

Minutes of the City of Vandalia Board of Zoning Appeals
March 12, 2025

Agenda Items

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. BZA 25-0003 Six Foot Fence in Zone A – 320-326 Dellsing Drive
5. Approval of Minutes
 - a. Board of Zoning Appeal Minutes: February 26, 2025
6. Communications
7. Adjournment

Members Present:	Mr. Mike Flannery, Mr. Mike Johnston, Mr. Kevin Larger, and Mr. Steve Stefanidis
Members Absent:	Mr. Robert Wolfe
Staff Present:	Mr. Ben Graham, Zoning and Planning Coordinator
Others Present:	Mr. Jonathan Frederick, Ms. Jennifer Haney, Mrs. Rhonda Webster, Mr. Ken Webster

1. Call to Order

Mr. Flannery called the meeting to order at 6:01 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. She noted that City Council would hear the request at the meeting on April 7, 2025, at 7:00 p.m.

2. Attendance

Four of the members were in attendance. Mr. Wolfe was absent.

Mr. Johnston made a motion to excuse Mr. Wolfe. Mr. Stefanidis seconded the motion. The motion passed 4-0.

3. Old Business

Mr. Graham confirmed that there was no old business.

4. New Business

a. BZA 25-0003 Six Foot Fence in Zone A – 320-326 Dellsing Drive

Mr. Graham gave the report from Staff stating that the Applicant, Jonathan Frederick, has requested a variance to construct a 6-foot fence on his corner lot within Zone A. City Code Section 1224.01(e)(9)(D)(iii) provides that “Zone A shall be the area lying between the street right-of-way line and a line parallel to and a minimum of 15 feet behind the existing front line of the building foundation. See Figure 1224-C.” Fencing in Zone A shall not exceed 42 inches in height in any residential zoning district and shall not be constructed within 3 feet of an existing right-of-way line.

Mr. Graham stated that the Applicant has proposed removing the existing snow fence on his property and replacing it with a vinyl privacy fence. The new fence would be placed along the back property line would extend 35¹ feet into Zone A. If a nonconforming fence is being replaced with a new fence, then it must comply with the standards of this section per City Code Section 1224.01(e)(9)(H).

Mr. Graham reported that the Applicant stated in his Letter of Justification that the primary reasons for requesting the variance are to enhance safety and privacy. The purpose of extending the fence is to increase their area of privacy and to have a barrier to keep random individuals out of their personal space. Without the variance, the 6-foot fence would have to end at the corner of the house. Alternatively, it could extend into Zone A, but with a maximum height of 3.5 feet.

Mr. Graham reported that Staff recommends the Board of Zoning Appeals to recommend approval of the requested variance from City Code Section 1224.01(e)(9)(D)(iii) for the purpose of allowing a six-foot fence to be placed within Zone A at 320-326 Dellsing Drive with the following condition:

1. The fence shall not extend more than 20 feet into Zone A.

Mr. Graham referred to the PowerPoint to show the location of Zone A and Zone B for fences.

Mr. Flannery invited the Applicant to address the Board.

Mr. Frederick introduced himself as the property owner at 320-326 Dellsing Drive.

Mr. Frederick mentioned that he has resided at this property for approximately 7 years and has encountered multiple issues during that time. He has an RTA bus stop at the corner of his property and has had to call the police multiple times to report intoxicated individuals, and individuals sleeping on his property. There is a lot of trash, liquor bottles and broken glass that gets littered onto his property by the individuals who use the RTA bus stop.

¹ This was later corrected by the applicant that the fence would only go 24 feet into Zone A, not 35 feet.

Mr. Frederick added that he has a 7-year-old daughter, and he wants his family to be safe from the individuals who access his property.

Mr. Frederick stated that he lives at a busy intersection at the corner of Dellsing Drive and Pool Avenue. The road there was busier than expected as they get constant 1st, 2nd and 3rd shifters coming and going at all hours of the day.

Mr. Frederick stated that the six-foot fence would extend their privacy on their own property as there is a lot of activity on the corner of Dellsing Drive and Pool Avenue. There were multiple people who cut through his yard and there was an incident where he had to take an individual to court for video recording his property and verbally threatening his life.

Mr. Frederick pointed out that his two neighbors at 737 Pool Avenue, Mrs. Rhonda Webster and Mr. Ken Webster, came to the meeting today to support the fence variance.

Mr. Frederick expressed concern with the potential traffic ramifications of the 30 new condos coming to Pool Avenue, the number of hit and runs incidents at the intersection, the lack of speed limit signs on Pool Avenue and Dellsing Drive, and the individuals from the nearby car dealerships test driving cars.

Mr. Frederick stated that he was a commercial/residential property and reiterated his concern that this variance is for the safety of his family. He does not believe a 4-foot fence would not provide the proper amount of privacy. He expressed concerns that his daughter could be easily snatched up with a smaller fence. The goal of the fence is to expand the area of privacy and play for his daughter and dog to utilize the property.

Mr. Frederick thanked the Board for their time.

Mr. Flannery asked the Applicant if he understood the proposed condition recommended by Staff. Mr. Frederick replied he was unaware of the proposed condition.

Mr. Graham explained the location of Zone A with fences.

Mr. Frederick stated that he only wanted the fence to extend 24 feet into Zone A with a 17-foot setback from the sidewalk. Mr. Graham apologized and stated that the minutes and memo would reflect that he only wanted to extend the fence 24 feet into Zone A.

Mr. Frederick stated that the fence extending into Zone A would have three 8-foot sections.

Mr. Frederick added that individuals should not be able to park their vehicle at the corner of the RTA bus stop.

Mr. Graham stated that Staff would not be opposed to extending the condition to 24 feet based on the premade fence sizes.

Mr. Larger wanted to confirm if the fence would be placed 17 feet from the sidewalk. Mr. Frederick confirmed that to be the case.

Mr. Graham stated the Board can update the condition to 24 feet if they choose to do so.

Mr. Johnston wanted to confirm if the fence is white vinyl. Mr. Frederick confirmed the fence is white vinyl.

Mr. Graham confirmed with Mr. Webster that he was the neighbor at 737 Pool Avenue. Mr. Webster stated yes and that he supports the variance.

Mr. Flannery asked if there were any individuals who called into support or oppose the variance. Mr. Graham replied no.

Hearing no further questions or comments, Mr. Flannery closed the public hearing.

Mr. Flannery then proceeded to the variance review criteria.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

BZA Comment: The Board agreed the property in question will yield a reasonable return and that the property has a beneficial use without granting the variance.

- (2) Whether the variance is substantial;

BZA Comment: The Board agreed the variance is substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

BZA Comment: The Board agreed that granting the variance with the proposed condition would not substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

BZA Comment: The Board agreed that the variance would not adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

BZA Comment: The Board agreed the property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

BZA Comment: The Board agreed the owner's predicament can be obviated without a variance, but this would require either reducing the fence height at the proposed location or moving the six-foot fence further back on the property.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

BZA Comment: The Board agreed the intent behind the zoning code would not be observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

BZA Comment: The Board agreed that the current layout of the house is legally nonconforming as the rear yard setback is 16 feet and the code requires it to be 35 feet.

Mr. Flannery reported that staff recommends the Board of Zoning Appeals recommend approval of the requested variance from City Code Section 1224.01(e)(9)(D)(iii) for the purpose of allowing a six-foot fence to be placed within Zone A at 320-326 Dellsing Drive with the following condition:

1. The fence shall not extend more than 20 feet into Zone A.

Mr. Flannery called for a motion.

Mr. Larger made the motion to recommend approval of the requested variance from City Code Section 1224.01(e)(9)(D)(iii) for the purpose of allowing a six-foot fence to be placed within Zone A at 320-326 Dellsing Drive with the following condition:

1. The fence shall not extend more than 24 feet into Zone A.

Mr. Johnston seconded the motion. The motion passed 4-0.

Mr. Frederick thanked the Board for their recommendation.

Mr. Graham advised the applicant that it would be in his best interest to attend the City Council Study Session on March 17, 2025, at 6:00 p.m. and the City Council Meeting on April 7, 2025, at 7:00 p.m.

Mr. Flannery stated he agreed that there should be a speed limit sign on the Applicants Street. Mr. Frederick agreed. Mr. Graham replied that he would pass this concern along.

5. Approval of Minutes

a. Board of Zoning Appeal Minutes: February 26, 2025

Mr. Stefanidis made a motion to approve the February 26, 2025, Meeting Minutes. Mr. Johnston seconded the motion. The motion passed 4-0.

Mr. Larger commented that Mr. Graham took good notes. Mr. Graham thanked Mr. Larger.

6. Communications

Mr. Graham reported there are no hearing items for March 26, 2025, meeting date.

Mr. Graham stated that there would likely be a meeting on April 9, 2025. Mr. Johnston asked about the potential variance. Mr. Graham replied that the variance would be to have the deck closer to the rear property line.

7. Adjournment

Mr. Johnston made a motion for adjournment. Mr. Stefanidis seconded the motion. The motion passed 4-0.

The meeting was adjourned at 6:31 p.m.

Mike Flannery
Chair