

**CITY OF DELAWARE  
BOARD OF ZONING APPEALS  
AGENDA**

**MEETING TO BE HELD VIRTUALLY VIA CISCO Webex \*\*  
6:30 P.M.**

REGULAR MEETING

June 10, 2020

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on November 13, 2019, as recorded and transcribed.
3. REGULAR BUSINESS

- A. 2020-0951: A request by Mr. & Mrs. William Harrison for approval of a rear yard setback variance for a sunroom at 128 Braddington Court on approximately 0.125 acres on property zoned R-3 PUD (One-Family Residential District with a Planned Unit Development Overlay District).

Due to the meeting being held virtually, public comment is requested to be received either before or during the meeting through email at [emccloskey@delawareohio.net](mailto:emccloskey@delawareohio.net). Comments received on Facebook may have to be addressed by staff subsequent to the meeting.

- B. 2020-0949: A request by Mr. & Mrs. Stanley Hawkins for approval of a front yard setback variance for a privacy fence at 306 Griffins Harbor Drive on approximately 0.194 acres on property zoned R-4 (Medium Density Residential District).

Due to the meeting being held virtually, public comment is requested to be received either before or during the meeting through email at [emccloskey@delawareohio.net](mailto:emccloskey@delawareohio.net). Comments received on Facebook may have to be addressed by staff subsequent to the meeting.

4. BOARD MEMBER COMMENTS AND DISCUSSION
5. NEXT REGULAR MEETING: July 8, 2020
6. ADJOURNMENT

\*\* This meeting will be a virtual meeting. Residents are encouraged to view online through the City of Delaware Facebook page. To comply with the CDC recommendation prohibiting group meetings, no in person attendance by Council, staff, or the public will be available.

**BOARD OF ZONING APPEALS  
MOTION SUMMARY  
November 13, 2019**

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 6:30 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman George Hellinger, and Vice-Chairman Paul Junk, and

Member Absent: Chairman Matt Dick

Staff Present: Jordan Selmek, Zoning Officer

**Motion to Excuse:** Councilman Hellinger motioned to excuse Chairman Dick, seconded by Ms. Fisher. Motion approved by a 6-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on September 11, 2019, as recorded and transcribed.

**Motion:** Councilman Hellinger moved to approve the Motion Summary for the Board of Zoning Appeals held on September 11, 2019 meeting, seconded by Mr. Vaughn. Motion approved by a 6-0.

Vice-Chairman Junk swore in the following participant from the public throughout the meeting:

Johnathon Dandera  
102 Old Colony Drive  
Delaware, Ohio

ITEM 3. REGULAR BUSINESS

A. 2019-2394: A request by Johnathon Dandera for approval of a front yard setback variance for a fence at 102 Old Colony Drive on approximately 0.201 acres on property zoned R-4 with Text Limitations (Medium Density Residential District).

Mr. Selmek reviewed the location of the request and the zoning around the area. The applicant proposes a six-foot privacy fence to enclose their backyard, which is a corner lot. The southern section of the fence encroaches approximately 3.6 feet into the technical front yard setback along Bowtown Road. Corner lots have two front yards and the Zoning Code does not allow a privacy fence within the front yard. The proposed fence would require the approval of a variance. Mr. Selmek also discussed that the property has neighborhood signage on the

property and there is a public bike path that extends through the southern portion of the property. Staff determined that the public bike path and entry features meet the criteria for special circumstances, as today's development standards these features would be built on Home Owner's Association property.

**APPLICANT:**

Johnathon Dandera  
102 Old Colony Drive  
Delaware, Ohio

Mr. Whitmore informed the Board that he visited the property and that he believes that the applicant has a valid issue with exposure to the street and bike path and recommends the privacy fence.

Mr. Dandera informed the Board that he did receive approval from the Home Owner's Association to have a 6 ft, white vinyl, privacy fence. Mr. Selmek reviewed the condition to have a gap at the bottom of the fence to allow for drainage.

**Motion:** Ms. Fisher moved to approve 2019-2394, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted, seconded by Mr. Daughenbaugh. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

Ms. Fisher requested an update regarding the status of the Flax Street building and if the building had meet requirements to not be condemned.

ITEM 5. NEXT REGULAR MEETING: December 11, 2019.

ITEM 6. ADJOURNMENT

**Motion:** Mr. Daughenbaugh moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Vaughn. The Board of Zoning Appeals meeting adjourned at 6:44 p.m.

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Matt Dick, Chairman

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Elaine McCloskey, Clerk

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**APPLICANT/OWNER**

Mr. & Mrs. William Harrison  
128 Braddington Court  
Delaware, Ohio 43015

**REQUEST**

2020-0951: A request by Mr. & Mrs. William Harrison for approval of a rear yard setback variance for a sunroom at 128 Braddington Court on approximately 0.125 acres on property zoned R-3 PUD (One-Family Residential District with a Planned Unit Development Overlay District).

**PROPERTY LOCATION & DESCRIPTION**

The property is on the south side of Braddington Court which is located east of Houk Road via Lansdale Drive. The zoning of the property is R-3 PUD (Single-Family Residential District with a Planned Unit Development Overlay District) as are all the surrounding properties.

**BACKGROUND**

The owner purchased the newly built attached condominium unit in October 2019 as their retirement home and is proposing to construct a sunroom on the rear elevation (south) of the condominium unit. The proposed 100 square foot sunroom (10 ft x 10 ft) would protrude 10 feet into the 30-foot rear yard setback. The condominium unit is constructed 30 feet from the rear property line. The design, material and color of the sunroom would match and complement the existing condominium unit. The owner has a letter from the five adjacent property owners and they are all in favor of the proposed sunroom.

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**STAFF ANALYSIS**

- **REAR YARD VARIANCE:** The R-3 PUD zoning district requires a 30-foot rear yard setback while the owner is proposing a variance to construct a sunroom to be 10 feet into the required setback resulting in a minimum 20 feet rear (south) yard setback around this sunroom
- **VARIANCE REVIEW:** In considering whether or not a Variance shall be granted, the Board of Zoning Appeals is required to consider certain factors to determine if a practical difficulty exists. As listed below, Section 1128.09(c)(1) of the Planning & Zoning Code sets forth these factors. Following each factor in italics is a brief Staff analysis.
  1. Whether the granting of the Variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.

*The purpose and intent of the R-3 PUD Ordinance is outlined in Section 1134.01 states:*

- a) *To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts.*
- b) *To regulate the density and distribution of population, avoid congestion, and provide adequate public services.*
- c) *To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities.*
- d) *To carry out the following specific purposes:*
  - *The R-1, R-2 and R-3 Districts are established to primarily permit the development of low density and medium-low density single-family dwellings with a variety of lot sizes to meet different housing needs and characteristics expected by the residents and to recognize different location and land use characteristics in various parts of the City.*

*Approval of the Variance is not in accordance with purpose and intent of the PUD zoning district and would be considered significant but would not likely be detrimental to the public welfare. The proposed sunroom addition would result in a rear yard setback of 20 feet from the rear property line around the sunroom addition only (the rest of the existing structure would conform to the required 30 ft. rear yard setback) which is only a 10-foot addition from the condominium unit and would likely not impact the*

*adjacent residents. The single-family residential houses to the south would have a minimum 30-foot rear yard setbacks and the condominium unit to the west would be a minimum 20 feet away. The addition would not add a dwelling unit to the overall structure and would not change the overall character – single-family attached units – of this sub area of the Planned Unit Development. Finally, the Applicant has provided ‘no-objection’ letters from all surrounding neighbors.*

2. 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 adjacency to non-conforming and inharmonious uses, structures or conditions.  
*The only special condition is the condominium development is located within a PUD zoning district that by definition allows bulk, setback, and required yard flexibility not customarily found in base zoning districts.*
3. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance. Mere loss in value or financial disadvantage to the property owner does not constitute conclusive proof of practical difficulty; there shall be deprivation of beneficial use of land.  
*The condominium unit was constructed in 2018 per the Delaware County Auditor and will continue to be used as such with or without approval of this Variance. The proposed sunroom will likely increase the value of the unit if allowed.*
4. 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.  
*Although the request is not compliant with the rear yard setback requirements in the R-3 PUD zoning district, the character of the neighborhood would not likely be “substantially altered” if the architecture, material and color of the sunroom are compatible to the existing condominium unit which it appears to be. The proposed addition does not add a dwelling unit to the existing single family structure.*
5. Whether the Variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.  
*The delivery of governmental services, particularly emergency services, would not be impacted with approval of this Variance.*
6. Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.  
*The owner indicated they did not have knowledge of the rear yard setback zoning restrictions when they purchased the condominium unit. However, this information was readily available and commonly known to all similarly situated property owners.*
7. Whether special conditions or circumstances exist as a result of actions of the owner.  
*It is not likely any special conditions or circumstances occurred because of the actions of the owner.*
8. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.  
*Staff and the owner researched and discussed several options but the only way to construct the sunroom as proposed would require a rear yard setback variance.*
9. Whether there is evidence of Variances granted under similar circumstances.  
*Staff cannot recall approving a rear yard setback for a sunroom to a condominium unit.*
10. Whether 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 that purpose.  
*The property is currently zoned for single-family attached condominium units (aka landominiums) and will continue to be used as such with or without approval of this Variance. As a result, a Variance is not necessary for the reasonable use of the land.*

11. Whether the proposed Variance would 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.

*The variance would not likely have an impact on any of the aforementioned issues. All surrounding residents have provided 'no-objection' letters to the Applicant for the proposed sunroom addition.*

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

*If the Board finds that the standards for approval of a Variance are met then no special privilege is granted.*

### **CONCLUSION**

Staff would recommend approval of the subject variance for the following reasons: 1.) The proposed rear yard setback variance request would not have a negative impact on the adjacent properties; 2.) The sunroom is compatible in design, material and color of the existing condominium unit; 3.) The owner has a letter from five adjacent property owners that are in support of the proposed sunroom. 3.) No new dwelling units are being added. 4.) the essential character and use of the property and surrounding area will not be substantially or negatively altered.

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### **STAFF RECOMMENDATION – VARIANCE (2020-0951)**

Staff recommends approval of a request by Mr. & Mrs. William Harrison for a rear yard setback variance for a sunroom at 128 Braddington Court on approximately 0.125 acres on property zoned R-3 PUD (One-Family Residential District with a Planned Unit Development Overlay District), with the following conditions that:

1. The proposed sunroom addition shall be setback a minimum of 20 feet from the rear property line to the south.
2. The sunroom addition shall be compatible in design, material and color to the existing condominium unit.
3. The remaining structure and any future proposed additions shall comply with the 30 ft. rear yard setback requirement.

**COMMISSION NOTES:**

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*MOTION:*     \_\_\_\_\_ *1<sup>st</sup>*     \_\_\_\_\_ *2<sup>nd</sup>*     *approved*     *denied*     *tabled* \_\_\_\_\_

*CONDITIONS/MISCELLANEOUS:*

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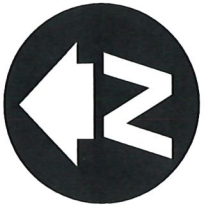
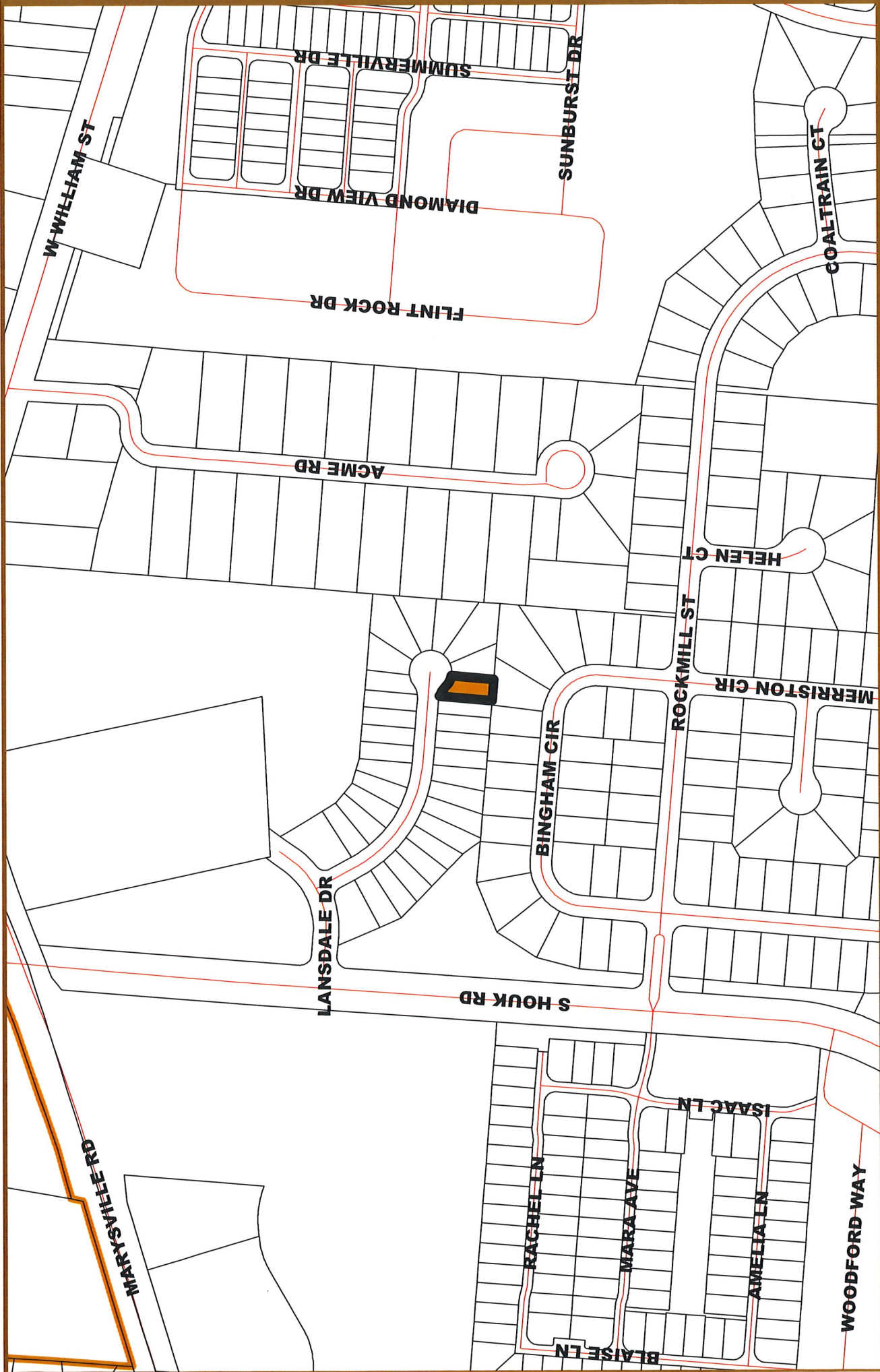
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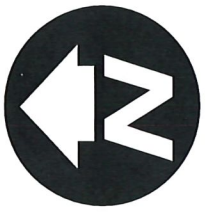
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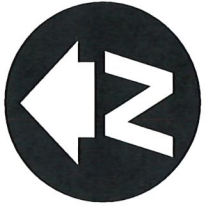
2020-0951  
Sunroom Setback Variance  
128 Braddington Court  
Location Map





2020-0951  
Sunroom Setback Variance  
128 Braddington Court  
Aerial (2016) Map





2020-0951  
 Sunroom Setback Variance  
 128 Braddington Court  
 Zoning Map



4/1/20

FROM Anna Harrison

I am in the process of trying to build a sun room at our new home.

128 Braddington Crt.

The patio will not encroach on the utility easement.

I am a gardener and this would make me feel like I can garden all year long!

The new sun room fits with development and architecture of our condos .

I have enclosed a letter of approval from the HOA.

Thank you so much for your consideration,

Anna Harrison

614-204-4031

**CITY OF DELAWARE, OHIO  
PLANNING & COMMUNITY DEVELOPMENT  
MASTER APPLICATION FORM**



Project # \_\_\_\_\_

Case # 2020-0951

Planning Commission

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Development Plan                              | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use             |
| <input type="checkbox"/> Final Subdivision Plat                        | <input type="checkbox"/> Final Subdivision Plat           | <input type="checkbox"/> Vacation-Alley                                   |
| <input type="checkbox"/> Amended Preliminary Development Plan          | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement                                |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat          | <input type="checkbox"/> Floodplain Permit                | <input type="checkbox"/> Vacation-Street                                  |
| <input type="checkbox"/> Annexation Review                             | <input type="checkbox"/> Lot Split                        | <b>Board of Zoning Appeals</b>  |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement         | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment                  | <input type="checkbox"/> Preliminary Development Plan     | <input type="checkbox"/> Conditional Use Permit                           |
| <input type="checkbox"/> Concept Plan                                  | <input type="checkbox"/> Preliminary Dev Plan Extension   | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit                        | <input type="checkbox"/> Preliminary Sub Plat             | <input checked="" type="checkbox"/> Variance                              |
| <input type="checkbox"/> Determination of Similar Use                  | <input type="checkbox"/> Preliminary Sub Plat Extension   |   |
| <input type="checkbox"/> Development Plan Exemption                    | <input type="checkbox"/> Rezoning                         |   |
| <input type="checkbox"/> Final Development Plan                        | <input type="checkbox"/> Subdivision Variance             |   |

Subdivision/Project Name \_\_\_\_\_ Address \_\_\_\_\_

Acreage \_\_\_\_\_ Square Footage \_\_\_\_\_ Number of Lots \_\_\_\_\_ Number of Units \_\_\_\_\_

Zoning District/Land Use \_\_\_\_\_ Proposed Zoning/Land Use \_\_\_\_\_ Parcel # \_\_\_\_\_

Applicant Name Anna Harrison Contact Person Anna Harrison

Applicant Address 128 Braddington Ct.

Phone 614-204-4031 Fax \_\_\_\_\_ E-mail GICA@Columbus.RR.com

Owner Name Anna Harrison Contact Person Anna Harrison

Owner Address 128 Braddington Ct.

Phone 614-204-4031 Fax \_\_\_\_\_ E-mail GICA@Columbus.RR.com

Engineer/Architect/Attorney Greatday Improvements Contact Person Nick Legg

Address 2097 London Road Ste. H.

Phone 440-817-0628 Fax \_\_\_\_\_ E-mail Nicholas.legg@greatday

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

*Anna Harrison* Owner Signature      Anna Harrison Owner Printed Name

\_\_\_\_\_  
Agent Signature      Agent Printed Name

Sworn to before me and subscribed in my presence this 31<sup>st</sup> day of March, 2020



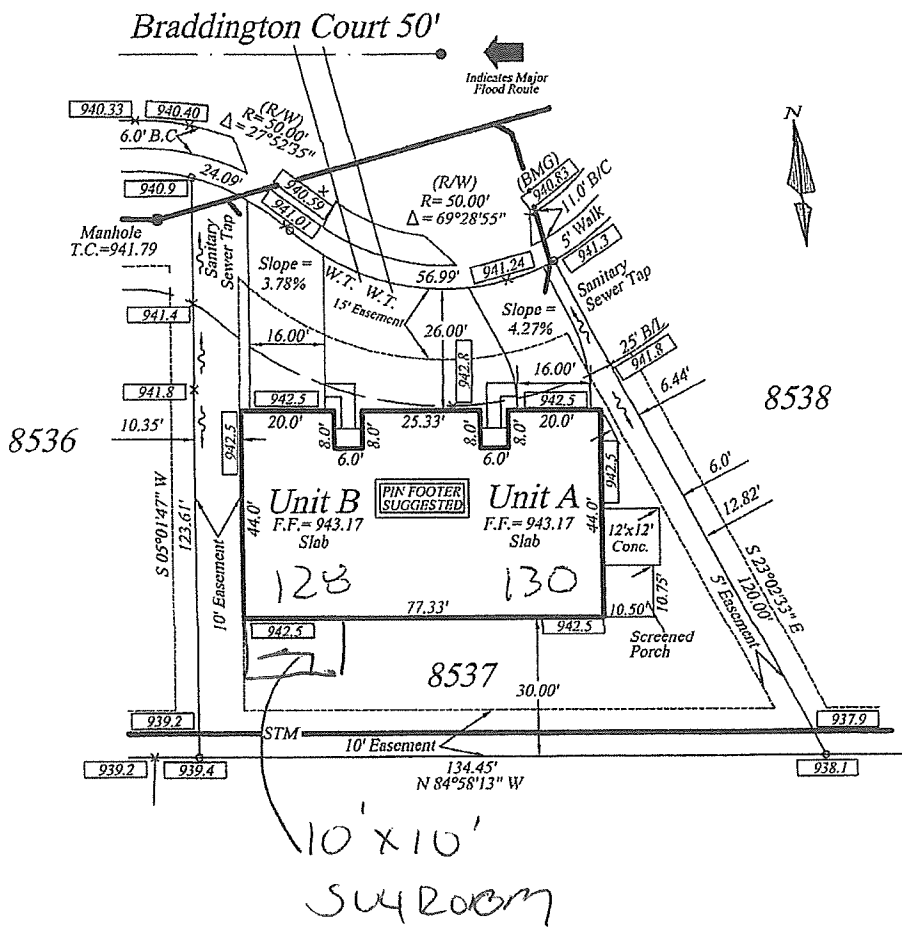
**JAY SCHROEDER**  
Notary Public, State of Ohio  
My Commission Expires  
February 3, 2024

*Jay Schroeder*  
Notary Public

C/O #	REVISION DATE & REQUEST
1	
2	
3	
4	
5	

Order No. \_\_\_\_\_

For Silvestri Group LLC. House Style The Benninger  
 Lot / Subdivision 8537 Braddington Commons City of Delaware  
 Scale 1"= 30' PC. 3 SL. 73 Date 5-24-18 Drawn TLP/MN CK DBM CO. of Delaware  
 Flood Zone X Community Panel 39041C Panel No. 0111K Effective Map Date 04/16/09  
 Minimums R. 30' S. 6'/15' Drive Slope Distance 29.52/39.37'



Unit A / Unit B  
 Lot calculation information is for estimate purposes only and should be verified by the contractor or builder.

Square Footage Data	
Lot	11372.0
House	3307.0
Drive	484.0/626.0
Approach	203.0/235.0
Walk	237.0
Sod Coverage	7021.0

**PLOT PLAN**  
 We hereby certify that the foregoing PLOT PLAN was prepared from information provided by the Client and data obtained from Engineered Subdivision Plan. This Plot Plan is to be used by the Client for the sole purpose of obtaining a building permit. The use of the Plot Plan for any other purpose is strictly prohibited.

By David B. McCoy  
 REGISTERED SURVEYOR  
 STATE OF OHIO  
 DAVID B. MCCOY  
 7632



THIS DRAWING IS PROPERTY OF GREAT DAY IMPROVEMENTS, LLC. ANY DUPLICATION OF THIS DRAWING WITHOUT OUR EXPRESS WRITTEN CONSENT IS PROHIBITED. ALL RIGHTS RESERVED.

BR GREAT DAY IMPROVEMENTS, LLC  
216-341-7700  
2037 LONDON ROAD SUITE H  
DELAWARE, OH 43012

LOCATION

ANNA HARRISON  
128 BRADDINGTON COURT  
DELAWARE, OH, 43015

JOB #37054

REV. A	1/22/20
REV. B	1/20/20
REV. C	2/12/20

DATE 1/20/20  
DRAWN: VNS  
SCALE: 1/4" = 1'-0"  
SHEET: 1 OF 11

GREAT DAY IMPROVEMENTS, COLUMBUS  
HARRISON RESIDENCE

DRAWING #	DESCRIPTION
1	COVER
2	ELEVATION "B" WALL
3	ELEVATION "A" & "C" WALL
4	DECK PLAN
5	ELECTRICAL PLAN
6	FLOOR PLAN
7	ROOF PLAN
8	STANDARD DECK DETAILS
9	STANDARD DECK DETAILS
10	SYSTEM DETAILS
11	SYSTEM DETAILS

*Code: Rco 2019  
NEC 2017*

MINIMUM DESIGN LOADS: (PER 2019 RCO/2018 IRC W/ OH AMENDMENTS)

SUNROOM CATEGORY II (PER 2018 IRC SECTION 21.1.1 & AAMA / NPEA / NSA 2100)

SNOW LOADS:  
1. GROUND SNOW LOAD 30 PSF

ULTIMATE DESIGN WIND SPEED: 115 MPH, 3 SEC. GUSTS

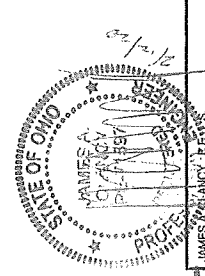
LIVE LOADS:

1. ROOF: 20 PSF
2. FLOOR: 40 PSF

NOTES:

1. ALL VIEW (AAS) ROOM: SANDSTONE IN COLOR
2. CONSTRUCT ENCLOSURE ON NEW DECK
3. NO HEAT BY GDI, ELECTRICAL BY GDI
4. ALL CONCRETE TO BE 3000 PSI MINIMUM
5. ALL LUMBER TO BE SPF #2 OR BETTER, PRESSURE TREATED WHERE REQUIRED
6. WHERE REQUIRED, METALS IN CONTACT WITH PRESSURE TREATED LUMBER MUST BE ADEQUATELY PROTECTED.
7. ROOM CONSIDERED AS NON-CONDITIONED SPACE, EXEMPT FROM ENERGY EFFICIENCY REQUIREMENTS (PER 2018 IRC SECTION N1102.1, NOTE 1.2)

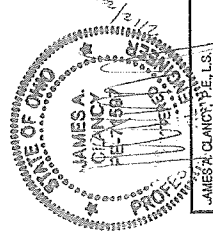
*107.4.3 Rco 2019*



THIS SUNROOM AND FOUNDATION HAVE BEEN EVALUATED FOR DESIGN LOADS REQUIRED BY THE IRC CODE. THIS INCLUDES ALL MATERIALS, COMPONENTS, CONNECTIONS, AND ATTACHMENTS WHEN CALCULATING THE LOAD REQUIREMENTS.

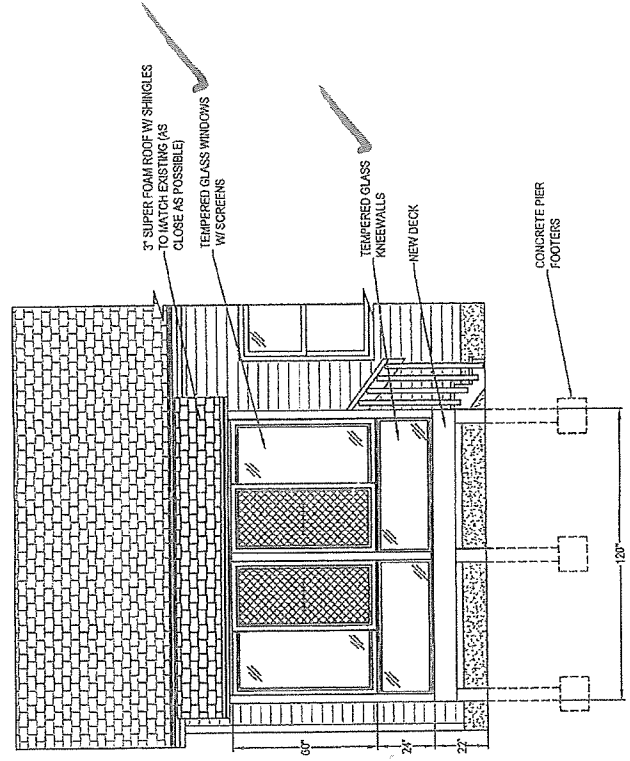
*2020-0495  
Kw/Jan 3.17.20*

JAMES MCLAINCY, P.E.  
OH PROFESSIONAL ENGINEER (OH LIC. #11897)  
607 ASBURY AVENUE  
NATIONAL PARK, NJ, 08063  
PH: # 856-853-7306



JAMES A. CLANCY, P.E., L.L.S.  
OH. PROFESSIONAL ENGINEER (OH. LIC. #71587)  
601 ASBURY AVENUE  
NATIONAL PARK, MI, 08063  
PH. # 856-653-7305

DRAWN: VJG  
SCALE: 1/4" = 1'-0"  
SHEET: 2 OF 11



ELEVATION - "B" WALL





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6D1 - COLUMBUS  
2097 LONDON ROAD SUITE H  
DELAWARE, OH 43012  
216-341-7700

ANNA HARRISON  
128 BRADDINGTON COURT  
DELAWARE, OH 43015  
JOB #37054

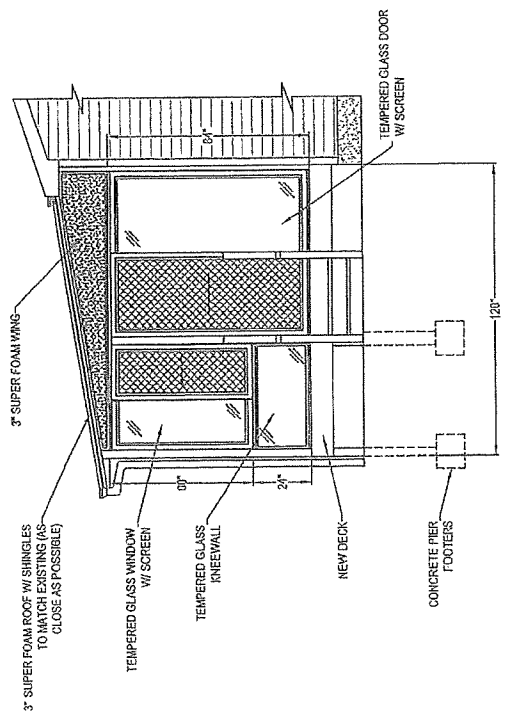
DATE	REV.	BY
1/22/20	REV. A	1/22/20
2/12/20	REV. B	2/12/20
2/12/20	REV. C	2/12/20

STATE OF OHIO  
JAMES A. CLANCY, PATENT ENGINEER  
601 ASBURY AVENUE  
NATIONAL PARK, N.J. 08063  
PH. # 856-453-7303

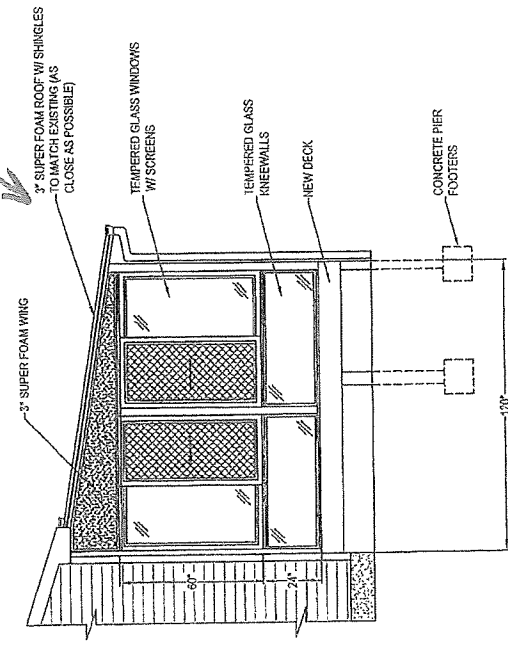
JAMES A. CLANCY, PATENT ENGINEER (OH. LIC. #71597)  
601 ASBURY AVENUE  
NATIONAL PARK, N.J. 08063  
PH. # 856-453-7303

DATE: 1/22/20  
DRAWN: WNG  
SCALE: 1/4" = 1'-0"  
SHEET: 3 OF 11

*1/02.2.13 Rev 2019  
No Conditioned Space*



ELEVATION - "C" WALL



ELEVATION - "A" WALL



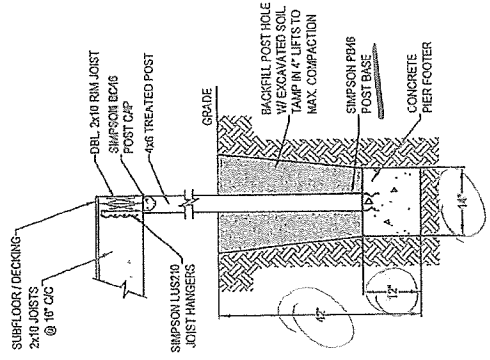
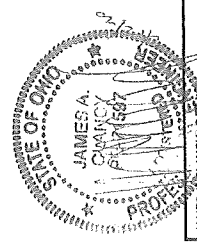
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LOCATION  
 GDI - COLUMBUS  
 2097 LONDON ROAD SUITE H  
 DELAWARE, OH 43012  
 216-341-7700

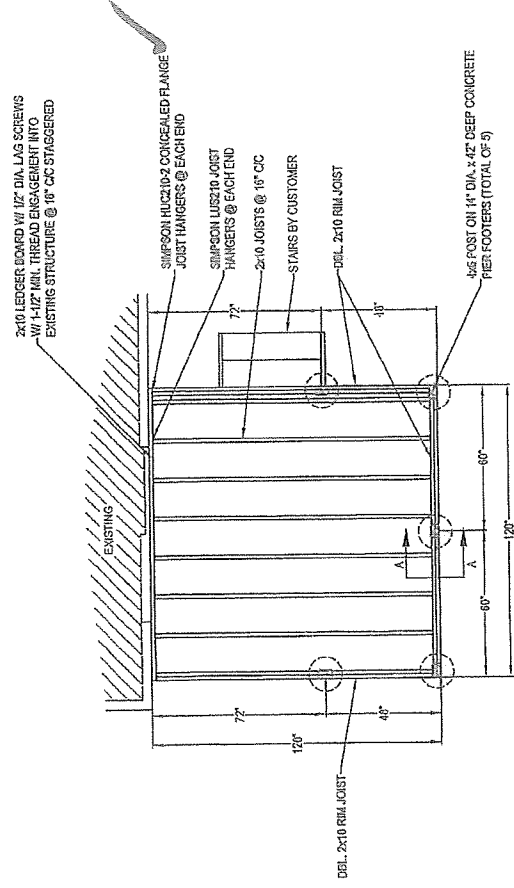
ANNA HARRISON  
 128 BRADINGTON COURT  
 DELAWARE, OH, 43015  
 JOB #37054

DATE	1/20/20
REV. A	1/22/20
REV. B	1/28/20
REV. C	2/12/20


DRAWN: VNG  
 SCALE: AS NOTED  
 SHEET: 4 OF 11

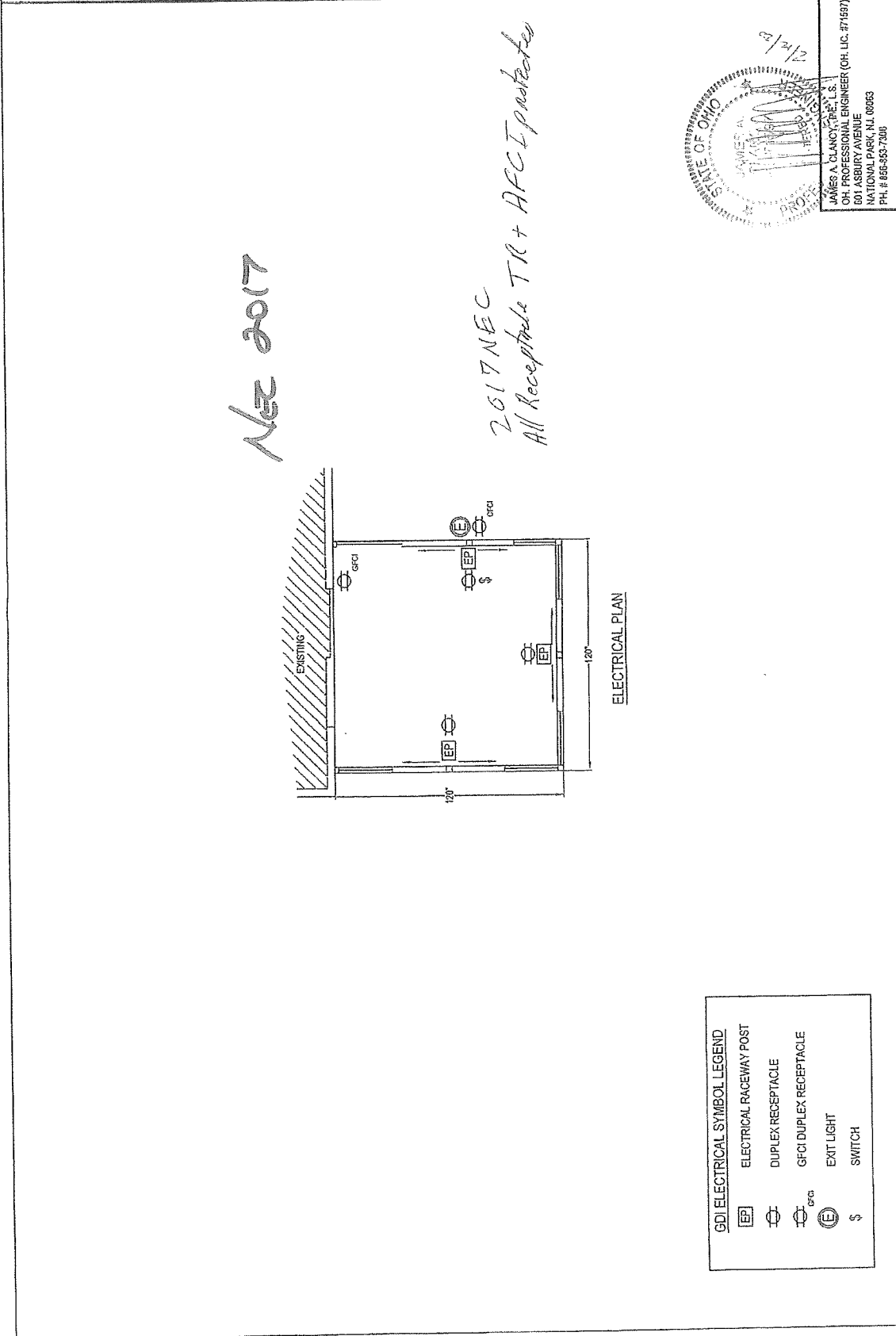


SECTION A-A  
 SCALE: 1/2" = 1'-0"



DECK PLAN  
 SCALE: 1/4" = 1'-0"






		GDI - COLUMBUS 2097 LONDON ROAD SUITE H DELAWARE, OH 43012 216-341-7700		ANNA HARRISON 128 BRADDINGTON COURT DELAWARE, OH, 43015 JOB #37054		REV. A 1/22/20 REV. B 1/28/20 REV. C 2/12/20	DATE 1/20/20 DRAWN YNG SCALE 1/4" = 1'-0" SHEET 5 OF 11
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STATE OF OHIO  
 PROFESSIONAL ENGINEER  
 JAMES A. CLANCY, P.E., L.S.  
 OH. PROFESSIONAL ENGINEER (OH. LIC. #771597)  
 601 ASBURY AVENUE  
 NATIONAL PARK, NJ 08063  
 PH. # 855-953-7300

2/24/20

**GDI ELECTRICAL SYMBOL LEGEND**

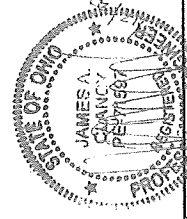
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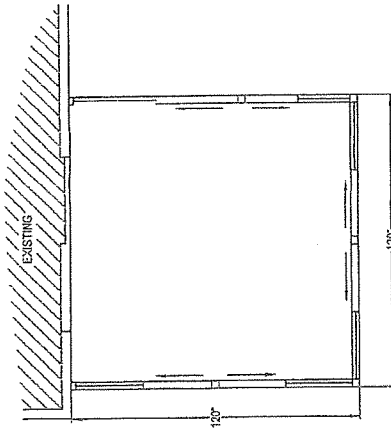
BY GREAT DAY PRODUCTIONS, LTD.

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LOCATION	ANNA HARRISON 128 BRADINGTON COURT DELAWARE, OH, 43015 JOB #37054	
REV. A 1/22/20	REV. B 1/28/20	REV. C 2/12/20
DATE	1/20/20	
DRAWN	WNC	
SCALE	1/4" = 1'-0"	
SHEET	6 OF 11	



JAMES A. CHAVICA  
OH PROFESSIONAL ENGINEER (OH. LIC. #771597)  
501 ASBURY AVENUE  
NATIONAL PARK, OH, 08063  
PH. 419-665-6537-7306





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LOCATION  
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2097 LONDON ROAD SUITE H  
DELAWARE, OH 43012  
216-341-7700

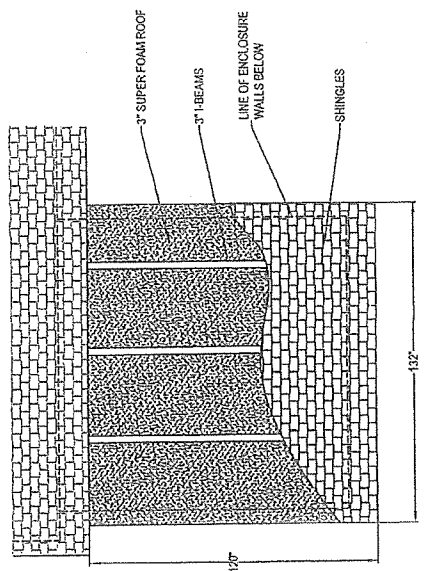
ANNA HARRISON  
128 BRADINGTON COURT  
DELAWARE, OH 43015  
JOB #37054

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REV. B	1/28/20
REV. C	2/12/20

DATE 1/20/20  
DRAWN VNG  
SCALE 1/4" = 1'-0"  
SHEET 7 OF 11

JAMES K. CLANCY, P.E., L.S.  
OH. PROFESSIONAL ENGINEER (OH. LIC. #71597)  
601 ASBURY AVENUE  
NATIONAL PARK, IN. 46063  
PH. # 856-353-7306

STATE OF OHIO  
JAMES K. CLANCY  
PROFESSIONAL ENGINEER  
RENEWED 1/22/20



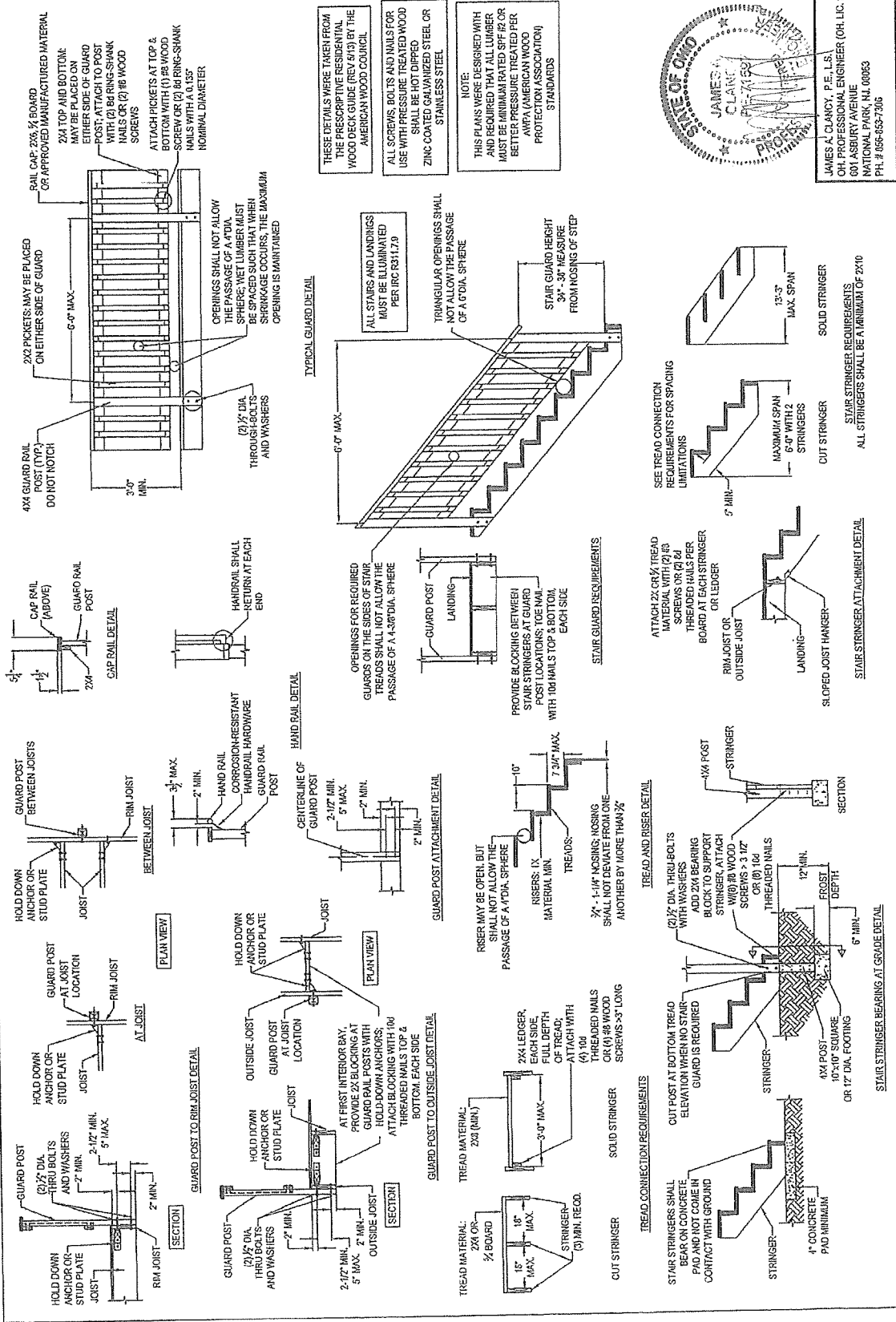
ROOF PLAN



ENCLOSURES  
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 2097 LONDON ROAD SUITE H  
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 ANNA HARRISON  
 128 BRADDINGTON COURT  
 DELAWARE, OH, 43015  
 JOB #37054

DATE	1/22/20
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SCALE	1/4" = 1'-0"
SHEET	8 OF 11

JAMES A. CLANCY, P.E., L.S.  
 OH PROFESSIONAL ENGINEER (OH LIC. #71897)  
 601 ASBURY AVENUE  
 NATIONAL PARK, OH 43063  
 PH: # 656-652-7806



ENCLOSURES  
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 2097 LONDON ROAD SUITE H  
 COLUMBUS, OH 43015  
 ANNA HARRISON  
 128 BRADDINGTON COURT  
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 JOB #37054

DATE	1/22/20
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SHEET	8 OF 11

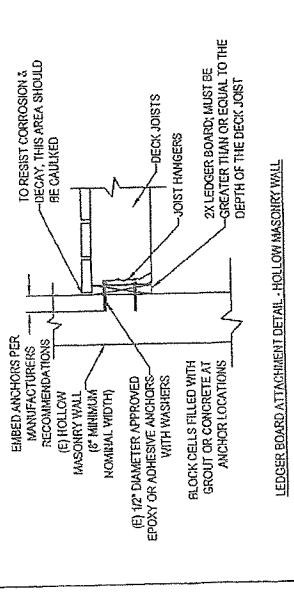
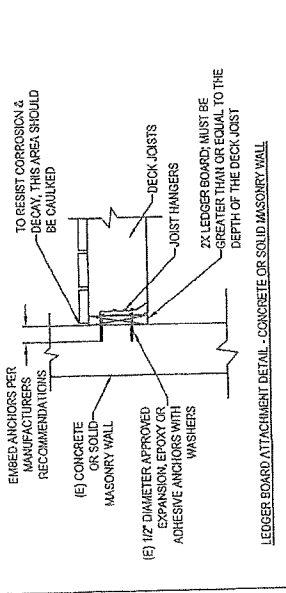
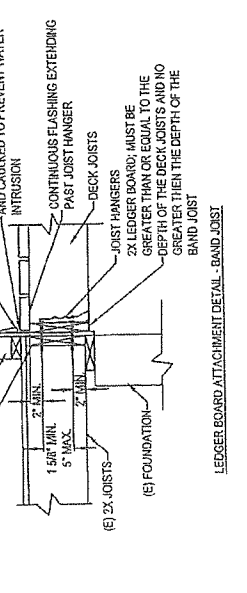
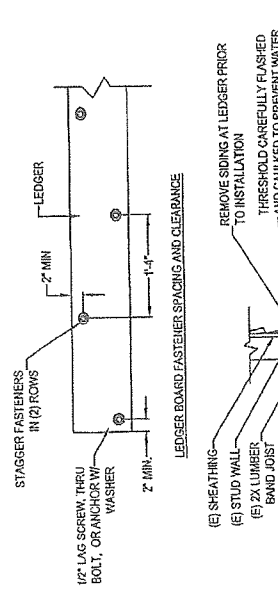
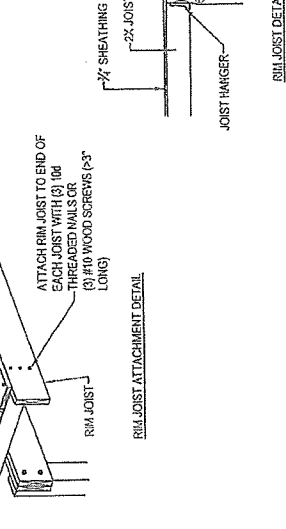
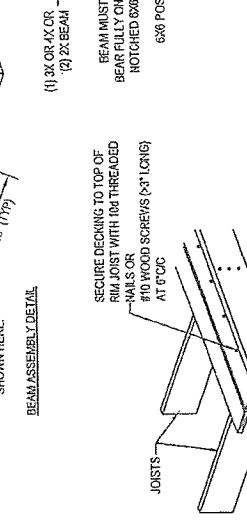
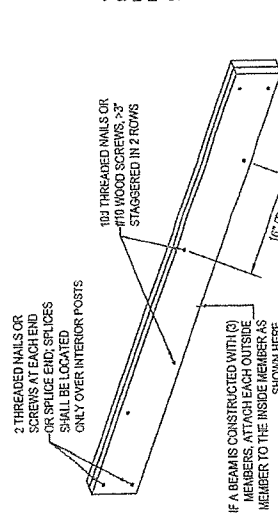
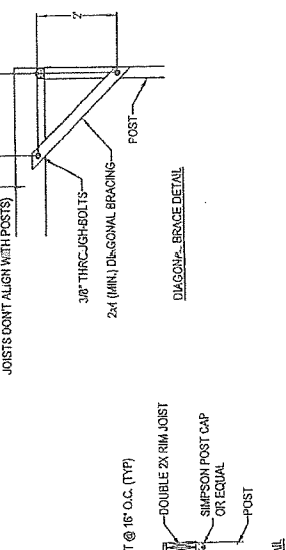
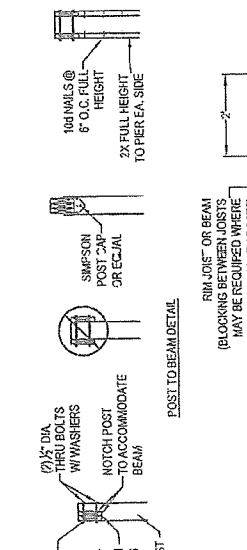
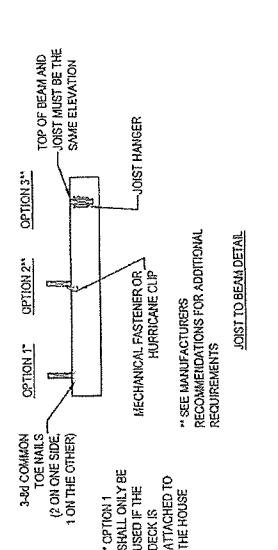
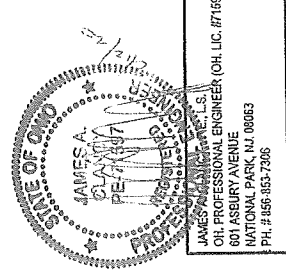
JAMES A. CLANCY, P.E., L.S.  
 OH PROFESSIONAL ENGINEER (OH LIC. #71897)  
 601 ASBURY AVENUE  
 NATIONAL PARK, OH 43063  
 PH: # 656-652-7806





LOCATION  
 ANNA HARRISON  
 128 BRADINGTON COURT  
 DELAWARE, OH, 43015  
 JOB #37054

REV. A	1/22/20
REV. B	1/29/20
REV. C	2/12/20
DATE	1/20/20
DRAWN	ING
SCALE	1/4" = 1'-0"
SHEET	9 OF 11



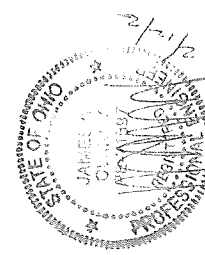
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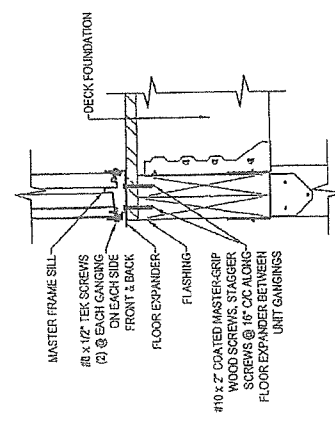
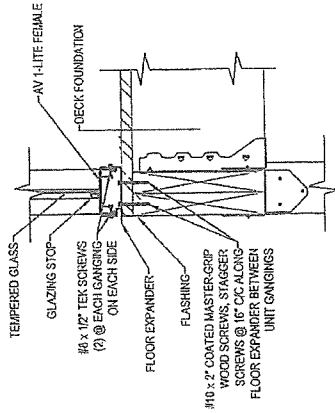
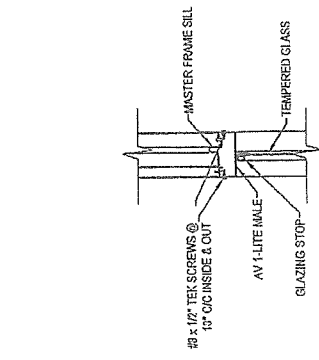
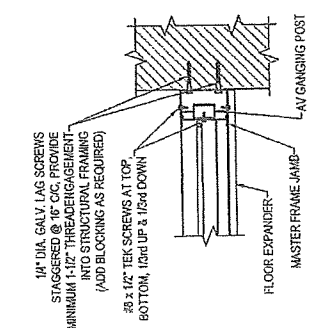
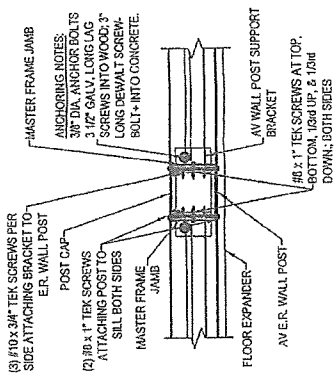
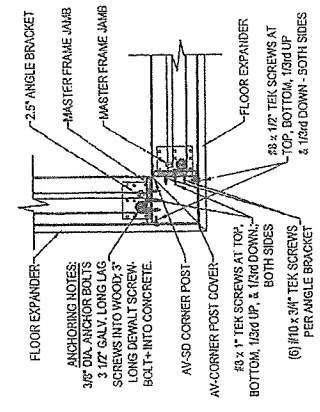
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 120 BRADINGTON COURT  
 DELAWARE, OH, 43015  
 2097 LONDON ROAD SUITE H  
 DELAWARE, OH 43012  
 216-341-7700

DATE  
 12/20/20  
 DRAWN  
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 1/4" = 1'-0"  
 SHEET  
 10 OF 11

REV. A 1/22/20  
 REV. B 1/28/20  
 REV. C 2/12/20



JAMES A. CLANCY, P.E., L.S.  
 OH. PROFESSIONAL ENGINEER (OH. LIC. #15971)  
 601 ASBURY AVENUE  
 NATIONAL PARK, NJ, 08063  
 PH. 1-856-353-7206





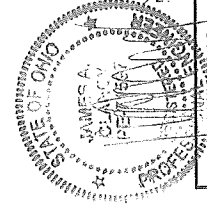


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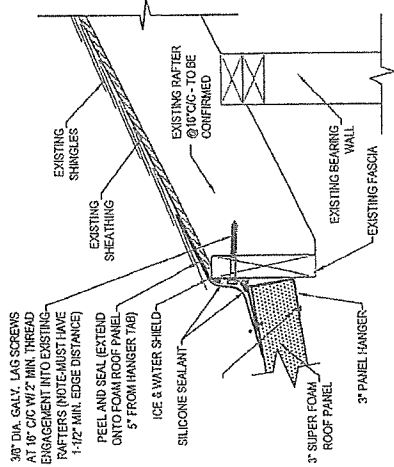
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 216-341-7700

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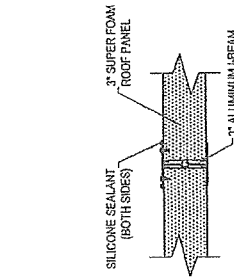
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SHEET	11 OF 11



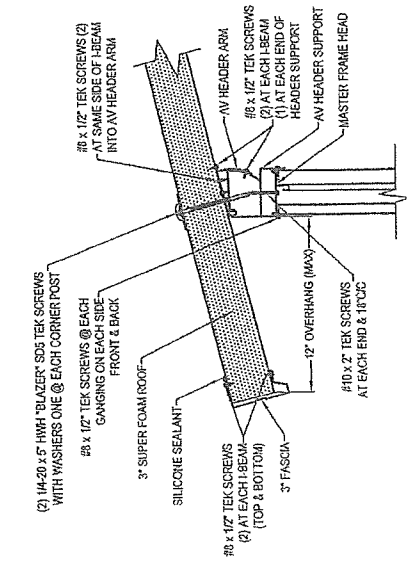
JAMES A. CLANCY, P.E., L.S.  
 OH PROFESSIONAL ENGINEER (OH LIC. #1597)  
 801 ASSURY AVENUE  
 NATIONAL PARK, NJ 08063  
 PH. 856-553-7368



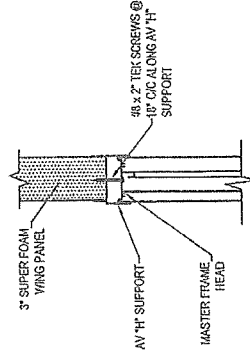
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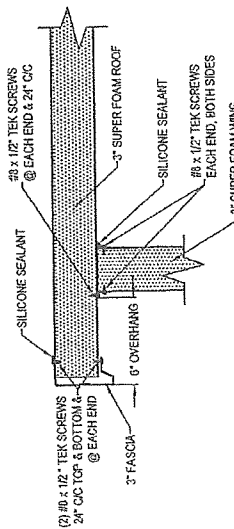
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SECTION THROUGH MASTER FRAME & HEADER  
 CONNECTION @ 3\"/>



SECTION THROUGH MASTER FRAME  
 HEAD CONNECTION @ FOAM WING



SECTION THROUGH 3\"/>

3/8\"/>

EXISTING SHINGLES

EXISTING SHEATHING

EXISTING RAFTER @ 16\"/>

EXISTING BEARING WALL

EXISTING FASCIA

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ICE & WATER SHIELD

SILICONE SEALANT

PEEL AND SEAL EXTEND ONTO FOAM ROOF PANEL 5\"/>

1-1/2\"/>

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EXISTING RAFTER @ 16\"/>

EXISTING BEARING WALL

EXISTING FASCIA

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ICE & WATER SHIELD

SILICONE SEALANT

PEEL AND SEAL EXTEND ONTO FOAM ROOF PANEL 5\"/>

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EXISTING RAFTER @ 16\"/>

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ICE & WATER SHIELD

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PEEL AND SEAL EXTEND ONTO FOAM ROOF PANEL 5\"/>

1-1/2\"/>

(2) #14-20 x 6\"/>

#8 x 1/2\"/>

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SILICONE SEALANT

#8 x 1/2\"/>

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#10 x 2\"/>

AV HEADER SUPPORT

AV H\"/>

MASTER FRAME HEAD

#8 x 1/2\"/>

AV HEADER ARM

(2) AT EACH I-BEAM

(1) AT EACH END OF

HEADER SUPPORT

AV HEADER SUPPORT

MASTER FRAME HEAD

#8 x 1/2\"/>

AV HEADER ARM

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(1) AT EACH END OF

HEADER SUPPORT

AV HEADER SUPPORT

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HEADER SUPPORT

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**BRADDINGTON  
COMMONS HOA**

100 Braddington Ct.  
Delaware, Ohio 43015  
404-217-6627

April 1, 2020

Delaware County Zoning Board

Dear Board Members,

The Broad of Braddington Commons Homeowners Association is in agreement, after reviewing the plans for a sunroom addition to William & Anna Harrisons home at 128 Braddington Ct, here in Delaware Ohio, that they have satisfied our requirement for their addition.

As President of our association please allow this letter to represent our approval for the Harrisons to proceed with their project.

Sincerely,



**Jim Bowman President  
Braddington Commons  
Homeowners Association**

404-217-6627

revjimbowman@gmail.com

**President:**

**Jim Bowman**

**Vice President:**

**William Harrison**

**Secretary/Treasurer:**

**Barb Spierling**



April 2, 2020

Dear Neighbor,

Hello from your new neighbor at 128 Braddington, Delaware OH. My husband, Bill and I are thrilled to be part of your beautiful community.

The purpose of this letter is to make sure you are aware of, and are okay with, us adding a small, professionally built four season room on the back of our unit. Plans from Patio Enclosures are included for your review.

As you can imagine we are quite excited to get started and would appreciate it if you would sign on the line below to indicate "no objection." Please call me at 614-204-4031 with any questions or concerns you may have.

Thank you so much. Once the weather gets warmer we look forward to outside activities and neighborly interactions. Please stay safe during these trying times.

Best Regards,

Anna Harrison

Roger L. Holt

Signature

126 Braddington Cvt.

2

April 2, 2020

Dear Neighbor,

Hello from your new neighbor at 128 Braddington, Delaware OH. My husband, Bill and I are thrilled to be part of your beautiful community.

The purpose of this letter is to make sure you are aware of, and are okay with, us adding a small, professionally built four season room on the back of our unit. Plans from Patio Enclosures are included for your review.

As you can imagine we are quite excited to get started and would appreciate it if you would sign on the line below to indicate "no objection." Please call me at 614-204-4031 with any questions or concerns you may have.

Thank you so much. Once the weather gets warmer we look forward to outside activities and neighborly interactions. Please stay safe during these trying times.

Best Regards,

Anna Harrison



Signature

130 Braddington Crt.

3

April 2, 2020

Dear Neighbor,

Hello from your new neighbor at 128 Braddington, Delaware OH. My husband, Bill and I are thrilled to be part of your beautiful community.

The purpose of this letter is to make sure you are aware of, and are okay with, us adding a small, professionally built four season room on the back of our unit. Plans from Patio Enclosures are included for your review.

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Thank you so much. Once the weather gets warmer we look forward to outside activities and neighborly interactions. Please stay safe during these trying times.

Best Regards,

Anna Harrison

  
Signature

Michael J. Wiener  
124 Brigham Cir

No objection to 10' x 10' patio as indicated  
on plans.



April 2, 2020

Dear Neighbor,

Hello from your new neighbor at 128 Braddington, Delaware OH. My husband, Bill and I are thrilled to be part of your beautiful community.

The purpose of this letter is to make sure you are aware of, and are okay with, us adding a small, professionally built four season room on the back of our unit. Plans from Patio Enclosures are included for your review.

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Thank you so much. Once the weather gets warmer we look forward to outside activities and neighborly interactions. Please stay safe during these trying times.

Best Regards,

Anna Harrison

\_\_\_\_\_  
Signature

130 Bingham Ct.

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5

April 2, 2020

Dear Neighbor,

Hello from your new neighbor at 128 Braddington, Delaware OH. My husband, Bill and I are thrilled to be part of your beautiful community.

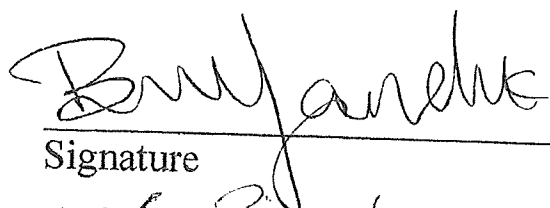
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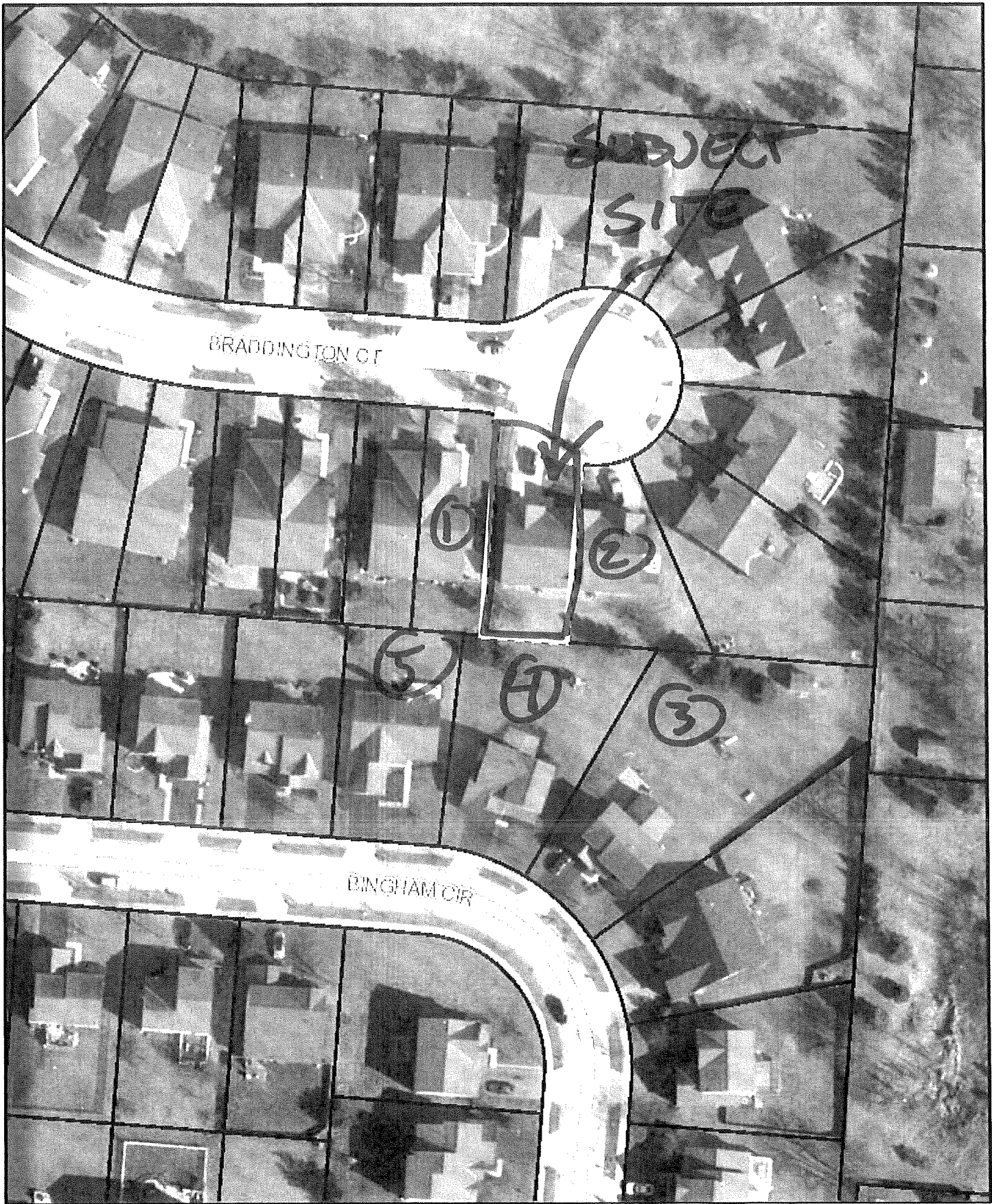
Best Regards,

Anna Harrison



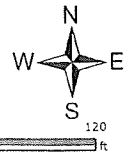
Signature

136 Bingham Ct,



Delaware County Auditor  
George Kaitsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel. Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201). Please report any errors or omissions to the Delaware County Auditor's office at [delcogis@co.delaware.oh.us](mailto:delcogis@co.delaware.oh.us). Prepared by: Delaware County Auditor's GIS Office





CASE NUMBERS: 2020-0949

REQUEST: Variance

PROJECT: 306 Griffith's Harbor Drive

MEETING DATE: June 10, 2020

---

**APPLICANT/OWNER**

Mr. & Mrs. Stanley Hawkins  
306 Griffith's Harbor Drive  
Delaware, Ohio 43015

**REQUEST**

2020-0949: A request by Mr. & Mrs. Stanley Hawkins for approval of front yard setback variance for a privacy fence at 306 Griffith's Harbor Drive on approximately 0.194 acres on property zoned R-4 (Medium Density Residential District).

**PROPERTY LOCATION & DESCRIPTION**

The corner property is located on the east side of Griffith's Harbor Drive and is immediately north of Lamplight Drive in the Westfield Hills Subdivision section containing attached single-family dwelling units. The property is zoned R-4 (Medium Density Residential District) as are all the surrounding properties. An alleyway extends north from Lamplight Drive along the eastern edge of the property.

**BACKGROUND**

The applicant owns the southern unit of a duplex (attached single-family) at 306 Griffith's Harbor Drive that has double frontage on Griffith's Harbor Drive and Lamplight Drive per the zoning code. The owner is proposing a six-foot-high vinyl privacy fence with the top 1.5 feet being lattice (per the Homeowner's Association regulations). The northern and eastern sections of the proposed fence achieve compliance with the Zoning Code, but the southern section of the fence encroaches approximately 12 feet into the front yard setback along Lamplight Drive. The Zoning Code does not allow fences greater than 4 ft. tall and less than 50% open (essentially the traditional picket fence) within a front yard setback and therefore the proposed fence requires approval of a Variance along Lamplight Drive.

In 2004, the Board of Zoning Appeals approved a fence variance for Westfield Hills Phase 1 Subdivision to permit a fence taller than 3 feet in the front yard, to authorize a non-ornamental fence in the front yard, and to waive the fence screening requirements. In addition, the private Homeowners Association apparently only permits a six-foot-high privacy fence with the top 1.5 feet being lattice within the subdivision (no other fences are permitted).

---

**STAFF ANALYSIS**

• **FENCE VARIANCE**

• **Schedule 1152.02 Permitted Location and Maximum Height of Fences and Walls – Privacy Fence or Wall**

- An ornamental fence in the front yard is permitted if it is 50% open and a maximum of 4 feet tall.
- A privacy fence or wall shall not be permitted within a front yard setback.
  - The owner is proposing a six-foot-high privacy fence that would protrude approximately 12 feet into the front yard setback along Lamplight Drive. A variance shall be required as 12 feet of the proposed fence is within the corner lot's 25-foot front yard setback along Lamplight Drive.

• **VARIANCE REVIEW:** In considering whether or not a Variance shall be granted, the Board of Zoning Appeals is required to consider certain factors to determine if a practical difficulty exists. As listed below, Section 1128.09(c)(1) of the Planning & Zoning Code sets forth these factors. Following each factor in italics is a brief Staff analysis.

1. Whether the granting of the Variance would be in accord with the general purpose and intent of the regulations imposed by this Ordinance and the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

*The purpose and intent of the Fence Ordinance is outlined in Section 1152.01 states:*

- *Fence and wall regulations are established in order to protect the public health, safety, and general welfare by establishing regulations controlling the use of fences and walls assuring property owners of privacy, security, personal preferences in landscape design within their own properties and with consideration of the surrounding environment, the appearance of the community as a whole, and the safety of the public and the individual.*
  - *Approval of the Variance is in accordance with the purpose and intent of the Ordinance, would not be considered significant, and would not likely be detrimental to the public welfare based on the design and characteristics of the subdivision. This phase of the subdivision is comprised of attached single-family dwelling units (aka duplexes) each situated on its own lot which have typically smaller lots than single family detached dwelling unit lots which the typical fence requirements were written to primarily address. In addition, if this subdivision had been developed today, the corner lots would likely have been oversized by 33% per the zoning code in order to provide a functional back yard that more closely resembles the other properties within the subdivision. When considering the unique surrounding environment and subdivision design, the proposed privacy fence would not have an adverse impact on the health, safety, and general welfare of the subject property and would not jeopardize the appearance and safety of the community.*

2. 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 adjacency to non-conforming and inharmonious uses, structures or conditions.

*The subject property is in proximity to two other properties (305 Griffith's Harbor Drive and 200 Lamplight Court) that are corner lots which have a 6-foot fence in the front yard along Lamplight Drive similar to the proposed fence. The subject fences were likely constructed prior to 2010 and the City's computer inventory tracking system only goes back to 2010 and staff has no record of the subject fences being constructed. It is possible they were constructed without a permit or that if permits were submitted, they were inadvertently approved by city staff. However, the subject fences constructed prior to 2010 appear to achieve compliance with the Homeowners Association requirements. Furthermore, it appears every other property in the Westfield Hills Phase 1 Subdivision which contains a fence meets the minimum requirements of Schedule 1152.02 and BZA Case 04-049.*

3. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance. Mere loss in value or financial disadvantage to the property owner does not constitute conclusive proof of practical difficulty; there shall be deprivation of beneficial use of land.

*The house was constructed in 2008 per the Delaware County Auditor and the property will continue to be used as a single-family residence with or without approval of this Variance.*

4. 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.

*Although the request is not compliant with the privacy fence setback requirements in Chapter 1152 fence regulations, the character of the neighborhood would not likely be "substantially altered" if the privacy fence of the existing house encroaches 12 feet into the front yard setback of this corner lot. Currently, the neighborhood has two existing (potentially non-conforming) fences which are of a similar design and location as the proposed fence. These existing (potentially non-conforming) fences have not caused any detriments to the neighborhood as evidenced by the fact that Staff has not received any complaints about them and the HOA appears to have approved them. Thus, it would be unlikely that the proposed fence would generate any detriments to the neighborhood.*

5. Whether the Variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup.

*The delivery of governmental services, particularly emergency services, would not be impacted with approval of this Variance.*

6. Whether the property owner purchased the property with knowledge of the zoning restrictions. Purchase without knowledge of restrictions in itself is not sufficient proof of practical difficulty.  
*It would be very difficult for staff to determine if the owner of the house purchased the property with knowledge of the zoning restrictions, especially due to the Homeowner's Association regulations differing from Schedule 1152.02 of the Zoning Code and BZA Case 04-049. However, the setback regulations were commonly known and available for review by the homeowner prior to purchasing the unit.*
7. Whether special conditions or circumstances exist as a result of actions of the owner.  
*It is not likely any special conditions or circumstances occurred because of the actions of the owner.*
8. Whether the property owner's predicament feasibly can be obviated through some method other than a Variance.  
*Per Schedule 1152.02 and BZA Case 04-049, the owner could construct a 6-foot privacy fence that does not encroach into the front yard setback and still be able to enclose a portion of their backyard or construct a 4-foot fence that is 50% open that encroaches into the front yard setback per the zoning code. However, a variance is the only mechanism afforded that would allow the owner to construct a privacy fence in the front yard setback*
9. Whether there is evidence of Variances granted under similar circumstances.  
*The Board of Zoning Appeals approved a variance on November 13, 2019 for a 6-foot privacy fence in the Westfield Hills Subdivision which encroached 3.36 feet into a front yard setback but this was for a single-family detached house and not a duplex unit as the subject proposal.*
10. Whether 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 that purpose.  
*The property is currently zoned for a single-family residence and will continue to be used as such with or without approval of this Variance. As a result, a Variance is not necessary for the reasonable use of the land.*
11. Whether the proposed Variance would 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.  
*The variance would not likely have an impact on any of the aforementioned issues.*
12. Whether the granting of the Variance requested would confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.  
*If the Board finds that the standards for approval of a Variance (with conditions) are met, then no special privilege is granted.*

## CONCLUSION

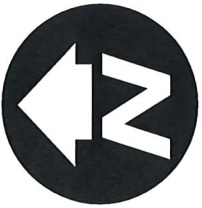
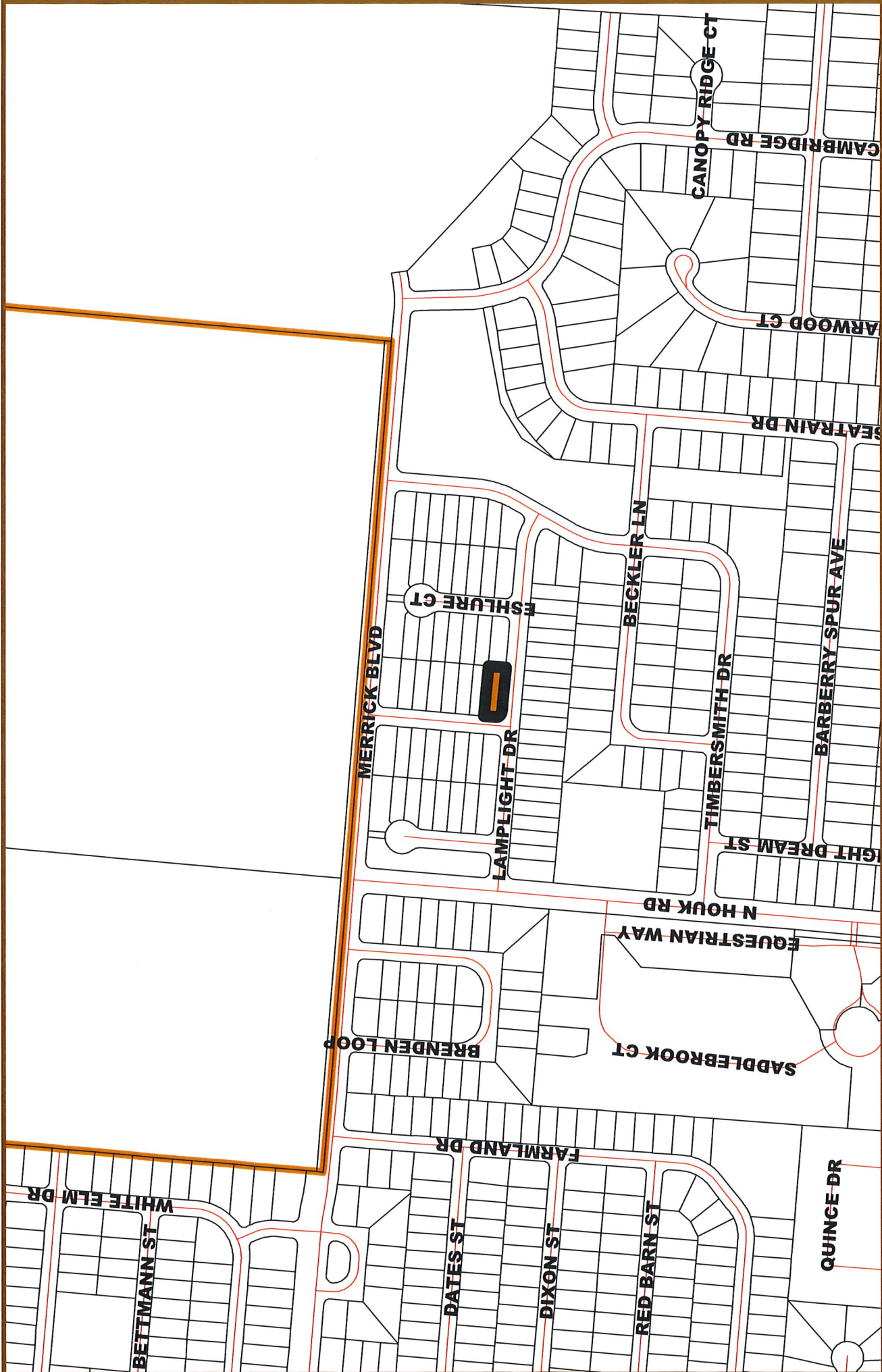
Staff supports the variance request for the following reasons: 1.) This section of the subdivision is comprised of attached single family dwelling units (aka duplexes) each on its own lot which typically have smaller lots than single family lots which Chapter 1152 Fence and Wall Regulations were primarily written to address and staff believes from past experiences that duplexes should have more lenacy for fences, decks and the like as a result; 2.) The subject property was developed before the policy of requiring corner lots to be 33% oversized and thus following Chapter 1152 as written would reduce the property owner's ability to have a functional back yard; 3.) There are two nearby existing fences, similar to the proposed fence, which have not resulted in any detriment to the neighborhood.

**STAFF RECOMMENDATION – VARIANCE (2020-0949)**

Staff recommends approval of a request by Mr.& Mrs. Stanley Hawkins for a front yard setback variance for a privacy fence at 306 Griffith's Harbor Drive on approximately 0.194 acres on property zoned R-4 (Medium Density Residential District), with the following conditions that:

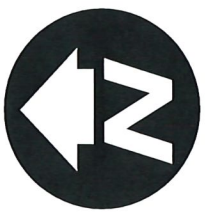
1. The fence shall not protrude more than 12 feet into the required front yard setback along Lamplight Drive.
2. The finished side of the fence shall face outward (i.e. toward the neighbor's property/street).
3. The applicant shall assume any risk in constructing a fence within an easement.
4. The fence shall be kept 6 inches above drainage swales and watercourses.
5. The homeowner's association shall approve the fence request.
6. The privacy fence shall not exceed 6 feet in height.





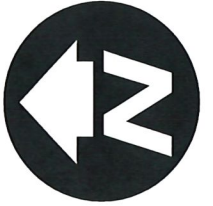
2020-0949  
Fence Variance  
306 Griffith's Harbor Drive  
Location Map



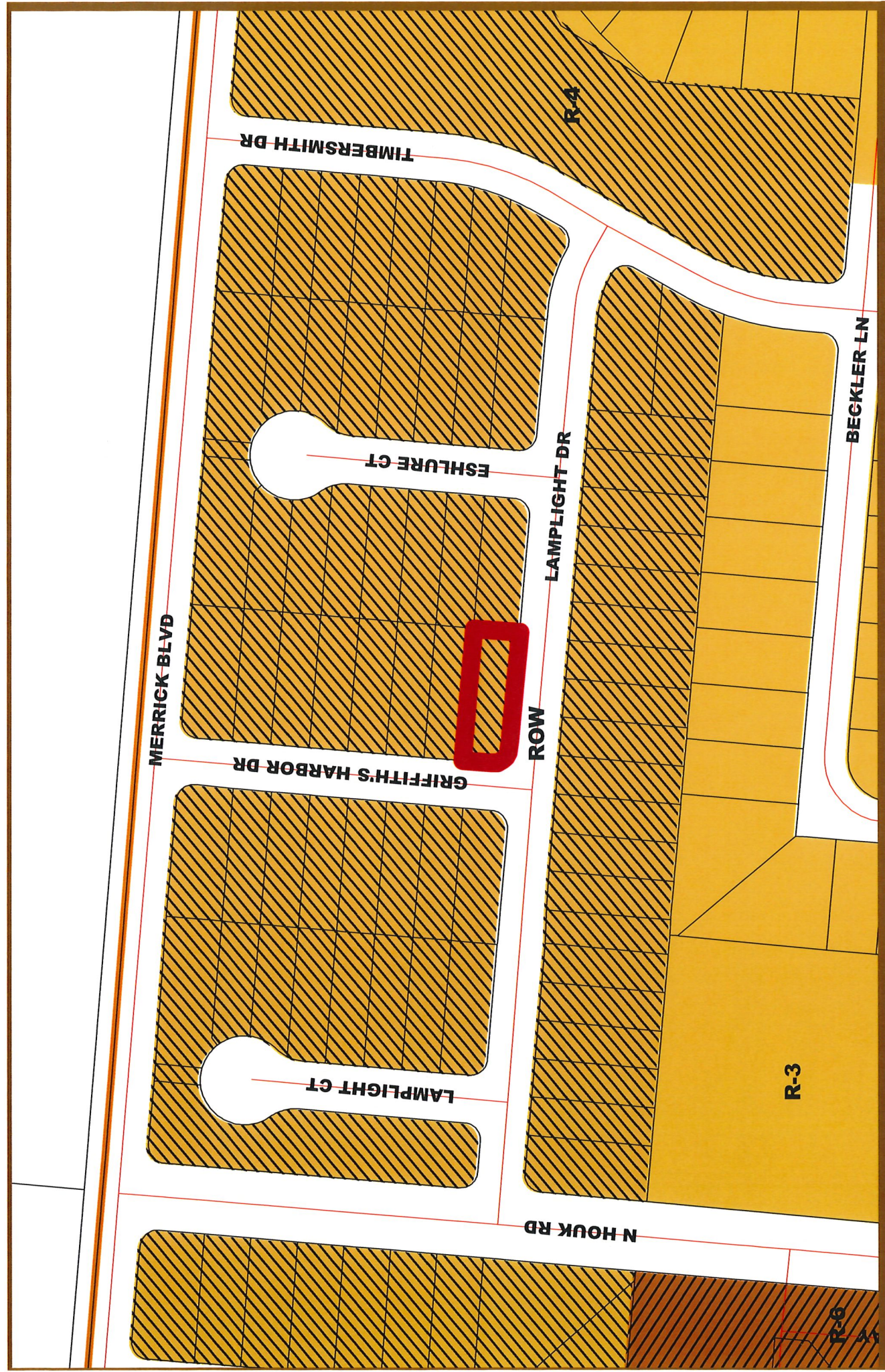


2020-0949  
Fence Variance  
306 Griffith's Harbor Drive  
Aerial (2016) Map





2020-0949  
Fence Variance  
306 Griffith's Harbor Drive  
Zoning Map



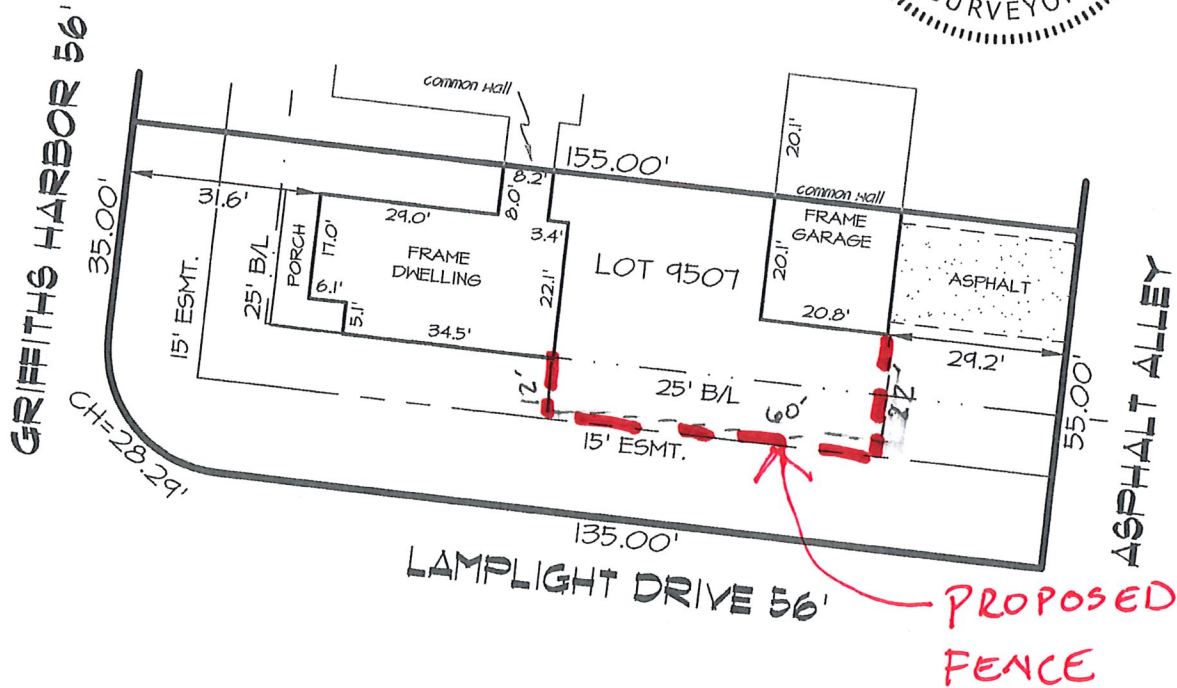




CAMPBELL &  
ASSOCIATES, INC.  
Land Surveying

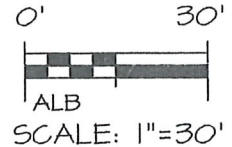
614.785.9340  
Fax: 614.785.9342  
77 E Wilson Bridge Road  
Suite 205  
Worthington, OH 43085  
http://www.campbellsurvey.com

MORTGAGE LOCATION SURVEY



I/WE HAVE RECEIVED A COPY OF THIS SURVEY AND FIND THE CONDITIONS ACCEPTABLE TO ME/US.

BUYER/OWNER



Address 306 Griffiths Harbor

Allotment: Westfield Hills Ph 1

Plat Cab 3 Slides 471-471A

State of Ohio, County of Delaware

Client Order No. 15040789

City of Delaware

Date May 6, 2015

New Owner Jennifer L Hawkins

Present Owner Jessica A John

C & A Order No.  
CO129044

This is to certify to Search2Close

that a visual inspection of the property and buildings shown (if any) has been made and there are no apparent encroachments or visible easements unless otherwise shown. This service was not performed for the purpose of establishing boundary lines, and is not to be used for that purpose.

This Mortgage Location Survey has been prepared in accordance with Chapter 4733-38, Ohio Administrative code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code

*Matthew L. Campbell*

Matthew L. Campbell - Reg. Surveyor No. 8546



CAMPBELL &  
ASSOCIATES, INC.  
Land Surveying

614.785.9340  
Fax: 614.785.9342  
77 E Wilson Bridge Road  
Suite 205  
Worthington, OH 43085  
<http://www.campbellsurvey.com>

## MORTGAGE LOCATION SURVEY



Made for and at the instance of **Search2Close**

Street Address: **306 Griffiths Harbor, Delaware, Ohio**

New Owner: **Jennifer L Hawkins**

Present Owner: **Jessica A John**

Client Order No: **15040789**

Date: **May 06, 2015**

This is to declare, that on May 6, 2015 we made an inspection of the premises standing in the name of Jessica A John situated at City of Delaware, County of Delaware, State of Ohio, and at the time of such inspection we found no one available.

We further declare as to the existence or non-existence of the following at the time of our inspection:

1. Rights of way, old highways, or abandoned roads, lanes or driveways, visual evidence of drains, sewer, water, gas or oil pipe lines, utility lines across said premises:  
**Easement (see survey)**
2. Disputed boundaries and encroachments:  
**None Apparent**
3. Indications of building construction, alterations or repairs, street or sidewalk construction or repairs within recent months:  
**None Apparent**

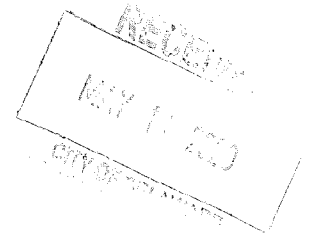
# Jennifer L. Hawkins

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306 Griffith's Harbor Drive, Delaware, OH 43015 | 614.314.9289 | jennhawkins.rn@gmail.com

May 9, 2020

City of Delaware  
Zoning & Permits  
1 S. Sandusky St.  
Delaware, OH 43015



**Dear City of Delaware:**

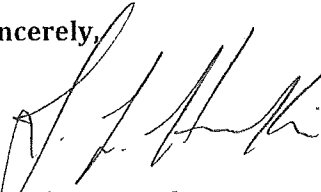
My name is Jennifer Hawkins and my husband, Stanley, and I have resided in Delaware for the past five years. Over these years, we have thoroughly enjoyed community involvement and have become well integrated within Delaware. We hope to raise our future family here for years to come. I am a Nurse Practitioner both at Grady Emergency Department and at Riverside Methodist Hospital with Neurosurgery. My husband is a Police Officer, who currently serves as the Manager of Protective Services for OhioHealth.

Our home is in the Westfield Hills subdivision. We are attempting to place a fence around our backyard, in order to provide some form of privacy and ultimately to have a safe place for our future children to play. Living in a subdivision that is overseen by a HOA has stipulations and bylaws. Per our HOA, we are allowed to have a white 6 foot vinyl fence which has approximately 1.5 feet of lattice work. However, per current city code, we are not allowed to place a privacy fence going towards the sidewalk, as we are on a corner lot. Unfortunately, if we meet both the HOA and city code requirements, less than half of our backyard would be fenced in. This would pose a limitation to our ability to enjoy our backyard and could potentially pose an issue when we eventually sell our home, as only a small portion of the yard is enclosed.

I am petitioning the City of Delaware to please consider a revision. There are four other homes in our neighborhood who are on a corner lot and have a privacy fence going out towards the sidewalk. These homes are specifically, 305 Griffith's Harbor Drive, 242 Lamplight Court, 626 Lamplight Court, and 200 Lamplight Court. I have attempted to request building permits for the fences, in an effort to better understand how these privacy fences were approved by the City of Delaware. Unfortunately, there are gaps in the City of Delaware and Westfield Hills HOA's records. It would appear that the records of both parties only go from 2010 and onwards. Three of the aforementioned fences have been in place for at least 12 years, which would cause one to assume that the city approved the fences due to the length of time that has elapsed since installation without apparent untoward consequences to the owners.

We would like to have our fence extend 12 feet from the backside of our home towards the sidewalk, which would allow for us to place a gate on the front part of the fence. In doing so, we would have direct access both to the front and back of our yard. Should we gain approval by the City of Delaware to install the fence per the aforementioned dimensions, we will place landscaping along the outside of the fence to assist with curb appeal. I am simply requesting to emulate the fencing layout that has been well established in my neighborhood for approximately 12 years.

Thank you so much for your time and thoughtful consideration regarding this matter.

Sincerely,  
  
Jennifer L. Hawkins