



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number P25-15

GENERAL	Date of Application <u>8/20/2015</u> Property Location <u>960 Old Farm Trail Medina</u> Description of Project <u>Replace existing split rail fence line with wire fencing to contain dogs.</u>
CONTACT INFORMATION	Applicant Name <u>Paul F. Fruley</u> Address <u>960 Old Farm Trail</u> City <u>Medina</u> State <u>OH</u> Zip <u>44052</u> Phone _____ Email _____ Property Owner Name <u>Same</u> Address _____ City _____ State _____ Zip _____ Phone _____ Email _____
APPLICATION TYPE	Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> TC-OV <input type="checkbox"/> Other <input checked="" type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input type="checkbox"/> Appeal <input type="checkbox"/>
APPLICANT SIGNATURE	By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u>Paul F. Fruley</u> Date <u>8/20/2015</u>
OFFICIAL USE	Zoning District <u>R-1</u> Fee (See Fee Sheet) \$ <u>—</u> Meeting Date <u>9-11-25</u> Check Box when Fee Paid <input type="checkbox"/>

P25-15
Old Farm Trail Corner Lot Fence

Property Owner: Emily Burkhart Trustee
Applicant: Paul Fraley
Location: 960 Old Farm Trail
Zoning: R-1 (Low Density Residential)
Request: Fence taller than permitted in the corner side yard

LOCATION AND SURROUNDING USES

The subject site is composed of 0.4 acres located on the southeast corner of Old Farm Trail and Yorkshire Drive. Adjacent properties contain single family residences and are zoned R-1:



BACKGROUND

Per Section 1105.164, corner lots have two front yards: A front yard between the front of the home and a street right-of-way and a front yard between the side of the home and the other street right-of-way.

As the lot is a corner lot, the area between the home and Yorkshire Drive is considered a front yard. Currently, a nonconforming split rail fence with wire backing exists between the home and Yorkshire Drive approximately 8 ft. from the street right-of-way.

The applicant is proposing to replace the fence with a similar fence at 5^{1/2} ft. in height. As the fence is a complete replacement, it must conform to current Zoning Code regulations.

PROPOSAL

Section 1155.01(c) includes a table indicating permitted fence heights. The table states that fences in the front yard with a side street lot line cannot exceed 3 ft. in height. In addition, Exception #4 in the table states:

Fences set back fifteen (15) feet or more from the side street lot line may be six (6) feet in height. Fences set back less than fifteen (15) feet from the side street lot line may be up to six (6) feet in height with approval from the Planning Commission if the Commission finds the fence does not obstruct pedestrian or vehicular visibility and is compatible with the surrounding area.

The applicant is requesting that the Commission allow a replacement 5^{1/2} ft. tall split rail fence with wire backing within 15 ft. of the side street lot line.

FACTORS APPLICABLE TO AREA OR SIZE-TYPE VARIANCES ("PRACTICAL DIFFICULTY")

The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a practical difficulty exists and an area or size-type variance should be granted:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

The area is currently fenced to allow dogs without tie out. Height of 5-5 1/2 feet necessary for larger dog. Moving the fence back to 15 feet

B. Whether the variance is substantial;

No effect on traffic fence is not near the intersection. The current set-back is 8'. Moving to 15 feet would cause the loss of usable yard.

C. 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;

Currently, 3 of the 4 properties have similar fences on this block/street.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

No. No gov services in the fenced area. Also, there are 2 gates

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Purchased in 1989, current fence is approximately 20 years old. Initial installer (Medina Fence) did not discuss restrictions, simply installed the fence

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Not without the loss of several hundred SF of usable back yard.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

The area involved is essentially a back yard. It is not functionally frontage.



OLD FARM TRAIL

Double Gate

Single Gate

8 Foot Setback

8/4/25, 5:39 PM

Chris Huhnke - Google Maps



[https://www.google.com/maps/@41.1337309,-81.8424063,3a,75y,231.5h,118.1t](https://www.google.com/maps/@41.1337309,-81.8424063,3a,75y,231.5h,118.1t/data=!3m1!1e3!1m2!1s41.1337309,-81.8424063,3a,75y,231.5h,118.1t)







