

**RECORD OF PROCEEDINGS**  
**UNION TOWNSHIP BOARD OF ZONING APPEALS**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ APRIL 3 2014

The April 3, 2014 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM with an invitation to join in the Pledge of Allegiance by Chairman Randall Wulker. Vice Chairman Thomas Hanrahan, and members Calvin Aicholtz, Brian Ford and Ben Joehnk were in attendance. Cory Wm. Wright, Assistant Township Administrator and Planning and Zoning Director, represented the department. The minutes from the March 6, 2014 hearing were approved as distributed. Case #4-14-A was heard.

Mr. Wright introduced the variance application in Case #4-14-A filed by Steve J. Ritter for property at 4502 Eva Lane from Section 712 regarding the installation of fencing in the designated front yard. The applicant has installed a substantial wooden fence and maintains that is necessary to secure the entirety of the front yard and prevent cut-through pedestrian traffic and unauthorized access to a swimming pool. The applicant contends that the fence is a general aesthetic improvement and increases the protection and value of the property. While fencing is consistent with general single family use, the fence may or may not be considered a sight distance issue in its current location at the intersection. Anecdotal reports convey acceptance from the neighbors. Whether or not any special privilege would be bestowed is open for debate. Nonetheless, an argument is being made for increased security.

Steve Ritter was duly sworn to speak on behalf of his application, who characterized the installation as quality, treated lumber enhancing the value of the house and neighborhood. Mr. Ritter reports that there has been vandalism and theft at the garage side of the property and they wished to secure the pool. Staff photographs of the pool demonstrating its present condition were shown and Mr. Ritter explained that a tree limb had fallen on the pool and it might have to be eliminated.

Mr. Wulker asked when the fence was installed. Mr. Ritter stated it was put up last March or April [2013]. Mr. Wright pointed out the staff photos in the presentation were dated June, 2013 and March, 2014. Mr. Wulker asked how the fence was brought to the township's attention and Mr. Wright stated by inspection. Mr. Wulker asked if the matter had gone to court. Mr. Wright explained that the property had been subject to zoning enforcement process and was taken through litigation, which is pending. Mr. Ford asked where the old chain link fence had been and it was clarified. Mr. Wulker asked if there was anything else Mr. Ritter wished to add. Mr. Ritter stated that there was a blind spot from the corner of the garage, and that they wished to eliminate people cutting through and messing around and that they wished to make the corner look better.

With no further testimony from the floor, the Board discussion followed. Mr. Hanrahan could not see a hardship in this matter and believed that approval would set precedent that might lead to other unauthorized installations. Further, Mr. Hanrahan thought it would, in effect, grant special privilege that others would not have because of the zoning prohibition on front yard fences. Mr. Ford asked about the line at the corner of the house on "Exhibit A" from the application and Mr. Wright explained that was actually the demarcation of the front yard as defined and would be the location for a lawful installation without need for variance. Mr. Ford wondered if it would accomplish Mr. Ritter's goals. Mr. Ritter thought people would still cut through. He explained that the renters who were in the house at the time the aerials were taken had many holiday blow-up lawn ornaments and had experienced vandalism. Mr. Ritter stated that the fencing materials stored on the side of the garage were disturbed and some stolen during the installation, so the idea was to secure that area.

Mr. Wulker stated that he had a hard time approving the variance, as he knows of other residents who have had existing front yard fences for thirty years that have fallen into disrepair but cannot replace them under current regulations. Mr. Joehnk and other members were in agreement about the lawful installation point. Mr. Ford thought that

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solution would take care of most of the annoyance and all of the pool safety issues. Mr. Joehnk asked if Mr. Ritter understood their thinking and it was demonstrated on photographs.

Mr. Hanrahan moved that in Case #4-14-A the Board denies the applicant's request for variance to Section 712 of the *Zoning Resolution* because it does not appear to meet the standards of Section 431.5(c, d, e or g), based on the evidence, testimony and findings of fact. Mr. Joehnk seconded the motion.

ROLL CALL: Mr. Hanrahan, aye; Mr. Joehnk, aye; Mr. Aicholtz, aye; Mr. Ford, aye; Mr. Wulker, aye.

With no further business to come before the Board the meeting was adjourned by unanimous vote at 7:19 PM.

Approved by:



Randall Wulker, Chairman