



City of Dublin

Land Use and Long  
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## BOARD OF ZONING APPEALS

### MEETING MINUTES

**JULY 23, 2015**

#### AGENDA

- 1. Hemingway Village, Section 1 – Reynolds Property – Setback Variance  
15-063V  
(Approved 4 – 0)** **7024 Fitzgerald Road  
(Non-Use) Area Variance**

Chair Brian Gunnoe called the meeting to order at 6:28 p.m. Other Board members present were Jamie Zitesman and Martha Cooper. Patrick Todoran and Rion Myers were absent. City representatives present were Tammy Noble and Flora Rogers.

#### Motion and Vote

Mr. Gunnoe moved, Mr. Zitesman seconded, to accept the documents into the record. The vote was as follows: Mr. Zitesman, yes; Ms. Cooper, yes; and Mr. Gunnoe, yes. (Approved 3 – 0)

#### Motion and Vote

Mr. Zitesman moved, Ms. Cooper seconded, to approve the June 25, 2015 meeting minutes. The vote was as follows Mr. Gunnoe, yes; Ms. Cooper, yes; and Mr. Zitesman, yes. (Approved 3 – 0)

#### Communications

Ms. Noble said the City is in the process of hiring a Planning Director and are in the final stages of announcing a Director and anticipate official announcement coming out soon.

#### Administrative Business

Mr. Gunnoe swore in those who intended to address the Board in regards to the application on this Agenda.

#### NEW CASES:

- 1. Hemingway Village, Section 1 – Reynolds Property – Setback Variance  
15-063V  
(Non-Use) Area Variance** **7024 Fitzgerald Road  
(Non-Use) Area Variance**

Tammy Noble said this application is for a fence location that will be in the rear yard setback. She said the site is 7024 Fitzgerald Road and is about a ¼ of an acre located on the south side of Fitzgerald Road east of Tralee Road. She said it is in the Hemingway Village Subdivision which is a straight zoning district classification R4, Suburban Residential District. She said the surrounding area is equally sized lots all residential in nature with the same type of units to the north, east, and west. She said the site has been fully developed and is a single family

residential structure to the center of the property. She said the request is for the relocation of an existing fence. She said the applicant is attempting to abut their neighbors' fences on three sides. She said they were to replace their existing fence in the same location and were permitted to do so under the Code, but when they attempted to construct the fence they encountered underground utilities that prevented them from constructing in this location. She said they are requesting to construct the fence on their property line at 27 feet into the rear yard.

Ms. Noble said if there had been no fence constructed at this point their rear yard setback would be 27 feet. She said there is a provision in the Code that allows the applicant to rebuild an existing fence where it is located at 8 feet from the property line. She said they are not able to do that because of the utilities, as well as mature vegetation to the rear of the property. She said they are attempting to replace their fence with a four-foot fence on the property line.

Ms. Noble said the site does have mature vegetation and utility issues that are preventing them to locate the fence where they are able to construct on the property and therefore, those conditions are special and unique to their particular application. She said neither of those conditions were created by the applicant and were in place prior to their ownership of the property. She said in terms of substantial impacts to surrounding communities, this is an older portion of the City of Dublin where this is a condition that is mimic through other properties and therefore will not look unique or unusual to the surrounding community. She said special privileges and any property owner that has a fence that was constructed prior to the current regulations would be able to do exactly what the applicants were attempting to do by replacing the existing fence and in terms in terms of special privileges this does not warrant special privileges to the applicant. She said they have not seen an application that has the same merits as this particular application nor does it disrupt or impact governmental services. She said other available methods the applicants could construct the fence where the Code would allow today, but would be a substantially smaller area of their yard that would be able to be fenced and therefore there is another option but it would create an insufficient and small amount of space for them to use and stated that the condition has not been met. She said only two of the four conditions need to be met and they have met the responsibilities for this review section.

Ms. Noble said based on the analysis they are recommending approval for this application.

Mr. Gunnoe said they encounter a lot of fence variances where the fences, if constructed to meet Code, would cut a property in half. He asked if there were anything at risk in consistency with this application.

Mr. Zitesman said this application is unique due to the fact that the fence is existing opposed to other cases where the fences were proposed. He said in previous cases there was not an existing fence, the community was opposed and the request was inconsistent. He said this is distinguished from other cases for those reasons.

Mr. Gunnoe asked if anyone had questions or from the public that would like comment in regards to the application.

Rhonda Reynolds, 7024 Fitzgerald, said when they first moved into the home the existing fence was rotted wood and falling apart and wanted to replace with black rod iron to look nicer. She said she received a permit to replace the existing fence but ran into the utilities and the option was to move the fence back because they do not want to lose use of the yard and wanted to be in alignment of the existing adjacent fences with the neighbors and maintain the existing mature vegetation.

Mr. Gunnoe asked if there were any questions for the applicant. [There were none.]

Mr. Zitesman said this is a variance request that makes sense and keeps consistency to the neighborhood and will be an improvement to the existing fence.

**Motion and Vote**

Ms. Cooper made a motion, seconded by Mr. Gunnoe, to approve the Non-use (area) variance to Section 153.080(B)(1)(a) to permit a fence that is located 27 feet within the rear yard setback finding that the request meets all the applicable review criteria.

The vote was as follows: Mr. Zitesman, yes; Mr. Gunnoe, yes; and Ms. Cooper, yes. (Approved 3 – 0)

Mr. Gunnoe said the next meeting is scheduled for August 27, 2015, and adjourned the meeting at 6:42 p.m.

As approved by the Board of Zoning Appeals on August 27, 2015.