

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
March 27, 2023**

The regular meeting of the Board of Zoning Appeals was called to order by Chair Holinga at 5:30p.m., at the Grove City Municipal Building, 4035 Broadway. The meeting was held in person. There is no recorded meeting available.

1. Roll was called. The following members were present:

George Holinga

John Brant

Mark "Tony" Haughn

Staff present: MacKenzie Newberry, representing the Law Director, Chief Building and Zoning Official Michael Boso, Planning and Zoning Coordinator Laura Scott.

Also present; Farah Jama and Shukri Hussein, 5588 Scotch Woods Dr.

2. ***Motion by Chair Holinga to approve the minutes from the previous meeting as written. Second by Mr. Brant.***

VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED**.

All representatives addressing the board were sworn in.

4. Hear the appeal of Shukri Hussein for 5588 Scotch Woods Dr., (Parcel #040- 16453) representing Farah Jama, property owner, for a variance of Section 1137.05 – Yard obstructions and Fences; to encroach the 30' front setback on Carlisle Dr., a corner lot, a minimum of 21'-8" at the corner of the house, and a maximum of 26' at the rear of the lot, with a fence 48" tall.

Mr. Jama explained his wife worked with the city to have the deck and fence installed. He is not 100% sure what the violation is. They noticed a neighbor had a similar fence and didn't think they would have a problem. Ms. Hussein said the problem began with the deck being installed in the wrong place which caused the fence to be relocated. She said Mr. Boso told her she could put the fence wherever she wanted as long as she applied for a variance. She stated she applied for a variance and did not hear back from anyone for two months. She was frustrated and had already ordered material for the fence, so she went ahead and had the fence installed where she wanted it to be.

Mr. Boso explained to Ms. Hussein he had assisted her before the fence was constructed by meeting with her to review the deck and allowing the deck not built to plan to encroach 1'-2' into the 30' setback. She told him she wanted to build the fence out several feet. He told her then he did not have the authority to approve the fence several feet in front of the setback. A building permit submittal for the proposed new fence location followed by a BZA variance would be needed. He said the deck encroachment was due to the decking cantilevered 2' beyond the deck posts. A licensed contractor would have understood all portions of the deck needed to be at or behind the 30' setback.

Mr. Boso said he did not tell Ms. Hussein she could put the fence anywhere and she should have understood she would have to wait for the variance process to be complete to know the outcome for the fence and where it could be built. To further clarify and visually mark the location of the 30' setback line for Ms. Hussein, Mr. Boso said he went back to the property a few days later and marked the 30' setback line with paint, on the ground. He asked Ms. Hussein if she remembered this. She said she did not.

Ms. Hussein said she could not understand why all this is so important to the city. She is a property owner and a taxpayer and should be able to use her property as she sees fit. Chair Holinga explained the project was designed and developed with building setbacks. The setbacks are required to maintain the character of the neighborhood and protect property values. Mr. Brant stated the board has authority to grant deviations to setbacks for fences and does so when the request is reasonable and will not have a negative impact on adjoining properties or send a message encouraging others to deviate from the code requirements and the approved development plan.

The board stated the requested variance was extreme. The proposed fence represented a 73% encroachment of the setback at the front and an 86% encroachment at the rear. Chair Holinga explained the board had approved a variance for a similar fence across the street at 5673 Carlisle Dr. That fence was permitted to encroach just 33% or 10' into the 30' setback. The property owner also agreed to install landscaping in front of the fence. The applicant followed the process of submitting a complete submittal and obtaining a variance before doing the work.

Ms. Hussein blamed the situation on the Building Division's failure to communicate with her on the project last summer. She said she filed for variance and got tired of waiting to hear from the Building Division, so she just decided to go forward building the fence. Mrs. Scott referred to the email sent to Ms. Hussein after receiving her incomplete submittal. Mrs. Scott stated the only reason the application was going before BZA tonight is because staff took the initiative to go to the site, take measurements and photos and prepare a site plan and other documents as supplements for a building permit submittal and the variance application.

The board advised the applicant the site plan showed the fence was encroaching utility easements and might still be an issue even if moved back. The applicants were not aware of the easements and were shown their location on the site plan. Ms. Hussein repeated that she believed the issue was caused by the failure of the Building Division to provide her with proper help and assistance throughout the process.

Chair Holinga reminded Ms. Hussein she could have used a professional contractor for the deck and the fence project. He said it appeared Ms. Hussein chose to go against the direction and advice provided by the Building Division. He said he could not support the variance for the fence in its current location but would support an encroachment of 10' into the 30' setback. He pointed out that when placing the fence at 10' from the 30' setback line, the fence would still be about 8' from the corner of the deck.

Motion #1 –

Motion by Chair Holinga to vote on the appeal of Shukri Hussein for 5588 Scotch Woods Dr., (Parcel #040-16453) representing Farah Jama, property owner, for a variance of Section 1137.05 – Yard obstructions and Fences; to encroach the 30' front setback on Carlisle Dr., a corner lot, a minimum of

*21'-8" at the corner of the house, and a maximum of 26' at the rear of the lot, with a fence 48" tall.
Second by Mr. Brant.*

VOTE: Brant, NO; Holinga, NO; Haughn, NO; **DISAPPROVAL.**

Motion #2 –

Motion by Chair Holinga to grant the appeal of Shukri Hussein for 5588 Scotch Woods Dr., (Parcel #040-16453) representing Farah Jama, property owner, for a variance of Section 1137.05 – Yard obstructions and Fences; to encroach the 30' front setback on Carlisle Dr., a corner lot, a minimum of 21'-8" at the corner of the house, and a maximum of 26' at the rear of the lot, with a fence 48" tall with the following stipulations. Second by Mr. Brant.

- 1) Property owner to contract with a Grove City Registered Fence Erector to submit for a building permit and relocate the fence section running parallel to Carlisle Dr. back to no more than 10' from the 30' building setback line.*
- 2) Permit application by registered contractor is to be submitted within 30 days from the date of this approval.*
- 3) Fence is to be relocated within 60 days from the date of this approval submittal unless otherwise approved by the Chief Building and Zoning Official.*
- 4) Evergreen shrubs a minimum of 24" in height at the time of planting are to be installed within 30 days of the fence installation along the relocated section of fence, with a maximum spacing of 5' apart.*

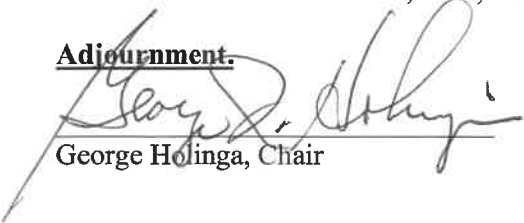
VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED.**

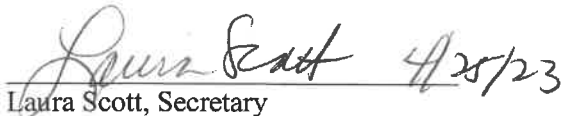
Chair Holinga advised the applicant of the 21-day waiting period.

There being no new business, the Chair asked for a motion to adjourn at **6:40p.m.** Motion by Mr. Brant.
Seconded by Mr. Haughn.

VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED.**

Adjournment.


George Holinga, Chair

 4/25/23
Laura Scott, Secretary