



# BOARDS & COMMISSIONS APPLICATION

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

Application Number     225-12    

<b>GENERAL</b>	Date of Application <u>4-15-2025</u> Property Location <u>675 FALLING OAKS DR MEDINA OH. 44256</u> Description of Project <u>SHED</u>
<b>CONTACT INFORMATION</b>	<b>Applicant</b> Name <u>PAUL SINATRA SR.</u> Address <u>675 FALLING OAKS DR</u> City <u>MEDINA</u> State <u>OH</u> Zip <u>44256</u> Phone <u>216-213-8040</u> Email <u>paul.sinatrasr@gmail.com</u> <b>Property Owner</b> Name <u>SAME</u> Address _____ City _____ State _____ Zip _____ Phone _____ Email _____
<b>APPLICATION TYPE</b>	Planning Commission <input type="checkbox"/> 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 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"/>
<b>APPLICANT SIGNATURE</b>	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></u> Date <u>4/15/2025</u>
<b>OFFICIAL USE</b>	Zoning District <u>R-1</u> Fee (See Fee Sheet) \$ <u>200</u> Meeting Date <u>5/8/25</u> Check Box when Fee Paid <input checked="" type="checkbox"/>

**Z25-12**  
**Falling Oaks Shed**

Property Owner: Paul Sinatra  
Applicant: Paul Sinatra  
Location: 675 Falling Oaks Drive  
Zoning: R-1 (Low Density Residential)  
Request: Area Variance to Section 1113.05(l)(2)(A.) (2.) to allow an accessory building in the front yard of a corner lot

**LOCATION AND SURROUNDING USES**

The subject site consists of 0.48 acres located on the northwest corner of Falling Oaks Drive and Deepwood Drive. Adjacent properties contain single-family residential homes zoned R-1.



**BACKGROUND & PROPOSED APPLICATION**

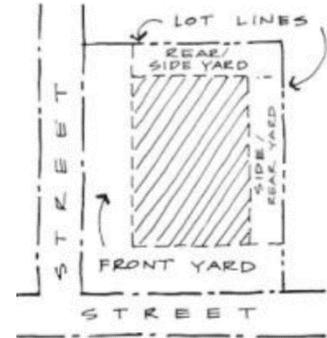
An approximate 120 sq. ft. (10 ft. x 12 ft.) shed was installed within a fenced area to the south of the home without a permit. The shed was installed in the past year, was recently identified by a city inspector, and forwarded for permitting.

**ACCESSORY BUILDING LOCATION (SECTION 1113.05(I)(2)(A.)(2.))**

Section 1113.05(I)(2)(A.)(2.) requires that accessory buildings must be located in the rear yard.

Section 1105.164, located in the Definitions chapter, states the following and provides the adjacent graphic:

- "...On corner lots, there shall be two (2) front yards, a side yard, and a rear yard..." and
- "Front yard" means a yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building.



The subject corner lot has front yards adjacent to Falling Oaks Drive and Deepwood Drive. The proposed accessory building is located in the front yard between the home and Deepwood Drive, setback 22 ft. 7 in. from the right-of-way.

**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 variance is not substantial and the essential character of the neighborhood will not be altered as the shed is behind a privacy fence and painted to match the home.
- The applicant was unaware of the restrictions and did not know that a permit was required for the prefabricated shed.
- The predicament cannot be obviated through another method as other items, such as a patio, pool, and deck, are in the "rear yard".

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;

THE HOME IS ON A CORNER LOT. ALTHOUGH WE HAVE LEARNED THAT TECHNICALLY IT IS CONSIDERED TO BE 2 FRONT YARDS, THE SHED IS BEHIND OUR PRIVACY FENCE IN THE AREA THAT WE BELIEVED TO BE OUR BACKYARD.

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;

THERE'S NO PROPERTY ON THAT SIDE OF OUR HOME. THE SHED IS PAINTED TO MATCH THE HOME & LOOKS GREAT - ALSO THE SHED IS BARELY VISIBLE BECAUSE IT IS INSIDE OF THE FENCE.

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_

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

WE PURCHASED THE SHED WITH NO KNOWLEDGE OF THE RESTRICTIONS. I DID NOT KNOW THAT A PERMIT WAS REQUIRED. I MISTAKENLY THOUGHT THAT IT WASN'T NEEDED BECAUSE IT WAS PRE-FAB AND DELIVERED ALREADY BUILT / ASSEMBLED.

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

DUE TO EXISTING PATIO, SWIMMING POOL, DECK, AC UNIT, ETC. THE SHED CAN'T FIT ANYWHERE BEHIND THE HOME. EVEN IF MOVED, IT WOULD STILL BE OUTSIDE OF THE "PERMITTED AREA" IT WOULD JUST BE FURTHER BACK

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

THE DIMENSIONS OF THE SHED, DISTANCE FROM THE HOME & STREET ALL MEET THE REQUIREMENTS. THE SHED IS MUCH TOO LARGE & HEAVY TO SIMPLY PICK-UP & MOVE - THE SHED IS CURRENTLY ON A CONCRETE PAD WHICH WILL STOP ANY DETERIORATION IN THE FUTURE. ALTHOUGH WE NOW UNDERSTAND THAT A CORNER LOT IS CONSIDERED TO HAVE TWO FRONT YARDS, THIS AREA IS FENCED IN AND IS FOR ALL INTENTS & PURPOSES OUR BACKYARD. I FEEL THAT THE AREA OUTSIDE OF THE FENCE SHOULD BE VIEWED AS THE FT. YARD & THE AREA BEHIND THE FENCE - THE REAR



Paul Sinatra &lt;paul.sinatrasr@gmail.com&gt;

## Shed variance

1 message

Paul Sinatra <paul.sinatrasr@gmail.com>  
To: Paul Sinatra <paul.sinatrasr@gmail.com>

Tue, Apr 15, 2025 at 9:12 AM

- Dimensions are Length 10ft - Width 12ft - Height 8ft
- SQ footage = 120 SQ ft
- Distance from the shed to the sidewalk is - 22ft 7 inches (photo in link)
- Distance from the house to the shed is - 14ft 2in. (photo in link)
- When I purchased the shed, I thought no permit was required because it was pre fabricated and not being built.
- The shed is behind a 6ft privacy fence and can barely be seen from outside of the yard
- The shed is very new, so it's in great condition and painted to match the home.
- There is nowhere behind the home that the shed can be placed due to our swimming pool/deck and the concrete patio and fire pit area.
- I have no reasonable way to move the shed if I had to. The vendor delivered it using machinery that I don't have access to.

I believe that the shed is within all code requirements as far as the size and distance from the home and sidewalk.

I truly had no idea about the way that corner lots are considered to have 2 front yards. I hope that you will allow us to keep it where it is. It looks great there and in my opinion, adds value to the property.

Thank you for your time and consideration.

<https://photos.app.goo.gl/zsJ2DEZj98kWaX7r5>

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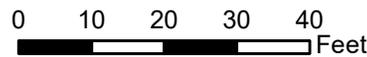
Have a great day!

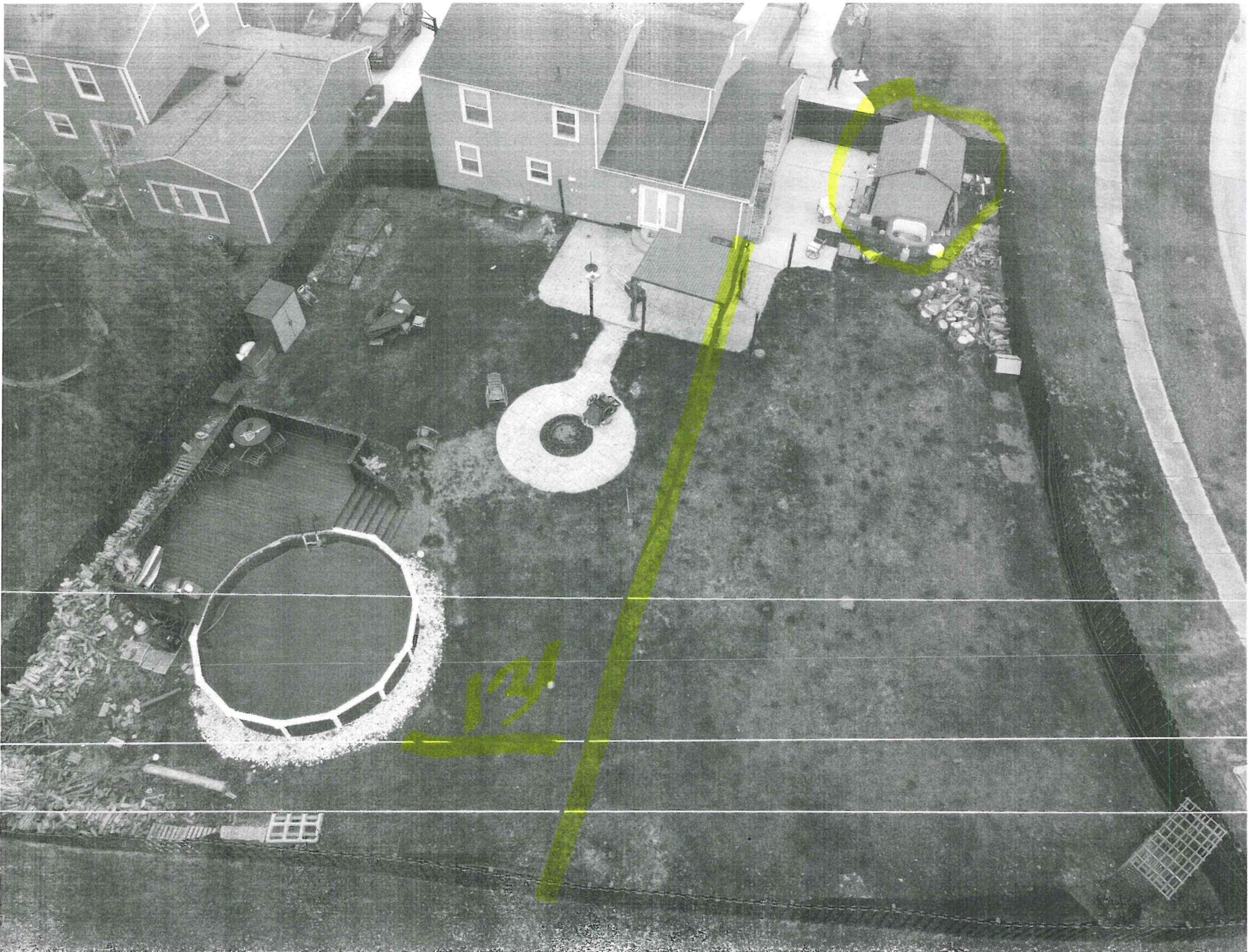
Paul Sinatra Sr.  
216-213-8040  
paul.sinatrasr@gmail.com  
paulsinatrasr@yahoo.com

• THE CITY DOES NOT ALLOW PRIVACY FENCE TO BE IN THE FRONT YARD. HOWEVER, WE HAVE AN APPROVED PRIVACY FENCE IN THE SAME AREA.

• THE FENCE IS REQUIRED TO BE 15' FROM THE SIDEWALK, THE SHED IS INSIDE THE FENCE. THE SHED IS ALSO OVER 14' FROM THE HOME.

• I BELIEVE THAT IN THIS SCENARIO, THE AREA FROM THE SIDEWALK TO THE FENCE SHOULD BE CONSIDERED THE FRONT YARD AND THE AREA INSIDE OF THE FENCE SHOULD BE CONSIDERED TO BE THE REAR YARD.









## Andrew Dutton

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**From:** Gregg Moffett <ghmoffett1055@gmail.com>  
**Sent:** Thursday, May 8, 2025 10:59 AM  
**To:** Andrew Dutton  
**Subject:** Public Hearing re: Z25-12  
**Attachments:** 20250507\_173651.jpg

Hello Mr. Dutton,

My name is Gregg Moffett and I live at 810 Deepwood Dr., directly across the street from 675 Falling Oaks Dr. I fully intend to be at the hearing tonight, but for some reason that I don't make it, I wanted my feelings on the location of the shed to be known.

Since the shed is inside the fenced yard it really does not bother me to be there. What does bother me, is the pile of rubbish that always seems to be on the outside of the fence. Please see attached photo. As you can see from the weeds growing up through the pile, it has been there for a while. Is there anything that can be done about that?

Thank You,

Gregg Moffett

