

**ORDINANCE NUMBER 3974**

**AN ORDINANCE TO AMEND BARNESVILLE CODIFIED  
ORDINANCE 1331.02 BUILDING AND FENCES  
AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BARNESVILLE, OHIO:**

Barnesville Codified Village Ordinance 1331.02, which was amended on March 25, 2024, by Ordinance No. 3967, currently reads as follows:

**1331.02 BUILDING AND FENCES.**

- (a) The location of all buildings, homes, fences and other structures shall be approved prior to construction by the Code Enforcement Officer and Council. All owners who plan to construct or erect such a structure shall file a construction application with the Fiscal Officer prior to beginning construction. The application shall include a drawing or photo of the proposed structure and for a fence, shall include a description of the materials to be used and shall include a survey of the property.
- (b) Unless otherwise required by law, no fence shall exceed six (6) feet in height in the rear and sides of a property, nor more than four (4) feet in the front. All fences shall be erected with the finished side facing the outside of the property. All fences shall be constructed of decorative wood, vinyl, wrought iron or chain link.
- (c) If both parties agree, side and rear fences may be erected on the property line. Otherwise, a fence may only be erected at least six (6) inches from the property line.
- (d) No building, home or other structure shall be built so as to be nearer than ten (10) feet from the front, back, or either side of the property line which shall not include the eave overhang of the building. However, consideration shall be given to either side of the property on how near or far the houses are to create an even line of sight from the street. However, the Code Enforcement Officer may allow a property to deviate from this requirement upon showing of necessity or hardship.
- (e) If a single residential house is currently located on a single building lot and the house is demolished for whatever reason, only one single residential house may be reconstructed on the building lot. The lot may not be subdivided for the purpose of constructing multiple houses.
- (f) If a lot is subdivided into multiple building lots, the minimum size of the new lot or lots is no less than 5,000 square feet for all lots fronting on Bond Avenue, North Chestnut Street, South Chestnut Street, East Main Street, West Main Street, Railroad Street, Shamrock Drive, Roosevelt Road, South Lincoln Avenue, and West Pike Street. The remainder of the Village of Barnesville will not have a minimum lot size, but will need to follow all of the other village requirements, including this ordinance.
- (g) If a lot is to be subdivided, the Village Administrator and Street Department Superintendent must inspect the subdivision for needed water drainage and if special work is needed, the contractor or owner will be responsible for the materials and installation.
- (h) (1) Where the contractor or owner can show that these regulations would cause unnecessary

hardship because of topographical or other conditions, the property owner shall request a variance from the Chairman of the Planning Commission or Village Administrator.

(2) Upon receipt of such written request for variance, the Planning Commission shall consider it within thirty (30) days and report its recommendation to the Council at its next regular meeting.

(3) In determining whether a variance shall be allowed, the following matters shall be considered but not limited to:

- (a) Whether the building is being used or could be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition which would adversely affect the surrounding area or adjoining premises.
- (b) Whether the granting of a variance would substantially alter or injure the character of the neighborhood in which the building is located or will be located.
- (i) If an owner disagrees with the Code Enforcement Officer's or Village Council's denial of a request for a variance, he or she may make a written request for a hearing before the Building Appeals Board created by Section 1341.11 of the Codified Ordinances. The decision of the Building Appeals Board shall be final. (Ord. 3813. Passed 6-24-19.)

**SHALL BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:**

**1331.02 BUILDING AND FENCES.**

- (a) The location of all buildings, homes, fences and other structures shall be approved prior to construction by the Code Enforcement Officer and Council. All owners who plan to construct or erect such a structure shall file a construction application with the Fiscal Officer prior to beginning construction. The application shall include a drawing or photo of the proposed structure and for a fence, shall include a description of the materials to be used and shall include a survey of the property.
- (b) Unless otherwise required by law, no fence shall exceed six (6) feet in height in the rear and sides of a property, nor more than four (4) feet in the front. All fences shall be erected with the finished side facing the outside of the property. All fences shall be constructed of decorative wood, vinyl, wrought iron or chain link.
- (c) If both parties agree, side and rear fences may be erected on the property line. Otherwise, a fence may only be erected at least six (6) inches from the property line.
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- (e) If a single residential house is currently or prior located on a single building lot and the house is demolished for whatever reason, only one single residential house may be reconstructed on the building lot. The lot may not be subdivided for the purpose of constructing multiple houses.
- (f) If a lot is subdivided into multiple building lots, the minimum size of the new lot or lots is no less than 5,000 square feet for all lots fronting on Bond Avenue, North Chestnut Street, South Chestnut Street, East Main Street, and West Main Street. The remainder of the Village of Barnesville will have a minimum lot size of 4,000 square feet.
- (g) If a lot is to be subdivided, the Village Administrator and Street Department Superintendent

must inspect the subdivision for needed water drainage and if special work is needed, the contractor or owner will be responsible for the materials and installation.

(h) (1) Where the contractor or owner can show that these regulations would cause unnecessary hardship because of topographical or other conditions, the property owner shall request a variance from the Chairman of the Planning Commission or Village Administrator.

(2) Upon receipt of such written request for variance, the Planning Commission shall consider it within thirty (30) days and report its recommendation to the Council at its next regular meeting.

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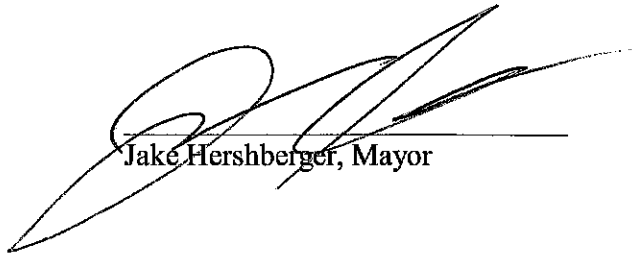
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**FURTHER**, this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the Village of Barnesville as it is necessary to provide clarification and guidance as to buildings and fences constructed in the Village.


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PASSED at a regular meeting of Council of the Village of Barnesville, held this 17<sup>th</sup> day of June, 2024, by a vote of a majority of the members of Council.



Jake Hershberger, Mayor

ATTEST:



Jeannie Hannahs, Fiscal Officer