

The Tuesday March 7 meeting of the Delhi Township Board of Zoning Appeals meeting was called to order by Clay Tharp at 6:00 p.m. at the Delhi Lodge with the Pledge of Allegiance to the flag.

Members present:

Clay Tharp
Scott Heenan
Jennifer Vatter
Andrew Mattei
Stephen Schott

Also, present:

Anthony S. Roach, Zoning Administrator
Elizabeth Fields (McBride Dale Clarion)
Skylor R. Miller, Administrator

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

Mrs. Vatter moved and Mr. Heenan second to appoint Mr. Tharp as Chairman for 2023. Mssrs. Mattei, Heenan, Tharp, Schott and Mrs. Vatter voted Aye.

Mr. Tharp moved and Mr. Schott second to appoint Mr. Heenan as Vice Chairman for 2023. Mssrs. Mattei, Heenan, Tharp, Schott and Mrs. Vatter voted Aye.

On Motion by Mr. Heenan and seconded by Mr. Tharp to approve the minutes of the Boards' December 6, 2022 meeting but to dispense with the reading. Mssrs. Tharp, Heenan, Mattei, Schott and Mrs. Vatter voted aye.

On motion by Mr. Tharp and seconded by Mr. Heenan to accept the Rules of Procedure as presented. Mssrs. Mattei, Heenan, Tharp, Schott and Mrs. Vatter voted Aye.

The Public Hearing VA2023-01 was convened.

Mrs. Fields advised this hearing is a request for two variances pertaining to the location and installation of a wooden privacy fence. She commented the first request is to allow for a six foot wooden privacy fence to be located in the side yard, and the second request is relief from the requirement that fences shall be designed and installed with the most finished side out. She noted that the fence was installed in November of 2022 by a contractor and a permit was not obtained. She advised this is for the property located at 5814 Countryview Terrace in the "B" Residence District.

Mrs. Fields advised it appears that the submitted variance request for both a six foot privacy fence to be located in the side yard and for the fence to be installed with the good side facing the interior of the property do not conform with a number of the Area Variance Factors of Review. She commented that it is recommended that the proposed request not be approved.

Steve Miller (sworn) 5814 Countryview Terrace, advise when he bought his house there was an existing 4' fence and decided to replace it with a privacy fence. He commented he did not realize that a permit was required. He noted he decided to extend the fence into the side yard because his master bedroom window is in the side yard and the neighbors can see directly into his bedroom. He advised he did not know Mills Fence uses subcontractors, the supervisor spoke broken English and the other four workers didn't speak English at all. He commented that the he walked the yard with the supervisor and asked him to get it close to the neighbors chain link fence. He noted that he did not notice that the smooth side of the fence was facing in until the next morning. He advised it was not done intentionally it was miscommunication.

To Mr. Tharp's question as to how long was the fence up before you received a letter from the township Mr. Miller advised it was about three weeks.

To Mr. Tharp's question as to is the whole fence installed incorrectly Mr. Miller advised its just the side by the neighbors chain link fence.

To Mrs. Vatters question as to was the fence that was removed chain link Mr. Miller advised is was a 4' wood fence.

To Mr. Tharp's question as to with the fence 2' higher does it cut down on the angle of seeing anyone entering the pool Mr. Miller responded in the affirmative.

To Mrs. Vatters question as to with only one side of the fence facing the wrong way do you get back with Mills Fence regarding the issue Mr. Miller advised he did not.

To Mr. Tharp's question as to has your neighbor complained to you regarding the fence Mr. Miller advised nobody has complained to him.

To Mr. Tharp's question as to other than the letter that was submitted has anyone else complained Mr. Roach advised there were no other complaints.

To Mr. Tharp's question as to do you have an estimate on what it would cost to correct the fence Mr. Miller advised he does not.

To Mr. Tharp's question as to would you be willing to attempt to remedy this situation Mr. Miller advised he will do what the Board tells him to do.

Mr. Roach advised he has a picture of what the old fence looked like from google street view.

Constance Vogel (sworn) 5156 Chantilly Drive, advised she is representing Nancy Hendrickson the next door neighbor and wants to make sure her letter has been read by the board. She commented that its not fair to let Mr. Miller to have a 6' fence in the side yard if everyone else can't have one. She noted that she is Mrs. Hendrickson's sister.

To Mr. Heenan's question as to other than the fence facing the wrong way does Mrs. Hendrickson have an issue with the 6' fence in the side yard Mrs. Vogel responded in the affirmative stating it makes the area between the two houses very confining.

To Mr. Tharp's question as to is the chain link fence still there Mrs. Vogel advised in the affirmative.

To Mrs. Vatters question as to Mr. Miller said he had talked to his neighbors regarding the fence and asked if Mrs. Vogel had any knowledge of that she advised her sister had told her the neighbor was putting up a privacy fence which she had no objection until it was installed with the most finished side facing in.

To Mr. Heenan's question if you had time to fix the fence would you Mr. Miller advised in the affirmative.

To Mr. Tharp's question as to would you be willing to reduce the fence in the side yard to 4' Mr. Miller advised he would remove it.

To Mr. Tharp's question as to how close is the privacy fence to the chain link fence and could boards be installed to finish the side Mr. Miller advised it's a few inches he thinks it should be able to be corrected.

To Mr. Schott's question is the fence entirely on your property Mr. Miller responded in the affirmative.

Mrs. Vatter advised she would be willing to give Mr. Miller six months to have the fence brought into compliance.

Mr. Heenan advised he is not comfortable giving six months and feels it should be taken care of as soon as possible.

Mr. Roach advised he feels confident that Mr. Miller will take care of the fence in a timely manner and keep him up to date on the progress.

On Motion by Mr. Heenan and seconded by Mr. Tharp to deny the variances for 5814 Countryview Terrace for case VA2023-01 and will have a letter sent to Mr. Roach within 30 days that work is to commence if not be completed to bring the fence into compliance within 120 days and if any more time is need make a request to Mr. Roach and he has discretion to grant or deny that as reasonable. Msrs. Schott, Heenan, Tharp, Mattei and Mrs. Vatter voted aye.

Old Business:

- None

New Business:

- Mr. Skylor Miller introduced him self as the new Administrator to the board.
- Mr. Roach advised Johnny's Sports Bar is now Longshots.

- Mr. Roach advised Harvest Baptist Church is now Revive Baptist Church.
- Mr. Roach advised Athletico Physical Therapy is a new business now open in the old Jets Pizza location.
- Mr. Roach construction should begin soon for Take Five Oil Change.
- Mr. Roach advised he has issued 8 out of the 19 permits for the Heather Ridge Development.
- Mr. Roach advised all the permits have been issued for Greenside Estates.
- Mr. Roach advised all the permits have been issued for Garden Grove.
- Mr. Roach advised in 2022 Community Development issued over 66 million dollars in zoning permits.

There being no further business on motion of Mr. Schott seconded by Mrs. Vatter the meeting was adjourned at 6:03 pm. Mssrs. Heenan, Schott, Mattei, Tharp and Mrs. Vatter voted aye.

Anthony S. Roach
Zoning Administrator

