Meetings Act (ORC 121.22).

(B) Board meetings shall be governed by Robert's Rules of Order.

(C) Board may not conduct an executive session without the approval of the Law Director.

(D) The Board shall meet monthly on the first and third Wednesday of the month at 5:30 p.m. in Council Chambers (40 Public Square) or when it is required to meet in order to comply with a legal deadline.

(E) No later than December of each year, the Board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and canceled meetings.

(F) The Chair may call a special meeting, and the Chair shall call a special meeting if requested by three or more members. The call for the meeting shall state the purpose of the meeting.

(G) Four members constitute a quorum.

(H) If a quorum for a meeting does not convene within twenty (20) minutes of the posted time for the meeting, then the meeting may not be held.

(I) To be effective, a board action must be adopted by an affirmative vote of the majority of the members present.

(J) The Board of Zoning Appeals shall/may allow time for public comments during the meeting. The Chair may limit the length of time of any individual speaker.

(K) The Zoning Enforcement Officer (or designee) shall prepare the Board meeting minutes. The minutes of each Board meeting must include the vote of each member on each item before the Board and indicate whether a member is absent or failed to vote on an item.

(L) The city shall retain documents of the Board of Zoning Appeals pursuant to its written records retention policy as approved by the Ohio History Connection.

(M)Each person and Board member attending a Board meeting should act appropriately and professionally.

ARTICLE 8. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws.

ARTICLE 9. AMENDMENT OF BYLAWS

A bylaw amendment is not effective unless approved by a majority of the members of the Board of Zoning Appeals. Furthermore, amendments may not apply to statutory requirements of the Ohio Revised Code.

The Board of Zoning Appeals bylaws were approved by the Board of Zoning Appeals meeting held on _____(date/time) at CITY HALL, 40 PUBLIC SQUARE, MOUNT VERNON, OHIO (location) .

(Signature of Board of Zoning Appeals Chair)

Board of Zoning Appeals members present:



Board of Zoning Appeals Meeting: 11/01/23 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 # 3889)

DOC ID: 3889

2023-BZA-23 : 202 S EDGEWOOD RD - VARIANCE FOR FENCE HEIGHT

Item Number	2023-BZA-23
Site Address	202 S Edgewood RD
Parcel Number	66-06582.000
Zoning District	R-1
Presented By	Joan B Stallard

Quick Guide to Codified Ordinance Sections (may not be inclusive):
 1178 Fences and Hedges
 1160.02(3) Development Standards (R-1) Minimum front yard

Request: 7' high perimeter fence, as detailed in application packet



City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing

RECEIVED

OCT 03 2023

CITY ENGINEERING DEPARTMENT
MOUNT VERNON, OHIO

jai

Applicant's Information

Owner's Name, Address and Phone

Joan B. Stallard, Trustee 202 South Edgewood Road, Mount Vernon, OH 43050 (740) 392-2901

Agent's Name, Address and Phone

James R. Stallard 202 South Edgewood Road, Mount Vernon, OH 43050 (740) 504-7675

Site Information

Site Address

202 South Edgewood Road, Mt. Vernon, OH

Legal Description

12 6 2 N PT of 1 2.00A

Parcel Number

66-06582.000

Deed Volume and Page Number

Vol. 1423, Page 479

Zoning District

R-1

Existing use of property

Residence

Proposed use of property

Unchanged

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:

1. The height of the side and rear yard perimeter fence be extended by one foot to a height of seven (7) feet over the permitted six (6) feet.
2. The height of the front yard perimeter fence be also extended to a height of seven (7) feet over the permitted three (3) feet as situated east of the existing 20-foot South Edgewood Road right-of-way.

See attached Narrative Statements.

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:

October 3, 2023

By:

Joan B. Stallard

Status of Application

Filing Date

Case Number

Hearing Date

Fee deposit

~~\$100.00~~

Date Paid

Receipt Number

Status of Board's Action

☐ Approved

☐ Denied

Fee is waived by Court Order, Knox County Common Pleas Court,
Case No. 22 AP 12-0323

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

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.

The City Ordinance Chapter 1178 permits and regulates fences in Residential districts. Fences are a permitted use up to six (6) feet in height, see Sections 1178.01 and .02. From these regulations, two area variances are requested:

Request 1: The height of the side and rear yard perimeter fence be extended by one foot to a height of seven (7) feet over the permitted six feet.

Request 2: The height of the front yard perimeter fence be also extended to a height of seven (7) feet over the permitted three (3) feet as situated east of the existing 20-foot South Edgewood Road right-of-way.

These requests are for area variances. Codified Ordinances 1155.13; 1155.14 do not provide for area variances. However, the Ohio Supreme Court had mandated municipal corporations permit area variances based on the Board of Zoning Appeals' consideration of practical difficulties based on specific factors as cited by the Court, see *Duncan v. Middlefield* (1986), 23 Ohio St.3d 83; *Barr v. Monroe Twp. Bd. of Zoning Appeals* (1990), Ohio App. Lexis, Fifth Dist. Ct. of App. – Licking County.

Also the City of Mount Vernon Planning and Zoning Code, Partial Draft - February 23, 2023, Section 1103.07(d)(1) provides for areas variances and lists the factors to consider. Footnote 50 recognizes the necessity to comply with case law, copy attached.

Finally, regarding the question of whether the variance is injurious or detrimental to the public welfare, consider the following:

This Board already approved a similar application in 2014 for the Noonan residence located at 1117 E. Vine Street, copy attached.

At the applicant's prior hearing in October 2022, the Board ruled that it would not or could not consider the Noonan decision. The 2022 record provides: "Percy said, as it was pointed out by the zoning enforcement officers, 1155.13 prior approvals are not to be considered" (Tr. Packet 3.1, Page 8).

Section 1155.13 states:

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience, financial hardship or profit, but only where strict application of the provisions of this Zoning Ordinance would result in unnecessary hardship. (Emphasis added)

That provision applies only to nonconforming uses and not variances. Again, the application is only for an area variance based on practical difficulties. For purposes of zoning law, nonconforming uses and variances are very distinct and have separate uses. Both are defined by MVC Section 1152.01 (133) and (191), respectively.

Nonconforming uses apply to particular and identifiable land uses existing prior to the enactment of zoning law which would no longer permit that use under the newly enacted zoning. On the other hand, variances apply to land uses occurring after the enactment of zoning regulations. Other than noting this distinction, there is another important principle. Nonconforming uses are revoked and may no longer continue after the particular land use is abandoned, R.C. 713.15. This explains the purpose and reasoning of Section 1155.13, which has

no application to variances. However, variances run with the land regardless of change of ownership, *Scarnecchia v. Austintown Twp.*, 2005. Therefore, this Board must consider and explain any deviation from its Vine Street decision.

Citing the Vine Street fence variance has the purposes of (1) evidencing this Board has considered and approved similar fence variances; and (2) a reasonable comparison of the Vine Street fence to that of applicant shows a significantly less obvious and intentionally aesthetically pleasing fence for both applicant's property and its adjoining properties. In fact, both of applicant's adjoining neighbors approved applicant's fence in writing.

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

The area variance is for a fence only, which is a permitted use.

_____ 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.

This question is not applicable to area variance requests. The proper question should be:

Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to land or structures in the same district.

Answer: Applicant's property abuts Pleasant Township on the east, south and approximately 20 feet on the west. This area is heavily wooded to the east and south. Being at the very corner of the City boundary combined with a low residential density of applicant's residence location within the City makes the applicant's property atypical from the City's higher density residential neighborhoods.

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

Undue hardship does not apply to area variances. The Board can consider practical difficulties.

- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to nonconforming and inharmonious uses, structures or conditions.

Answered in #2 above.

- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Landscaping aesthetics and prevention of property damage are common land uses and purposes. The control or prevention of deer intrusion is not possible without a high fence. The Board has already acknowledged this in the Noonan approved fence variance.

- C. Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures.

Fencing is already a permitted use. Applicant is asking for extensions of height, not a new land use. Only a fence designed specifically for deer nuisance prevention is requested.

- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

There is no effect on the character of the neighborhood, which has low density unlike the Noonan property. The applicant's neighbors have approved the fence.

- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer or trash pickup.

Does not apply.

- F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property).

The applicant is not responsible for the deer population or its location.

- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Applicant has already tried other methods of deer control but without success. Only fencing can and has worked as an effective barrier.

- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The grant of the area variance is only an extension of a permitted use, i.e. fence, and only the variance can provide a reasonable remedy against the ongoing deer nuisance.

- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The applicant's request is specific and limited to addressing the deer nuisance as was the basis for the request for a variance for the Noonan property.

- J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

Applicant's request is only for a reasonable fence height extension of the permitted use, which would be minimally noticeable to the public but obvious to the deer population.

Applicant's request is limited only to remedying the deer nuisance.

_____ 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.

Answered in #4 above.

_____ 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.

Answered in #4 above.

_____ 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.

Answered in #4 above.

Applicant's Statement October 3, 2023

James R. and Joan B. Stallard purchased 202 South Edgewood Road in 1975. Joan B. Stallard, Trustee became owner of the property in 2013. We have inhabited our residential property continuously. Our dwelling was constructed about 1903 and came to us with highly desired mature shrubs, perennials and extensive ground covers. Maintaining and improving the landscape in ways compatible with abutting properties was and remains a central component of our enjoyment of my property.

My property abuts unincorporated Knox County on the east, south and for about 20 feet on the west. A deer population of unknown size now infests the heavily wooded properties to the east and south. We have encountered or observed deer grazing or browsing in my yard almost daily. We have observed as many as 35 deer at one time in my less than one-half acre back yard. Our neighbor to the north reported seeing a herd of 15 there in August of 2022.

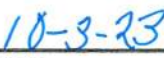
Until about 1985, we rarely observed deer. Thereafter, the deer population exploded with each doe typically dropping twins or triplets yearly. It rapidly became impossible to have unprotected plants in our yard, as the deer devoured every green plant, especially in winter and spring. What they left uneaten, they trampled or damaged by breaking or rubbing. No lily, azalea, rhododendron, hyacinth, iris, crocus, blood root, wild geranium, miniature ginseng, etc. could be left unprotected. Leaves chewed from the lower limbs of maples, gums, beeches, flowering crabapples, yews, etc. produced an unsightly browse line. When we had yellow delicious apple trees, deer climbed into them to eat the ripe apples. In 2021 consumption of supposedly "deer resistant" peonies began; one peony growing undisturbed for at least 50 years was eaten and killed. Deer feces decorated my lawn year around.

In the early 2000s bow hunters with "damage permits" killed deer on my property, but that hunting made no detectable change in the population. Deer repellants are ineffective in rainy weather, as they must be reapplied after each rain. Contrary to the widely circulated notion, my experience is that hungry deer cannot be trained with repellants to leave any green plant uneaten. However, physical barriers, such as self-supporting fencing, do exclude deer and allow shrubs, flowers and lawns to exist undamaged. We began enclosing our most vulnerable plants within fencing in the 1990s and eventually caged nearly all of our shrubs and perennials. Nevertheless, those physical barriers around individual or groupings of plants not only made it extremely difficult to tend either them or areas around them, they also reduced our enjoyment of those vulnerable plants and the landscape they help create. Only the construction of a fence designed to control deer can obviate the growing deer nuisance we are experiencing.

Consequently, because of the practical difficulties we have encountered in the use of my property, I apply for a variance for a deer-excluding fence for my property, placed as shown on the attached aerial map. The fence was constructed with four-inch, pressure treated posts and woven wire and stands approximately seven feet high with five eight-foot gates. As shown on the attached map, fence posts on my property follow the surveyed property line (blue), except east of the right-of-way line (red), north of the driveway, and at the south eastern corner of the garage (all of which are shown by black lines). Only this fence will be effective in controlling the deer, and it is also minimally visible having been specifically designed and built to blend aesthetically into my property.

Since completion of the fence in August 2022, deer have been excluded from the enclosed area of my property


Joan B. Stallard, Trustee


Date

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

FILED
KNOX COUNTY
IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO
2023 MAY 30 AM 10:42

CHRISTY MILLIGAN STATION
CLERK OF COURTS

JOAN B. STALLARD, TRUSTEE, et al.,
Appellants

VS.

CASE NO. 22AP12-0323

CITY OF MOUNT VERNON BOARD
OF ZONING APPEALS OHIO
Appellees

JUDGMENT ENTRY

This matter came before the Court on May 22, 2023, for Oral Hearing on the Appeal filed December 2, 2022.

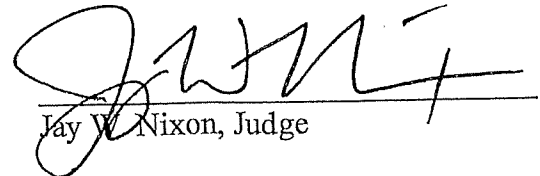
The following parties were present for the hearing: Mount Vernon City Law Director P. Robert Broeren, on behalf of the City of Mount Vernon, Board of Zoning Appeals; and Joan B. Stallard, Trustee, and James R. Stallard, Appellants, appearing with Attorney Jon K. Burton.

By agreement of the parties, the Court hereby **FINDS** and **ORDERS**:

The Appeal filed December 2, 2022, is hereby **DISMISSED**, without prejudice.

The City of Mount Vernon (the "City") shall give sixty (60) days advance notice of any anticipated zoning enforcement action regarding the fence erected on the property located at 202 South Edgewood Road, Mount Vernon, Ohio 43050, to James R. Stallard and Joan B. Stallard (the "Stallards"). If the Stallards file an application for a zoning variance within 60 days of receipt of such notice, then the City shall not take any enforcement action regarding the fence, and any enforcement action already initiated by the City shall be immediately stayed, until final resolution of said application, including any appeals. The City shall not charge the Stallards any filing fees for said application.

The costs of this action shall be paid from the deposit(s). Any additional fees are hereby waived.


Jay W. Nixon, Judge

Cc: Jon K. Burton, Attorney for Appellants
City of Mount Vernon Board of Zoning Appeals Ohio

JAY W. NIXON,
JUDGE
KNOX COUNTY
PROBATE/JUVENILE COURT
111 EAST HIGH ST.
MOUNT VERNON, OH 43050
740-393-6798

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

close c



Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)



Mount Vernon

An Innovative Community; Authentically Hometown

City of Mount Vernon Planning and Zoning Code

Partial Draft – February 23, 2023

- G. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- H. The decision of the BZA shall become effective immediately.
- I. In approving a variance, the BZA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards of this section and the purposes of this code. Any conditions established by the BZA shall relate directly to the requested variance.
- J. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of Chapter <>.

(d) **Variance Review Criteria**⁵⁰

Variances shall not be granted on the grounds of convenience, financial hardship or profit, but only where strict application of the provisions of this Zoning Ordinance would result in a practical difficulty or unnecessary hardship as defined in more depth below.

(1) **Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The BZA shall take into consideration:

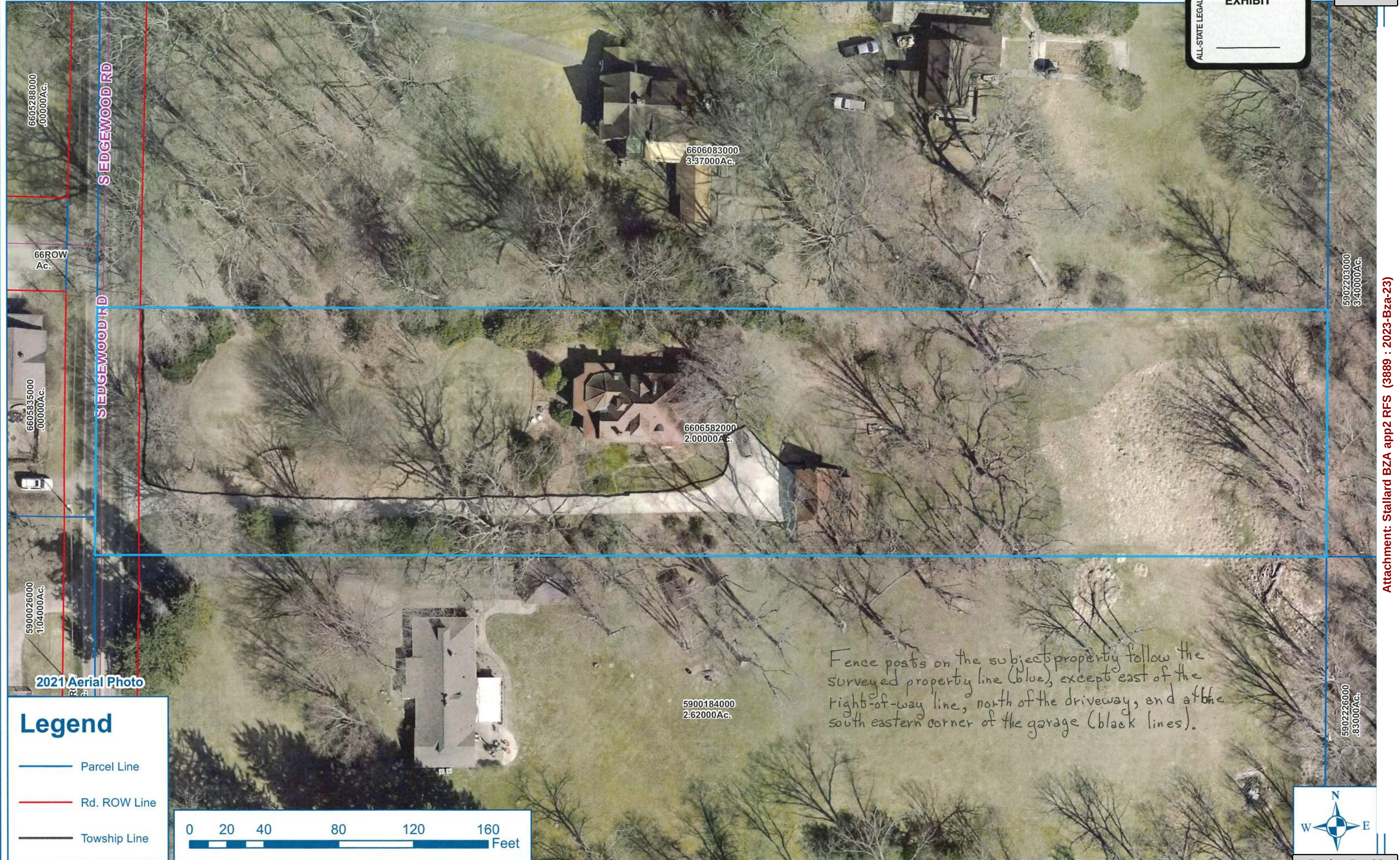
- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to nonconforming and inharmonious uses, structures or conditions;
- B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C. Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures;
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup;
- F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(2) **Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

⁵⁰ This is a greatly expanded set of standards for both area/dimensional variances and use variances that builds of the current standards but is also reflective of standards found in case law. The area/dimensional variance is based off of a finding of a practical difficulty while the use variance is based off of a finding of an unnecessary hardship.

ALL-STATE LEGAL®
EXHIBIT



2021 Aerial Photo

Legend

- Parcel Line
- Rd. ROW Line
- Township Line





ALL-STATE LEGAL®
EXHIBIT
A-F

4.2.a

A

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

B



C



D









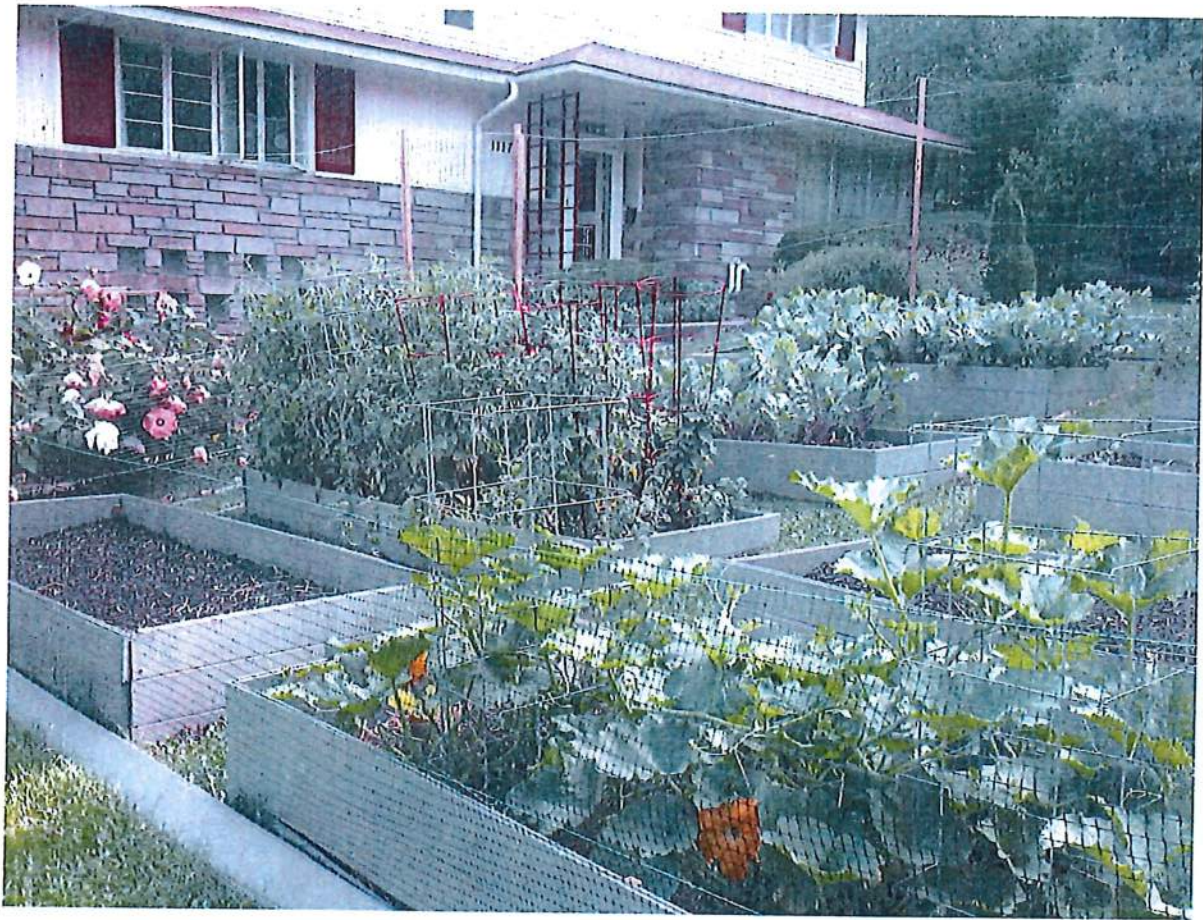
City of Mount Vernon, Ohio
Board of Zoning Appeals

Request for Hearing



Applicant's Information			
Owner's Name, Address and Phone John and Tonya Noonan 1117 E. Vine St. 397-4276			
Agent's Name, Address and Phone Tonya Noonan 1117 E. Vine St. 397-4276			
Site Information			
Site Address 1117 East Vine Street		Legal Description Grandview 12	
Parcel Number 66-05290.00	Deed Volume and Page Number 966 706-707	Zoning District R-1	
Existing use of property ugly, ineffective temporary fence to protect edibles from deer.		Proposed use of property Beautiful, effective 8 foot wooden, cow/hog visible fence structure	
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: Request variance for attractive, highly transparent eight foot high structure to protect edibles from deer. (see attached)			
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: Aug 13, 2014		By: [Signature]	
Status of Application			
Filing Date RECEIVED AUG 13 2014 DEVELOPMENT SERVICES MOUNT VERNON, OH		Case Number 2014-Bd Zon App-11	
		Hearing Date September 3, 2014	
		Fee deposit \$75.00	Date Paid 8/13/2014
		Receipt Number 2404	
Status of Board's Action			
☐ Approved ☐ Denied			

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)



This is my garden . The deer were able to jump a 6 foot fence, and destroyed the green beans and swiss chard. They damaged the carrots, cucumbers, tomatoes and peas.

The deer knocked down and tore holes in the "deer fence" near the sidewalk and tromped through the beds to take more of the food I am using to feed my family of five.



Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)



The deer have gone under the "deer fence", hence the unsightly supports to keep the bottom impassable.

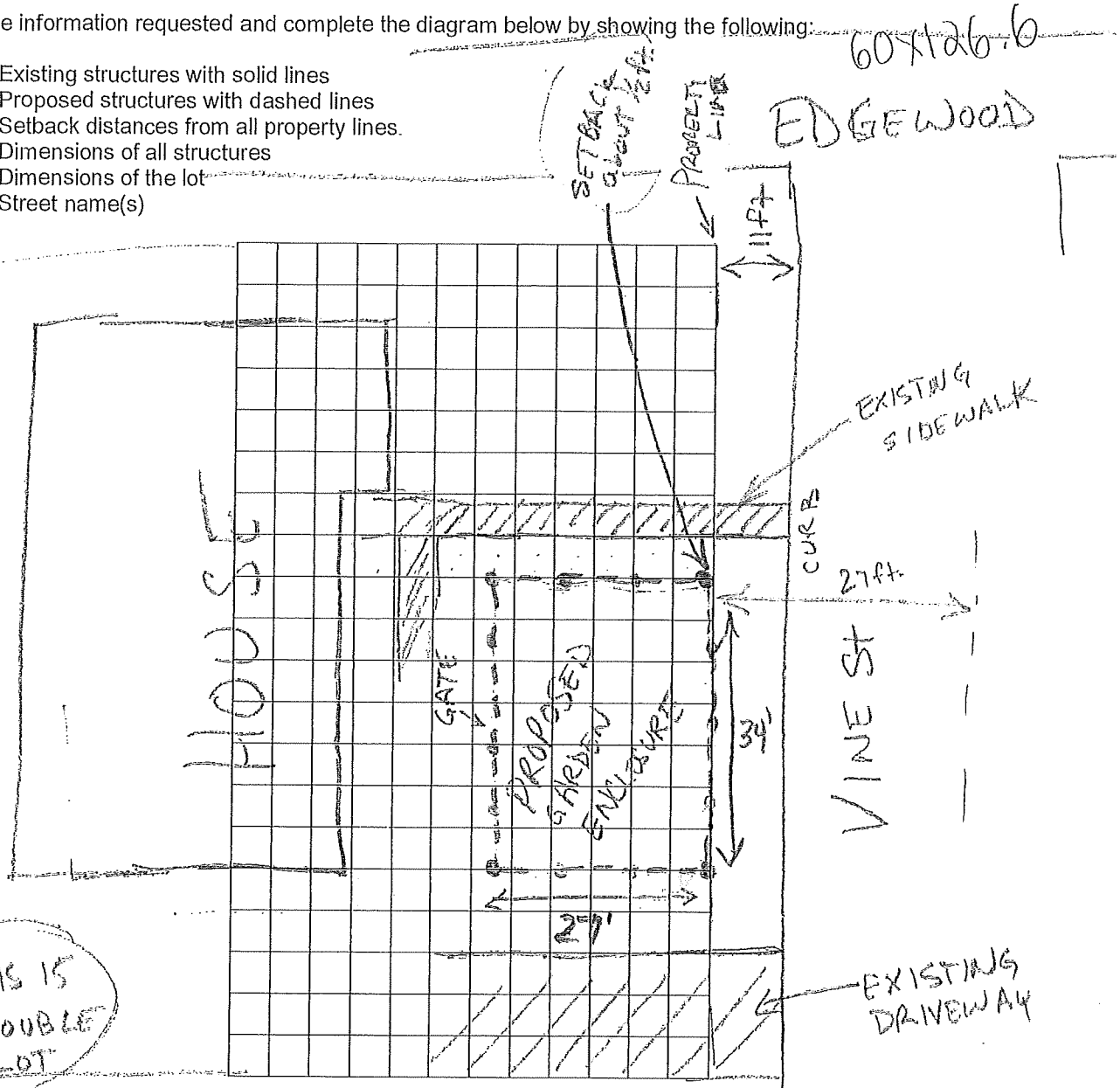
City of Mount Vernon Zoning Permit Sketch

Site Address 1117 East Vine Street Mount Vernon, OH

Instructions to Applicant

Supply all the information requested and complete the diagram below by showing the following:

1. Existing structures with solid lines
2. Proposed structures with dashed lines
3. Setback distances from all property lines.
4. Dimensions of all structures
5. Dimensions of the lot
6. Street name(s)



Street Name Vine

I hereby certify that the information submitted on this sketch and/or other attached drawings and documents is true and correct.

By _____
Date _____

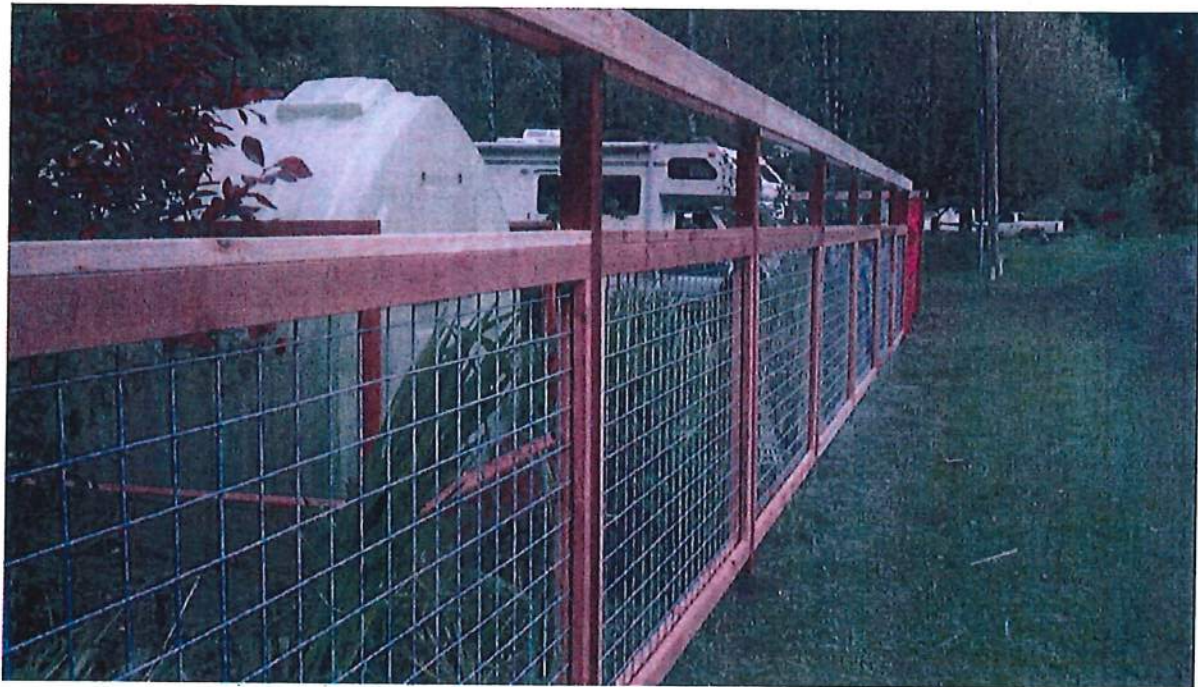
Zoning Enforcement Officer Action

☐ Approved ☐ Disapproved

By _____
Date _____



If it please the Court, I would be happy to use this very minimalist type of permanent fence, and plant attractive flowers and bushes to make it pleasing to the eye. Or, the one below for something more civilized looking. The next two photos are also some structures with high visibility that would exclude deer.









City of Mount Vernon, Ohio
Application for Zoning Permit

Permit No. _____

Application			
Owner's Name, Address and Phone John and Tonya Noonan 1117 East Vine St. 397-4276			
Contractor's Name, Address and Phone John Noonan 1117 East Vine St. 397-4276			
Applicant's Name, Address and Phone Tonya Noonan 1117 East Vine St. 397-4276			
Site Information			
Site Address 1117 East Vine Street		Side Street (if corner lot) Edgewood Road	
Legal Description Grandview 12		Parcel Number 66-05290.000	Deed Volume and Page Number 966 106-107
Zoning District R-1	Flood Zone ☐ Floodway ☐ AE Zone ☐ A Zone ☐ X Zone	☒ 66-05290.000	
Historic District ☐ Yes ☒ No		Status of Historic Review Commission's Action ☐ Approved ☐ Denied Case Number:	
Project Information			
Description of Proposed Work An attractive 8 foot tall structure with wooden frame and very high visibility cow/hog fence to prevent deer destruction of edibles.			
Existing use of property Raised beds, ugly temporary fence deer knock over and shred and destroy			
Proposed use of property Beautiful fence with landscaping that is effective.			
Parking spaces/loading berths	Building heights	Dwelling units	
State Approval	Date	Approval Number	☐ Full approval ☐ Partial approval ☐ Not required
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. This permit shall expire and may be revoked if work has not begun within six months or substantially completed within one year. Date: Aug 13, 2014 By: T. Noonan			
Status of Application			
☒ Application rejected		Date: 8/13/14 By: dg	Reason(s): Exceeds height requirement
☒ Referred to Board of Appeals		Status of Board's Action ☐ Approved ☐ Denied Case Number:	
☐ Application approved			
Comments			
Date:		By:	
Fee Calculation			
Estimated Cost		Base Fee	
		Park Development Fee	
		Total Fee	

Updated 7-01-2013

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

City of Mount Vernon, Ohio
Board of Zoning Appeals



Minutes of Meeting
 Case 2014-BdZonApp-11
 1117 East Vine Street

The Board of Zoning Appeals of the City of Mount Vernon, Ohio, convened for a meeting September 3, 2014, at 5:30 pm in the Council Chambers of City Hall. Consideration of request for variance of fence height requirements.

Board Members Present:

Mary-Anne Pomputius, Chair
 Mona Nacey, Member
 J. William Alley, Member
 Todd Burson, Alternate, Acting Member

Representing Applicant:

Tonya Noonan

Representing City/Staff:

Judy L. Cordle, Development Services Manager

Others Present and Giving Testimony:

Clyde Kahrl

Mrs. Pomputius opened the meeting and asked the representative of the request to come forward to be sworn in. Mrs. Noonan came forward and was sworn in. Mrs. Noonan indicated she would like to put a fence in her front yard that is above the normal zoning variance, specifically an eight (8) foot fence.

Mrs. Pomputius asked for questions from the Board. Mrs. Nacey indicated she understood the request for the fence and asked why they didn't put the vegetables in the back yard. Mrs. Noonan indicated there is no sun, it's very shady. Mrs. Nacey indicated her only concern was if they give her a variance for eight feet how can the Board tell other people that they cannot have an eight foot fence in their front yard? Mrs. Noonan indicated she could understand the concern and indicated there probably weren't many people who would put a vegetable garden in their front yard. Mrs. Nacey indicated there are a lot of people who have come before the Board asking for variances. She stated they have never given anybody an eight foot variance. Mrs. Nacey asked if they wanted the fence over the whole front yard or just where the vegetables are. Mrs. Noonan indicated it is just where the vegetables are right now. Mr. Alley indicated that originally he was very opposed to this request but looking at the letters it looks like a lot of the neighbors support it. Mrs. Noonan indicated they have sympathy. Mr. Alley asked if they had anybody that was opposed to this request. Mrs. Cordle indicated that what they have before them are copies of all the information she had received either by telephone message or written submission. Mrs. Pomputius cautioned Mr. Alley to keep in mind that when they receive these positives they have to balance that with the fact that it's very hard to say no to a neighbor when they're soliciting support for a project and although she's pleased that they're civic minded she is not putting full weight on the letters, these are good neighbors that are friends and associates of the applicant. Mr. Alley indicated it's good to hear in this case that the people support it, he's here to represent the people and it's good to see so many people close by that support this. Mrs. Pomputius asked for comment from Mr. Burson. Mr. Burson indicated they are asking for an eight foot fence and went on to ask Mrs. Noonan if they thought a six foot fence would keep the deer out. Mrs. Noonan indicated that sadly, it would not. Mr. Burson indicated he saw the pictures of the fences they were proposing and asked which fence was proposed. Mrs. Noonan indicated it is the one with the open space at the top, she indicated it would not be exactly like the picture. Mr. Burson asked if they would be doing landscaping around the base of the fence. Mrs. Noonan indicated they would. Mr. Burson indicated the picture of the fence Mrs. Noonan spoke of was his choice. He went on to ask if the fence was eight foot. Mrs. Noonan indicated she thought it could be. She stated their property is on a hill and terraced. Mrs. Nacey asked to review a picture of the fence. Mr. Burson indicated he thought the neighbors would appreciate something more pleasing to the eye. He stated he lives on the east side of town so he could

City of Mount Vernon, Ohio
Board of Zoning Appeals



Minutes of Meeting
 Case 2014-BdZonApp-11
 1117 East Vine Street

appreciate the deer issue. Mr. Alley indicated if he looked at the photo it looks like a six foot fence and they put decorative top on it and asked if that is considered a part of the fence. Mrs. Noonan indicated there are boards on the bottom. Mrs. Pomputius indicated the measurement is from the ground, not from the top slats. Mr. Alley asked if that would be considered a trellis over top of the fence, if a trellis would be considered a fence. Mrs. Noonan indicated if the whole thing, including the trellis is eight feet that should do it. Mrs. Nacey indicated her main concern is they are just going to do the vegetable garden, not from one side of the yard to the other all enclosed with an eight foot fence. Mrs. Noonan indicated just from where the screened fence is now she wanted to go one additional foot in each direction. Mr. Burson indicated that based on the drawing submitted it would be twenty-seven by thirty-four foot. Mrs. Noonan indicated the drawing is what she wants. Mr. Burson asked about proximity to the property line and Mrs. Noonan indicated it is right at the property line and cannot be moved forward. He stated he did drive by to get a feel for whether a fence would block vision and felt it didn't impact visibility of turning. Mrs. Pomputius indicated she would like to make a comment on 1155.15(e)(3) regarding the variance as requested. She stated they are requesting a variance that is peculiar to land or buildings but does not apply generally to land or buildings in the area and she believed that all the buildings in the area have a deer problem. Mrs. Pomputius went on to state that under the strict provisions of the zoning ordinance would be contrary to everything in the ordinance. She stated this would be unique in the City. Discussion turned to the requirements for four members to constitute a quorum for the Board and the voting requirement of three votes for a majority. Discussion also followed on the section noted earlier by Mrs. Pomputius and 1155.14. Mrs. Nacey asked about electric fence, Mrs. Noonan asked if it was legal and Mrs. Cordle indicated the City would not permit electric fence. Mr. Alley asked if there were comments from the audience. Mrs. Pomputius asked for comment and Mr. Kahrl came forward. He was duly sworn and presented testimony on the deer problem in the area. He addressed the increase in the deer population, patterns of travel, the impact on vegetation, how individuals in the neighborhood have dealt with deer and the implementation of hunting. Mrs. Nacey indicated they know deer are a problem in the area and if they give one variance how can they say no to the next one. Discussion followed on fencing in the area. Mr. Alley indicated the discussion was generating more concerns about the impact of fencing in the area. Mrs. Nacey indicated she was concerned about what happens in the future when others request an eight foot fence. Mrs. Pomputius indicated it would be setting a precedent. Mrs. Nacey indicated Mr. Kahrl had indicated the deer are roaming in the area and there are many houses in the area. Mr. Kahrl indicated he had put five foot wire fences around things in his yard and he did not plant a garden this year because of the deer. He indicated his neighbor has fencing around items in his yard. Mrs. Nacey indicated the fencing is around shrubbery, it's not an eight foot fence in the front yard; there is a difference. Mr. Kahrl indicated that circumstances change and Mrs. Pomputius responded that when circumstances change that is the time for the neighbors to petition City Council and request a modification of the ordinances. Mrs. Pomputius indicated they are asking for the Board to change the zoning code of the City because of one request. Mr. Kahrl agreed. Mrs. Pomputius indicated if he was concerned about this to bring his proposition before Council to discuss it. Mrs. Nacey indicated she would love to grant this variance, it is a beautiful garden, the fence is beautiful and if it wasn't for them setting a precedent she'd have no problem with it. Mr. Kahrl asked if he put up an eight foot fence in his back yard what would they think of that. Mrs. Nacey indicated the back yard is different from the front yard. Mrs. Pomputius indicated the back yard would still have to be a six foot fence. Mrs. Nacey indicated she thought it was totally different in the back than the front. She stated her point is it's in the front and they're setting a precedent. Mrs. Noonan understood the hesitation to grant the variance and she indicated it was being mixed with the ordinance needs to be changed. Mrs. Nacey indicated they are going by the ordinance they have. Mrs. Pomputius indicated that is why she suggested if they feel the ordinance needs to be changed in deference to the deer problem that this is not the place to change the ordinance, the place is to come before Council and request Council consider a change. Mrs. Noonan indicated if they are only talking about her property then they wouldn't need to be concerned for the future. Mrs. Nacey indicated they are just discussing whether they should or shouldn't be setting a precedent. Mr. Alley indicated if everybody is having the same issue and everybody comes to the Board because one was approved then they are setting a trend. Discussion followed on the area. Mrs. Noonan indicated that she just wanted to put something attractive and would like to do it six feet or three feet if that would do it. Mr. Alley asked if they were jumping over the current fence or going underneath it. Mrs. Noonan indicated they can't get under but they can get over because it is bendable. Mr. Burson asked if it was six or eight feet and she indicated the current one is eight. He then asked if the fence up right now was at issue. Mrs. Nacey indicated it is a temporary type of

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

City of Mount Vernon, Ohio
Board of Zoning Appeals



Minutes of Meeting
 Case 2014-BdZonApp-11
 1117 East Vine Street

fence. Mr. Burson asked if they kept that if they would be violating the ordinance. Mrs. Cordle related the requirement for any fencing in the code within the front setback is thirty-six inches. She stated that beyond that setback they can only allow six feet. She went on to indicated that if it were in the back yard their fence could be six feet with no variance but that is the maximum allowable in that particular district. It was indicated in the front it is three feet in height to the building setback. Discussion followed on the current installation and whether it is a fence. Mr. Alley indicated he would say it is a fence and it is against the current building codes. Mrs. Nacey indicated the request has put the Board in a quandary. Mr. Alley asked if they would make the statement that it is a six foot fence with a trellis two feet above if Mrs. Noonan would accept that and Mrs. Noonan indicated she would be delighted. Mrs. Pomputius indicated that had come up before and that is not acceptable, that two feet above it, that trellis is considered an extension of the fence, it had come up about twenty years ago, it is an eight foot fence. Mr. Burson indicated he was concerned about the precedent being set too and tried to think about things that are different about this circumstance with one being she is not doing the whole front yard, just the vegetable garden. He stated there is still a lot of green space on either side. Mrs. Nacey indicated the good part is the fence is very aesthetically pleasing. Mrs. Nacey asked if there were any other persons wishing to speak and there were not.

Mrs. Pomputius asked for a motion. **Mr. Alley made a motion that they approve this request as a six (6) foot fence with a decorative trellis of two (2) feet above the fence. Mrs. Nacey seconded the motion and asked that it be amended to only be around the vegetables and not the whole garden.** Mrs. Pomputius asked if before the vote there were any further questions or discussion. **Being none, Mrs. Pomputius called the roll and the following votes were cast: Mr. Alley, yes. Mr. Burson, yes. Mrs. Nacey, yes. Mrs. Pomputius, no. Mrs. Pomputius declared the variance granted.**

Mrs. Pomputius indicated the variance was granted but she stated the approval has been done in spite of regulation 1178.02 and in spite of 1173.18, in spite of 1155.14 subdivision 3, one through seven, specifically and declared the case closed.


 Mary-Anne Pomputius, Chair


 Judy L. Cordle, Recording Secretary

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)



Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

Developer gets variance for hotel

By Fred Main

A developer has the go-ahead to build a new hotel in Mount Vernon after the board of zoning appeals granted two variances at its meeting recently.

Vaibhav Patel, president of Rama Tika Management, requested a height variance, as well as a setback variance for a Hampton Inn by Hilton to be built at 1560 Venture Drive, next to Big Lots. The new hotel would be four stories high and include 99 rooms.

The four stories would be higher than the 35 feet allowed under the

General Business zoning code by several feet. With no opposition to the request, the variance was granted.

BZA also granted a variance of the setback requirements from 15 foot to 10 foot to allow for the construction of a patio at the back of the hotel.

The next step will be getting zoning and building permits for the 2-plus acre parcel. Patel hopes to begin construction sometime this fall with a possible opening in early 2025.

BZA also granted a request for a variance for fence height at 123 E. Gambier St.

Marie Gudz Gerecke requested the variance in an effort to expand the usable space within their fence.

Gerecke is asking to build a 4-foot tall fence that would be 2 foot back from the sidewalk. The zoning requirement is a 3-foot tall fence, but Gerecke said with the slope of the land, that would create a safety hazard if someone were to trip or fall on their property.

The fence would not affect the usability or safety of the sidewalk, or the safety of the stop sign, according to Gerecke.

SPORTS

from Page 3

season, and still holds school records in both shot (55-6) and discus (150-7).

Smith followed his heart and went to West Point Military Academy and played football for the Black Knights. He was a Big East First Team selection as well as a First Team All-American, Army's first since 1968. After nine years of military service, Smith went on to work in the business sector. In November 2022, he was inducted into the West Point Athletic Hall of Fame.

"It is really fantastic to be back home and receiving this honor," Smith said. "Sports was a teaching tool for me. I loved the game and the camaraderie. I played it hard and everything that went with it. I was fortunate to be part of a lot of really good teams – my family, my classmates – in sports and in combat. ... The things you learn in sports really carry you through. I had absolute-

ly no idea what I was getting myself into when I went off to the academy. I learned sacrifice, pride, teamwork, poise, how to win, how to lose and how to prepare from sports and I took that with me to the academy. That really prepared me."

Tonya Booker

Booker, a 1991 Mount Vernon graduate, was a First Team All-Ohio basketball selection, and holds the Jack-ets career scoring record of 1,289 points. She was a two-time Street and Smith All-America selection and was the Gatorade Player of the Year. She also finished second in her class academically. Booker played in both the North South All-Star game and the Ohio-Michigan Basketball Classic, and she was a member of the state champion 18u Urbana AAU team.

After graduation, she went to the University of Illinois where she proceeded to be a four-year letterwinner, and started at point guard her senior year.

Booker, named captain, was Illinois' Defensive Player of the Year that season. She also continued her academic success, and earned the Big Ten Medal of Honor and a spot on Illinois' Bronze Tablet, an honor reserved for graduating in the top three percent of her class.

"This is quite unexpected," Booker said. "This is an honor. ... I wouldn't have had success without a lot of hard work and the joy of sport. That's where it starts. You only come into life with three gifts – your mind, your body and time. It is what you do with those three things that make you. That's what I focused on. ... Sports for me was an escape. It was really about the community and my teammates. They've influenced my whole life."

J.D. Graham

Graham, who could not be in attendance, was a three-sport athlete at St. Vincent High School, and while he was a great athlete, he is

better known for what came after his high school career ended in 1965. Graham went to St. Joseph's College, and upon graduation, returned to Central Ohio and took over the reins of the Newark Catholic High School football program.

His 21-year run saw his teams post a 220-30-2 record with seven state championships. His winning percentage of 86.7 percent is the highest in Ohio High School history for coaches with 200 wins. From 1984-87, Graham's teams posted a 63-1 record and won four straight state titles. He was voted state Coach of the Year seven times.

Graham also served as athletic director and became the Recruiting Coordinator for The Ohio State University in 1992. His lone recruiting class included five NFL players.

Graham is also a member of the Newark Catholic Hall of Fame and the Ohio High School Football Coaches Hall of Fame.



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fraziermike213@gmail.com

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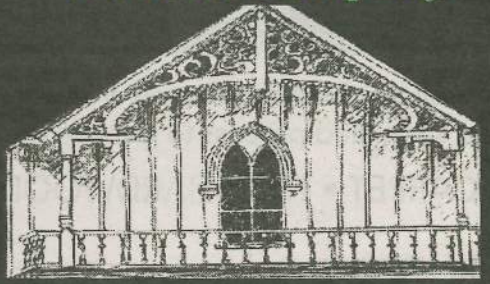
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ROBERT B. SIMMERMACHER P.E.

Consulting Engineers
77 EAST WILSON BRIDGE ROAD
WORTHINGTON, OHIO 43085

March 19, 1979

Mr. Claude G. Schlosser, Mayor
Members of Council
City of Mount Vernon
City Hall
City of Mount Vernon, Ohio
Attn: Mr. J. Vernon Hall PE
Administrator of Engineering

Re: Edgewood Road Study
Phase 1

Dear Mr. Hall:

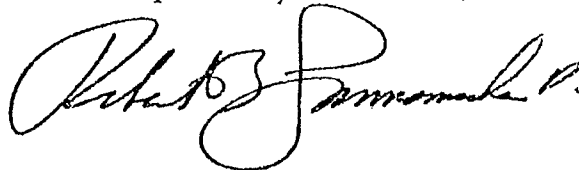
I am handing you this date four sets of the Edgewood Road Study, Phase 1 for your review and comments. An exhibit is being prepared for presentation of the Study with the City and all interested parties which will include a color markup and photographs at the critical points in the Study area.

We have had a slight delay in the preparation of the first phase because of the heavy snow cover which put a stop on the field work necessary to determine the physical location of curbs, manholes, and reference to the baseline as was needed to validate the Study.

The baseline has been accurately staked in the field; however the winter snow has obliterated most of the visible reference except where the baseline is one the centerline of the existing street. It may be advisable to remark the line and review the problems in the field in order to get a clear picture of the various features which will effect the cost as the Study is extended into Phase 2 and 3.

I am available at your convenience to assist in the review and develop a criteria for the completion of the Study.

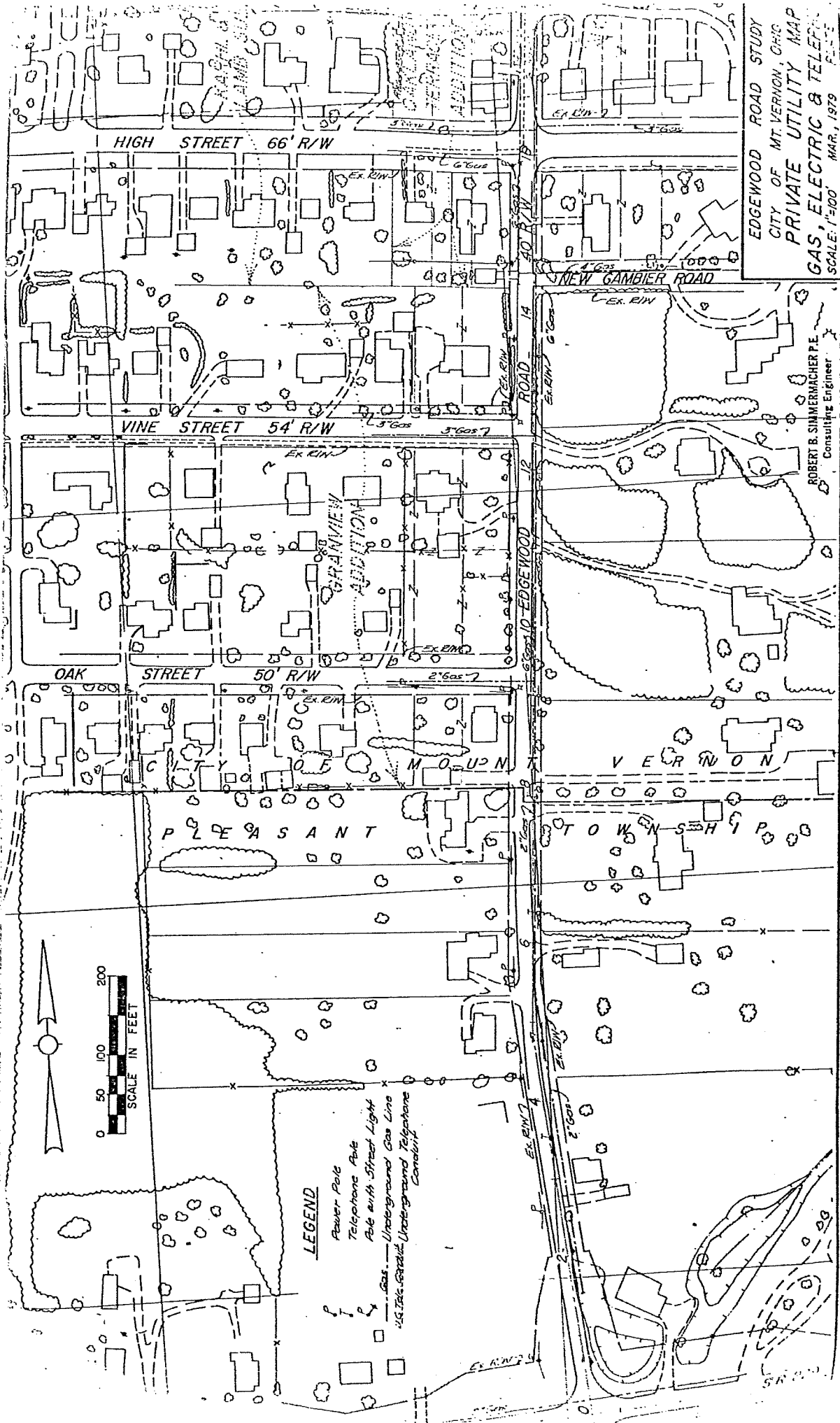
Respectfully submitted,



cc: Mayor Claude G. Schlosser

Attachments as noted

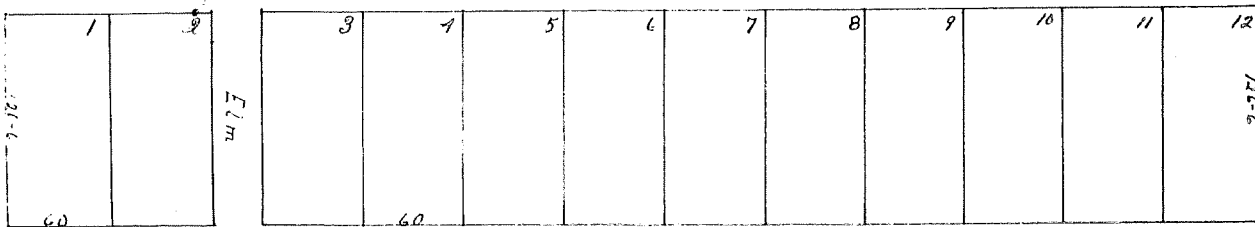
Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)



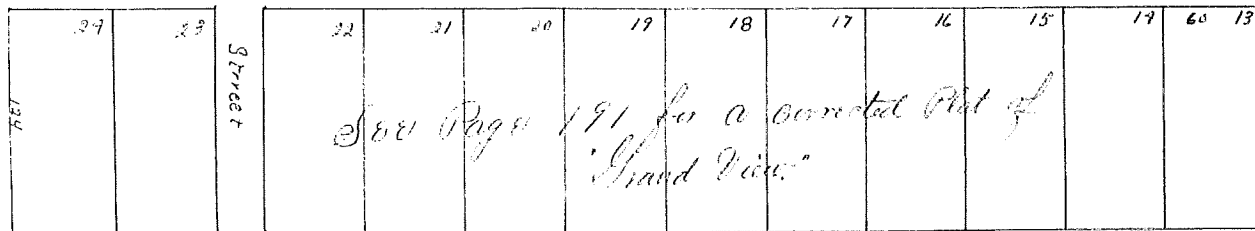
GRAND VIEW.

In N.W. Pt. Lot 1. Q. 1. T. 6. Range. 12.

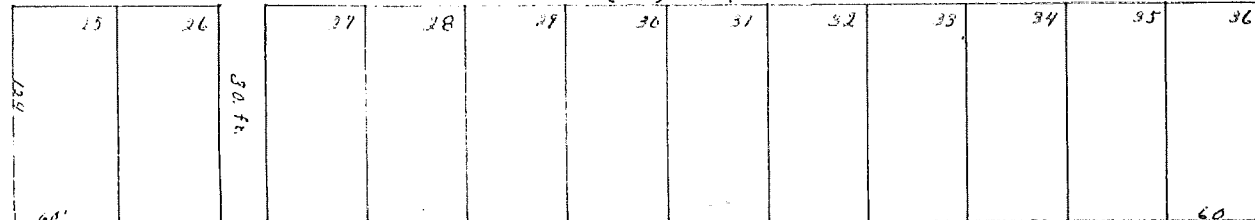
CAMBIE ALLEY.



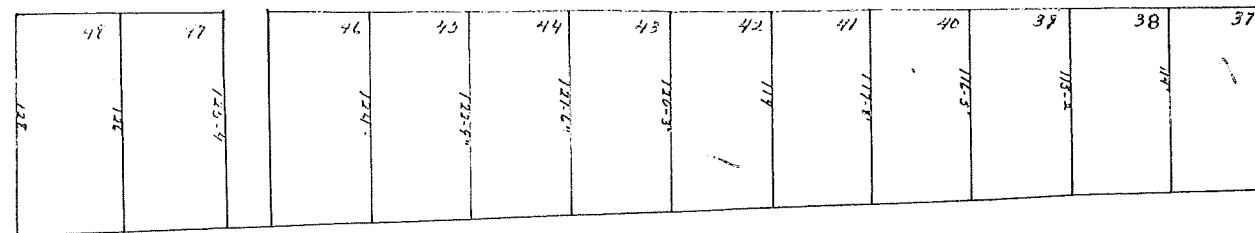
Vine Street 54 ft.



alley 16 ft



Oak Street 50 ft



Note
A line was located 3 feet south of the
N.E. cor. of lot No. 2, and a line 3 feet
north of the S.E. cor. of lot No. 36

transferred from 31-1-920
to A. Mitchell Sept. 2nd.

Filed for Record Feb. 6th 1906
at 3-20 PM

Recorded March 27th 1906

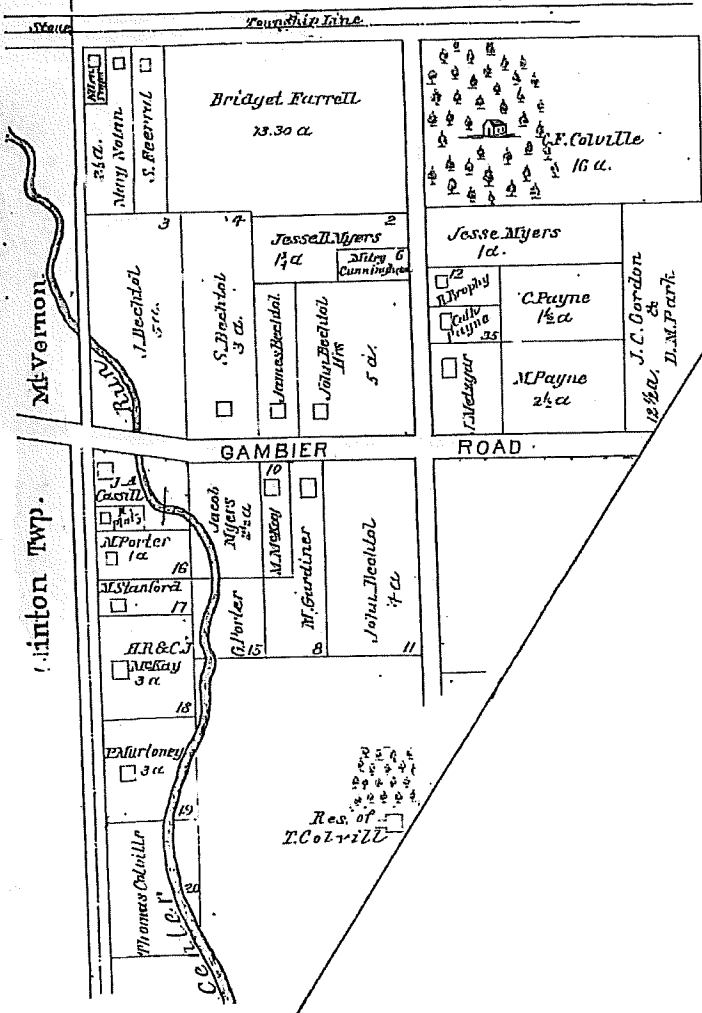
Chas. S. Brown
Recorder

The above plat represents a survey of 48 lots
in the N.W. Part of lot No. 1 in the first quarter
of Pleasant Township, Knox Co. Ohio, and
named "Grand View" The above lots lay
East of and adjoining the city of Mt. Vernon O.
Surveyed and Plotted at the request of

Sept. 26th 127-1902.

J. S. McConnell Proprietor
By John M. Gray Surveyor

FLEAVILLE PLEASANT TWP.



Ted W. and Tracie L. Kiger
204 South Edgewood Road
Mount Vernon, Ohio

September 27, 2022

Lacie Blankenhorn, Development Services Manager
City of Mount Vernon
40 Public Square
Mount Vernon, Ohio 43050

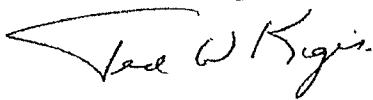
Re: Fencing at 202 South Edgewood Road

Dear Ms. Blankenhorn:

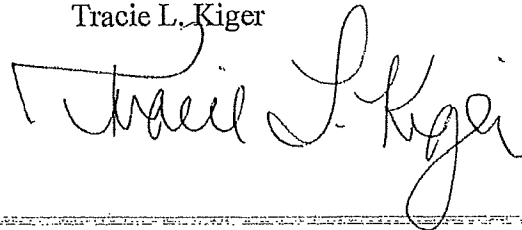
We own parcel 59-00184000 at 204 South Edgewood Road, which abuts to the north a parcel (66-06582000), owned by Joan B Stallard, Trustee. We have no objection to the installation of a woven wire fence between our two properties.

Very truly yours,

Ted W. Kiger



Tracie L. Kiger



Attachment: Letters of Support (3679 : 2022-Bza-37)
Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)

Michael A. Webber
200 South Edgewood Road
Mount Vernon, Ohio 40305

September 27, 2022

Lacie Blankenhorn, Development Services Manager
City of Mount Vernon
40 Public Square
Mount Vernon, Ohio 43050

Re: Fencing at 202 South Edgewood Road

Dear Ms. Blankenhorn:

I own parcel 66-06083000 at 200 South Edgewood Road, which abuts to the south a parcel (66-06582000), owned by Joan B Stallard, Trustee. I have no objection to the installation of a woven wire fence between our two properties.

Very truly yours,



Michael A. Webber

Attachment: Letters of Support (3679 : 2022-Bza-37)

Attachment: Stallard BZA app2 RFS (3889 : 2023-Bza-23)