

The Tuesday May 10, 2022 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 Township Administration Building with the Pledge of Allegiance to the flag.

Members present:

Clay Tharp

Scott Heenan

Jennifer Vatter

Andrew Mattei

Stephen Schott

Also, present:

Gregory J. DeLong, Assistant Township Administrator

Anthony S. Roach, Zoning 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.

On Motion by Mr. Heenan and seconded by Mr. Tharp to approve the minutes of the Boards' April 5, 2022 meeting but to dispense with the reading. Mssrs. Tharp, Heenan, Schott, Mattei and Mrs. Vatter voted aye.

The Public Hearing for VA2022-02 was convened.

Mr. DeLong advised the Board that the applicant is not present.

The Board agreed to go to the next case on the agenda.

The Public Hearing for VA2022-03 was convened.

Mr. DeLong advised this case is to hear a request for a variance to permit a 7-ft. high (6-ft. solid and 1-ft. of lattice on top), privacy fence to be located in the side yard; whereas the Zoning Resolution states that fences in the side yard shall not exceed 4-ft. in height and be no less than 50% open. He commented that this is for the property at 5599 Rapid Run Road in the "C" Residence District. He noted that the applicant is John Eckert on behalf of Charles Eckert.

Mr. DeLong advised that they are requesting a 7-ft. high privacy fence and our code permits fences to be 4-ft. in height and 50% open. Mr. DeLong advised that the 6-ft. portion of the fence has already installed when the application was submitted, this was without any permits from the Township. He commented that it is our understanding based on a submittal from the HOA trustee that the subject fence has been completed with the lattice work. He noted that he did not go out to verify. He advised that the applicant states in the application that the fence would enhance their view from their kitchen so they can better enjoy their small water feature. He commented that you

may want to have a discussion with the applicant on why the fence was constructed without any approval from the Township.

Mr. DeLong advised that staff did review the application and submitted materials and the variance request does not meet the Area Variance Factors of Review (B, C, D, E, and G), therefore it is recommended that the proposed request be denied base on the factors not being met.

Mr. Tharp advised that he does know the applicant and he feels he can be fair and impartial and would like that on the record.

To Mr. Tharp's question as to did we receive a complaint on the fence Mr. DeLong advised that it is his understanding that the applicant contacted one of the elected officials regarding the fence.

John C. Eckert (sworn) on behalf of Charles A. Eckert III, 5599 Rapid Run Road, advised that one of the reasons that Mr. John Eckert purchased the property was because of the location and the setting of the property located on a private drive. He commented that after the property was purchased, he made some improvements including the fence. He noted they hired Mills Fencing to install the fence and was not informed there was a problem installing this type of fence in a side yard so they went ahead and installed the fence. He advised that the topography of the property is very unique, the house is the first house on the private drive on the left. He commented that there is a significant slope when you pull into the driveway. He noted that if you look at the fence within the topography you don't know it there because it blends in with the other landscaping. He advised the neighbors have no objection to the fence.

Mr. John Eckert advised he was handed a letter from the HOA trustee just prior the meeting and in the letter, it states that the fence violates the covenant declarations of the HOA, and it's a matter of submitting and application to the HOA for approval which was not done. He commented that Mr. Kistner with the HOA is objecting to the fence and he doesn't understand why.

To Mr. Tharp's question as to is this fence completed? Mr. John Eckert responded in the negative.

To Mr. Schott's question to has the lattice been installed to the top of the fence? Mr. Charles Eckert responded in the affirmative. He stated that they showed up last week and finished it due to the contract. Mr. John Eckert stated that he was unaware of this.

To Mr. Tharp's question as to is the water feature the view from the kitchen? Mr. Charles Eckert responded that from the kitchen he can see completely over the fence and see the bottom of the foundation to his neighbor's house.

To Mrs. Vatter's question as to how far back is the fence with relation to the front of the house? Mr. John Eckert responded it's behind the front of the house.

To Mr. Mattei's question as to what was the reasoning to go with a fence over evergreen bushes and landscaping? Mr. John Eckert responded they had bushes and esthetically they did not look very good and the neighbor did not like them, and there is a steep hill.

To Mrs. Vatter's questions as to did Mills Fence Company tell you that you did not need a permit? Mr. Charles Eckert responded said he asked the sales representative and the estimator when he got the original quote and was told he did not need a permit for the fence. He advised when he called Mills Fence Company back and said the fence was not high enough and wanted lattice added to the top, he was told that he would need a permit for that.

To Mr. Heenan's question as to what are you going to do about the HOA? Mr. Charles Eckert responded that he did not know he had an issue with them, the neighbors that they approached loved the fence.

He advised he will address the issue with them and see if a resolution can be reached.

Mr. Tharp advised it might be best to get approval from the HOA before they proceed with this request.

Mr. John Eckert advised that they will address the issue with the HOA and based on the response received, the majority of the home owners approve of the fence.

To Mr. Schott's question as to is anyone from Mills Fence Company here to testify on your behalf? Mr. John Eckert responded in the negative.

To Mr. Heenan's question as to the lattice that is on the fence, does the extra foot serve any purpose? Mr. John Eckert responded in the affirmative.

Mr. Heenan advised that he thinks this should be continued to find out what the HOA is going to do because we don't want to grant a variance that going to run with the property if your HOA is going to turn around and say no.

Mrs. Vatter advised she agrees with Mr. Heenan.

On Motion by Mr. Heenan and seconded by Mrs. Vatter to continue VA2022-03 till June 14, 2022. Mssrs. Tharp, Heenan, Schott, Mattei and Mrs. Vatter voted aye.

The Public Hearing for VA2022-02 was convened.

Mr. DeLong advised the Board that the applicant is still not present.

The Board agreed to go to the next case on the agenda.

The Public Hearing for VA2022-04 was convened.

Mr. DeLong advised this variance request is to permit a 23-ft., 6-inch rear yard setback for a new sunroom to be placed on an existing deck, whereas the Zoning Resolution states that the rear yard setback is 30-ft. for primary structures. He commented this is for the property at 734 Trio Court which is in the "C" Residence District. He noted that the applicant is Harold Weeks of Great Day Improvements on behalf of Steve and Amy Ernst. He advised that the rear of the existing home is

approximately 30-ft. from the property line. He commented that a deck was permitted without a variance as decks are accessory structures and they have a minimum 3-ft. rear and side yard setback. He noted that the neighboring property at 740 Trio Court received a variance approval in June of 2002 for a 23-ft. rear yard setback. He advised the submitted variance request meets the Area Variance Factors of Review (A, B, C, D, F and G); therefore, it is recommended that the proposed request be approved based on the Factors being met.

Harold Weeks (sworn), Great Day Improvements of behalf of Steve and Amy Ernst, advised the sunroom will enhance the property and the neighbors have no objection. He commented that the topography is so high you cannot see the house behind them, so when we tie into the existing house the neighbors behind will not see the sunroom.

Mr. Weeks advised the room would be located where the existing deck is and measures 12'x 14'.

On Motion by Mr. Heenan and seconded by Mr. Tharp to approve the variance in case VA2022-04. Mssrs. Tharp, Heenan, Schott, Mattei and Mrs. Vatter voted aye.

Mr. Roach advised he just spoke on the phone to the Applicant for case VA2022-02 and he stated that he cannot make it because he is too busy and that he has requested a continuance.

To Mrs. Vatters question as to are we being asked to grant a variance on something that's not supposed to be there so does the decision have to be made on the mechanical issue that was not on the plan and installed, does that decision have to be made before we consider a variance.

Mr. Roach advised that he has gone back and forth with the applicant over several months, on the original plan the mechanical cannister was not shown on the plan, they been discussing several types of screening and the applicant has decided to cut the concrete and plant six arborvitaes. He commented that for that he thinks he need to add one more shrub there and over time that will be sufficient to block the mechanical unit.

To Mr. Schott's question as to is there something in the DPBC code that he is missing regarding this mechanical Mr. Roach advised that any ground mounted mechanicals have to be out of visual site.

On Motion by Mr. Heenan and seconded by Mrs. Vatter to continue VA2022-02 on June 14, 2022. Mssrs. Tharp, Heenan, Schott, Mattei and Mrs. Vatter voted aye.

Old Business:

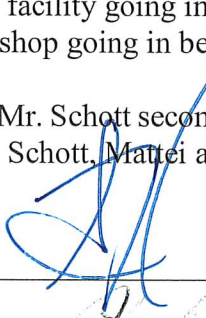
- Nothing

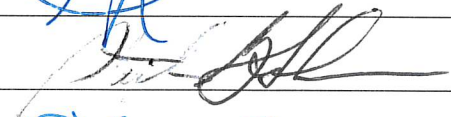
New Business:

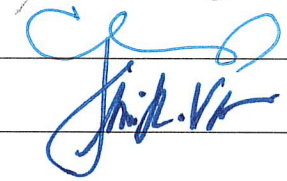
- Mr. DeLong advised Delhi Town Square is moving along, we are delayed in getting permitting.
- Mr. DeLong advised that there are no more available lots in Greenside Estates.
- Mr. DeLong advised that Heather Ridge is under construction.

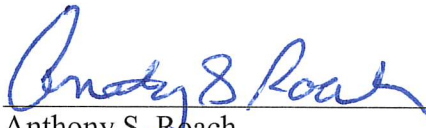
- Mr. DeLong advised there was something on social media about Verge Brewing coming to Delhi Township, they have not come in for permits yet.
- Mr. Roach advised he issued permits for two new businesses in the township, one is for Athletico, which is a physical therapy facility going into the old Jets Pizza and the other is Brainy Resources which is a tee shirt shop going in behind T-Mobile.

There being no further business on motion of Mr. Schott seconded by Mr. Heenan the meeting was adjourned at 7:00 pm. Mssrs. Tharp, Heenan, Schott, Mattei and Mrs. Vatter voted aye.









Anthony S. Roach
Zoning Administrator