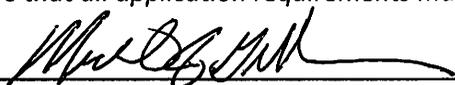




BOARDS & COMMISSIONS APPLICATION

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

Application Number 224-03

GENERAL	Date of Application <u>Feb. 19, 2024</u> Property Location <u>1180 Manchester Ct. Medina, OH 44256</u> Description of Project <u>We are seeking a variance from the City of Medina Planning and Zoning Code Chapter 1155.01 (Fences) in regard to the setback requirement for a six foot tall fence that is perpendicular to the side street lot line.</u>	
CONTACT INFORMATION	Applicant Name <u>Michael Gillihan</u> Address <u>1180 Manchester Ct</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>216-246-4395</u> Email <u>mgillihan32@gmail.com</u> Property Owner Name <u>Michael Gillihan</u> Address <u>1180 Manchester Ct</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>216-246-4395</u> Email <u>mgillihan32@gmail.com</u>	
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"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>	
APPLICANT SIGNATURE	<i>By signing this application, I hereby certify that:</i> 1) <i>The information contained in this application is true and accurate to the best of my knowledge;</i> 2) <i>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;</i> 3) <i>I assume sole responsibility for correspondence regarding this application; and</i> 4) <i>I am aware that all application requirements must be submitted prior to the formal acceptance of my application.</i> Signature <u></u> Date <u>02/19/2024</u>	
OFFICIAL USE	Zoning District <u>R-1</u> Meeting Date <u>3/12/24</u>	Fee (See Fee Sheet) \$ <u>200</u> Check Box when Fee Paid <input checked="" type="checkbox"/>

Z24-03
Manchester Court Fence Height

Property Owner: Michael and Karen Gillihan
Applicant: Michael Gillihan
Location: 1180 Manchester Court
Zoning: R-1 (Low Density Residential)
Request: Area variance to Section 1151.01(c)(1) to allow a fence taller than permitted

LOCATION AND SURROUNDING USES

The subject site is 0.38 acres located on the northeast corner of Manchester Court and Foxborough Drive. Adjacent properties are zoned R-1 and contain single-family residences.



BACKGROUND & PROPOSED APPLICATION

The property owner received a variance in 1995 to allow a 3 ½ ft. to 4 ft. tall scalloped fence running from the southeast corner of the home, south along the driveway to the sidewalk, then east along the sidewalk to the southeast corner of the property. The variance was necessary as the fence is limited to 3 ft. in height.

The applicant is proposing an additional 5 ½ ft. to 6 ft. tall scalloped fence along the eastern property line.

FENCE HEIGHT (SECTION 1151.01(c)(1))

Section 1151.01(c)(1) limits fences within 15 ft. of a side street right-of-way to 3 ft. in height.

The proposed 5 ½ ft. to 6 ft. tall scalloped fence along the eastern property line is predominately located further than 15 ft. of the Foxborough Drive right-of-way. However, the portion of the fence that is within 15 ft. is subject to the maximum 3 ft. fence height, which is not met.

STANDARDS FOR VARIANCES AND APPEALS (SECTION 1107.08(i))

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;
- B. Whether the variance is substantial;
- 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;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

APPLICANT'S RESPONSES TO STANDARDS FOR VARIANCES AND APPEALS

The applicant's responses to the Standards for Variances and Appeals include but are not limited to the following:

- The proposed variance will allow a beneficial use of the property by providing a uniform fence appearance.
- The variance is not substantial and affects only a short portion of the new fence.
- The essential character of the neighborhood would be improved as an existing wood fence will be replaced.
- The spirit and intent of the requirement will be observed as the fence will not impact sightlines from neighbors' driveways.

February 19, 2024

City of Medina
Board of Zoning Appeals
132 North Elmwood Avenue
Medina, OH 44256

Dear Board Members:

My wife, Karen, and I have been residents of Medina for over thirty-three years. We are the original owners of the property at 1180 Manchester Ct.

We are requesting a variance from the City of Medina Planning and Zoning Code, Chapter 1155.01 (Fences) in regard to the setback requirement for a six foot tall fence that is perpendicular to the side street lot line.

We are replacing an old, wooden fence that was erected in 1996 with a white, vinyl, semi-privacy picket fence. We have included with this request a representative picture of what the fence will look like.

We spend a lot of time, effort, and money on our property. The appearance of our yard and house is very important to us. We also prefer our privacy to enjoy our back yard with our five grandchildren.

We are asking for this variance for the privacy and uniformity of appearance that it will provide.

We believe that the spirit and intent of the zoning requirement would still be observed because the specific location, and the specific orientation, of the higher section of fence will not impact the sight lines of traffic coming from either direction. It also will not affect the view from our driveway, as well as our neighbor's driveway.

Thank you for your consideration.

Michael Gillihan
1180 Manchester Ct
Medina, OH 44256
216-246-4395

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 addition of the new, vinyl fence will increase the value of the property. The variance would allow for a uniform appearance for the affected fence line and be aesthetically pleasing.

B. Whether the variance is substantial;
The variance is not substantial as it only affects a short portion of the new fence.

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;
The essential character of the neighborhood would be improved as we are replacing a twenty-eight year old fence. The adjoining property would not suffer any substantial detriment as a result of the variance.

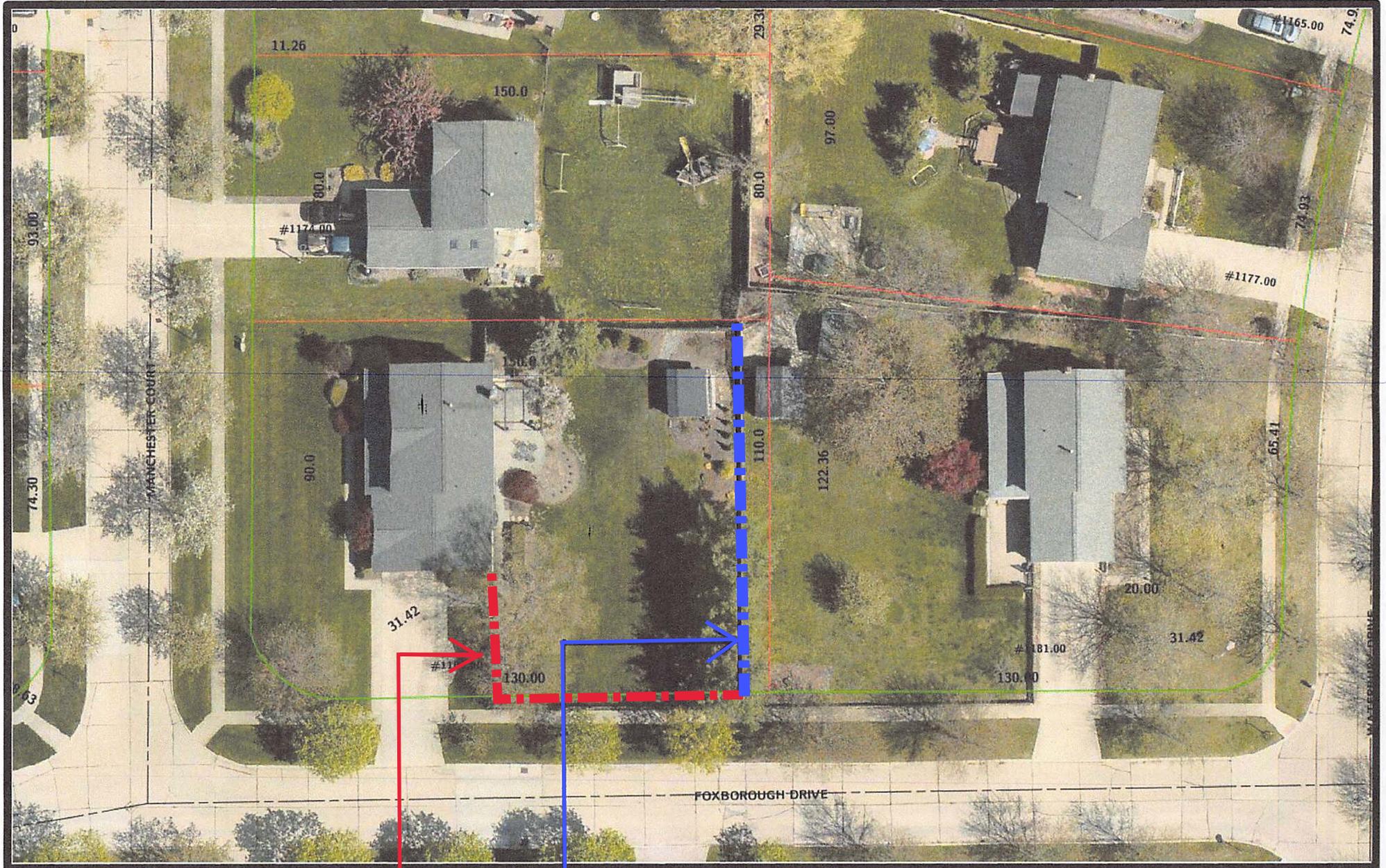
D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
The variance would have no impact on the delivery of government services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
We purchased the property in 1990 without knowledge of the zoning restriction. We did become aware of the zoning restriction when our original fence was installed in 1996. At that time, we were granted a variance for the height of our fence on our south lot line.

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

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
We believe the spirit and intent of the zoning requirement would still be observed because the specific location, and specific orientation, of the higher section of fence will not impact the sightlines of traffic coming from either direction. It also will not affect the view from our driveway, as well as our neighbor's driveway.

Map



Approved 4 ft. Fence

LOCATION OF 5.5'-6.0' FENCE FOR VARIANCE

STYLE OF FENCE FOR 1180 MANCHESTER CT. (GILYHAN)





VIEW FROM NEIGHBOR'S
DRIVEWAY
FACING WEST



VIEW FROM OUR
DRIVEWAY.
FACING EAST.



VIEW FROM STOP SIGN
AT MANCHESTER CT.
AND FOXBOUGH.