

MEETING DATE: 11-14-19

BOARD OF ZONING APPEALS

Z19-20

915 Waterloo Ln.



CITY of MEDINA
Board of Zoning Appeals
November 14, 2019

Case No: Z19-20
Address: 915 Waterloo Lane
Applicant: Tammy States
Subject: Variance request to Section 1155.01(c)(1) of the Planning and Zoning Code to allow a 6 foot tall open fence in the front yard with side street lot line setback 0 feet from the side lot line instead of the minimum required 15 feet.
Zoning: R-4, Multi-Family Residential
Submitted by: Jonathan Mendel, Community Development Department 

Site Location:

The property is located on the northeast corner of Waterloo Lane and Yorktown Drive.

Project Introduction:

The applicant has already built a 6 foot tall, 11 foot long fence 0 feet from the west property line instead of the minimum required 15 feet of Section 1155.01(c)(1).

Please find attached to this report:

1. Applicant's narrative and proposed plan received October 18, 2019
2. Aerial photograph of the site

Considerations:

Section 1107.08(b) of the Planning and Zoning Code describes the responsibilities of the Board of Zoning Appeals as such: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board shall have the power, in a specific case, to interpret any such provision in harmony with its general purpose and intent so that the public health, safety, and general welfare may be secured and substantial justice done.

The request is subject to determination of a practical difficulty as a fence setback variance is requested. There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question.

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 an area 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;*

A fence can still be installed on the subject property in the same dimension of the subject fence just setback at least 15 feet to the east of the existing location.

- B. *Whether the variance is substantial;*

The fence is placed 0 feet instead the minimum required 15 feet, which is a 100% variance.

- 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 may not be altered. There are several fences within the yards adjacent to Yorktown Dr. in the immediate vicinity that exceed the minimum setback. Some are existing nonconforming and one on Cornell Ct. was granted a variance in 2017.

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

The variance would not adversely affect the delivery of governmental services.

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

The fence regulations were in place when the applicant purchased the subject property.

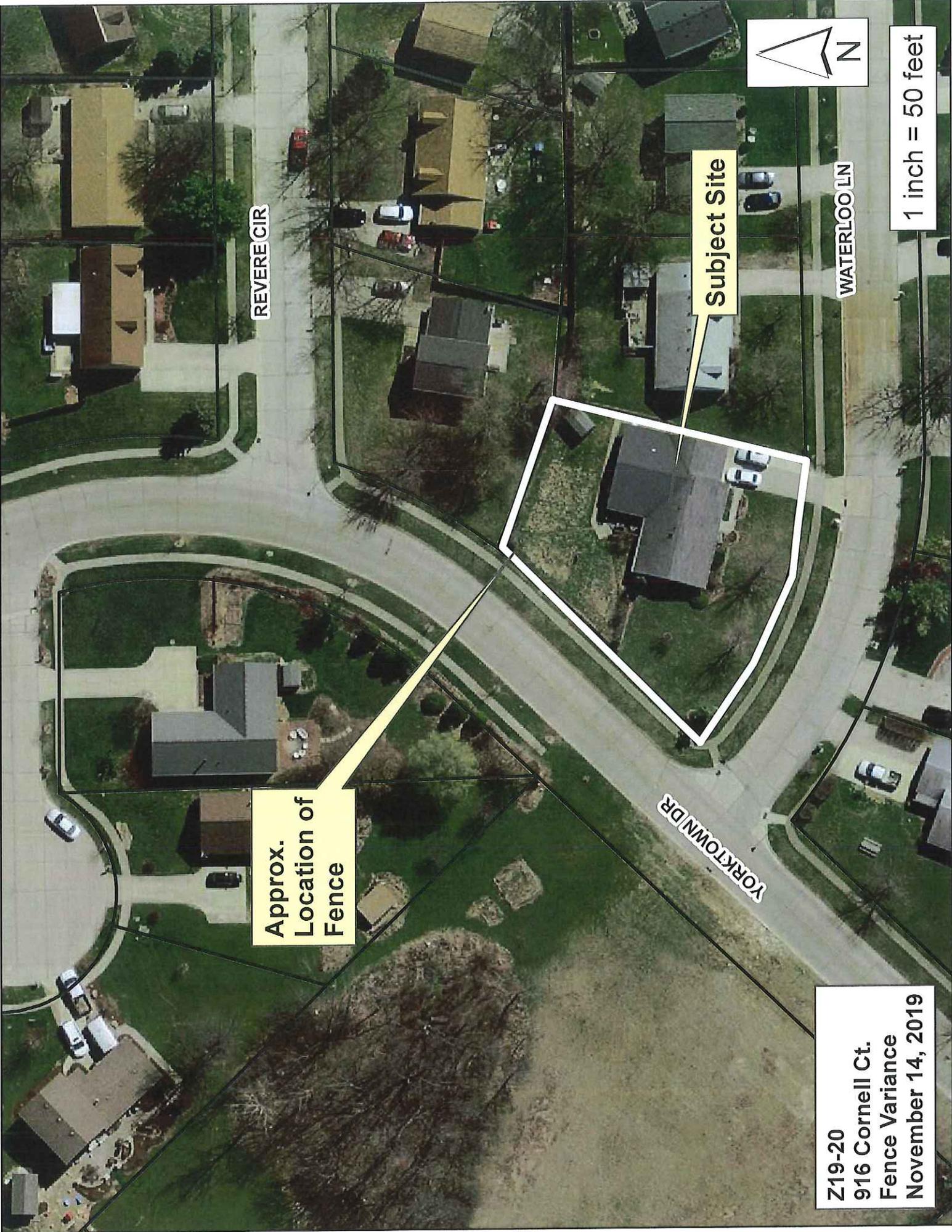
- F. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or*

The fence could be reduced in height to 3 feet tall.

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

The intent is to maintain balance the need for enclosing usable yard areas for corner lots, but maintain adequate sightline visibility across a street side yard for traffic.

The BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from section 1155.01(c)(1).



REVERE CIR

Subject Site

WATERLOO LN

Approx. Location of Fence

YORKTOWN DR



1 inch = 50 feet

Z19-20
916 Cornell Ct.
Fence Variance
November 14, 2019

City of Medina Planning Department,

This is regarding a fence/screen we erected this summer on our property located at 915 Waterloo Lane parcel# 029-19A-15-051.

The fence is located 4 ½' from the side street lot line. The elevation that runs alongside of Yorktown Drive is 13' long and 6' high. The elevation that runs between our property and neighboring property is 11' long and 6' high. The small section of fencing is exactly where the previous chain link fence line was located. I have not provided drawings but I have attached photos to depict the location and how it appears from different points of view of the property.

When we purchased the property in August of 2018, there was a rusted chain link fence that was entangled in the overgrowth of weeds, shrubs and trees (photos attached). Over this past summer, we took down the fence and cleaned up the yard. We have had many neighbors stopping by to thank us for the difference we have made, as our property is the first house you see when pulling into the development. The condition of the property was poor to say the least. After removing the overgrowth and half dead trees and shrubs, we realized that we had opened our yard and bedroom up to glaring lights from traffic heading south on Yorktown Dr.

Since there was previously a fence that enclosed the property, we decided to erect a screen of fencing material along a small section of the previous fence line to shield our backyard and bedroom window from the glaring lights. At that time, we were unaware of the need to request permission to do the same.

We were made aware by Rick Bocek, Code Enforcement Inspector, that we needed to apply for a variance.

We received a copy of the code 1155.01 Fences and understand that we are currently in violation.

We are requesting a variance based on the following:

As depicted in the attached photos, the fence does not obstruct the view from any of the neighboring intersections.

If we were to cut the fence down to the allowed 3' height, it would defeat the purpose of shielding the lights from traffic heading south on Yorktown Drive. Same holds true if we were to move the 6' tall fence to the allowed 15' from the side street lot line (night photos are provided supporting same).

The fence has been constructed by my resident boyfriend who is a contractor, and according to Rick Bocek, it is very well constructed.

The appearance of the fence is far more pleasing than the previous rusted chain link fence that was overgrown and entangled with half dead weeds, shrubs and trees. The appearance of the

OCT 18 2019

fence is not obscene and does not detract from the pleasant appearance of the neighboring yards.

Finally, it provides a shield that diminishes the lights pointing directly into our backyard seating area and bedroom window. If we were to consider taking the fence down and planting shrubs, it would take years before we would experience a benefit. The fence alleviated the issue immediately.

When we purchased the property a year ago, describing the property as an "eyesore" is an understatement. We have spent quite a bit of time and money to improve the appearance of the property. Although we were not aware of the need to request a variance before we erected the fence, we are now requesting your approval for the variance so we can keep the fence as it is because it does serve a functional purpose.

We appreciate your consideration and look forward to hearing your decision on the matter.

Respectfully,


Tammy States

915 Waterloo Lane



Window behind the "fence" screen is to our master bedroom

OCT 18 2019

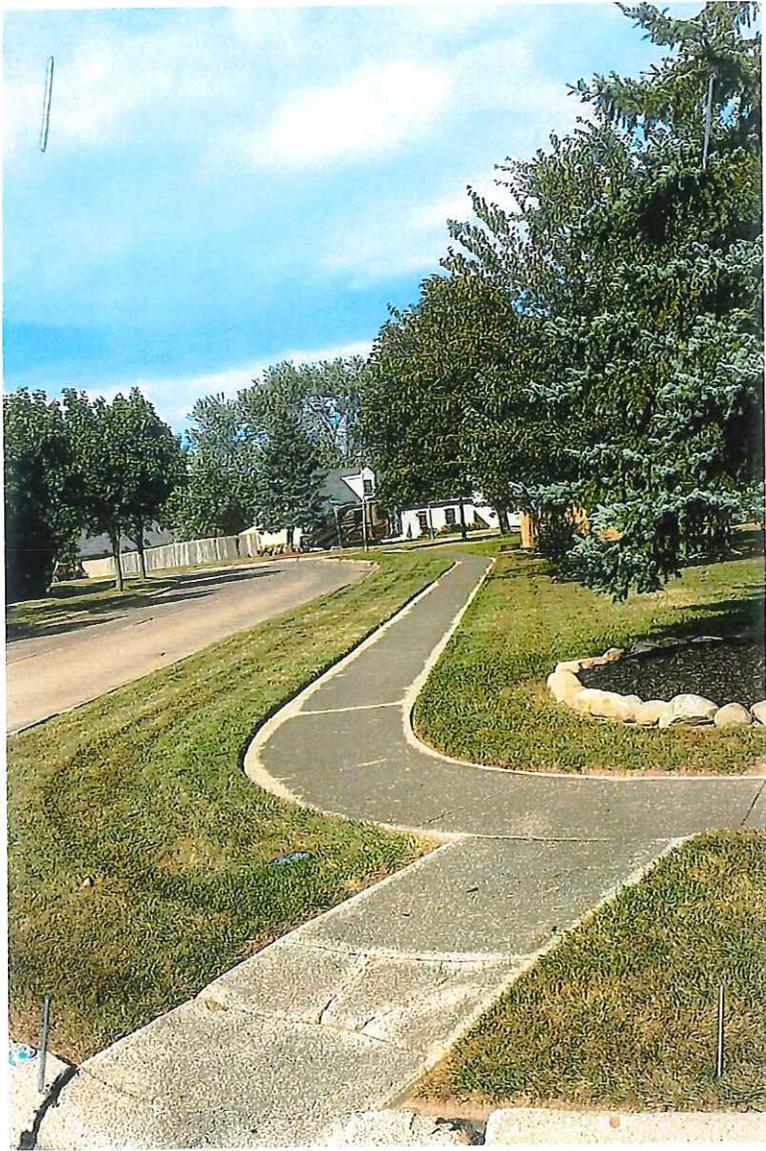
915 Waterloo Lane



View from Revere Circle and Yorktown Drive intersection

REVERE
OCT 18 2019

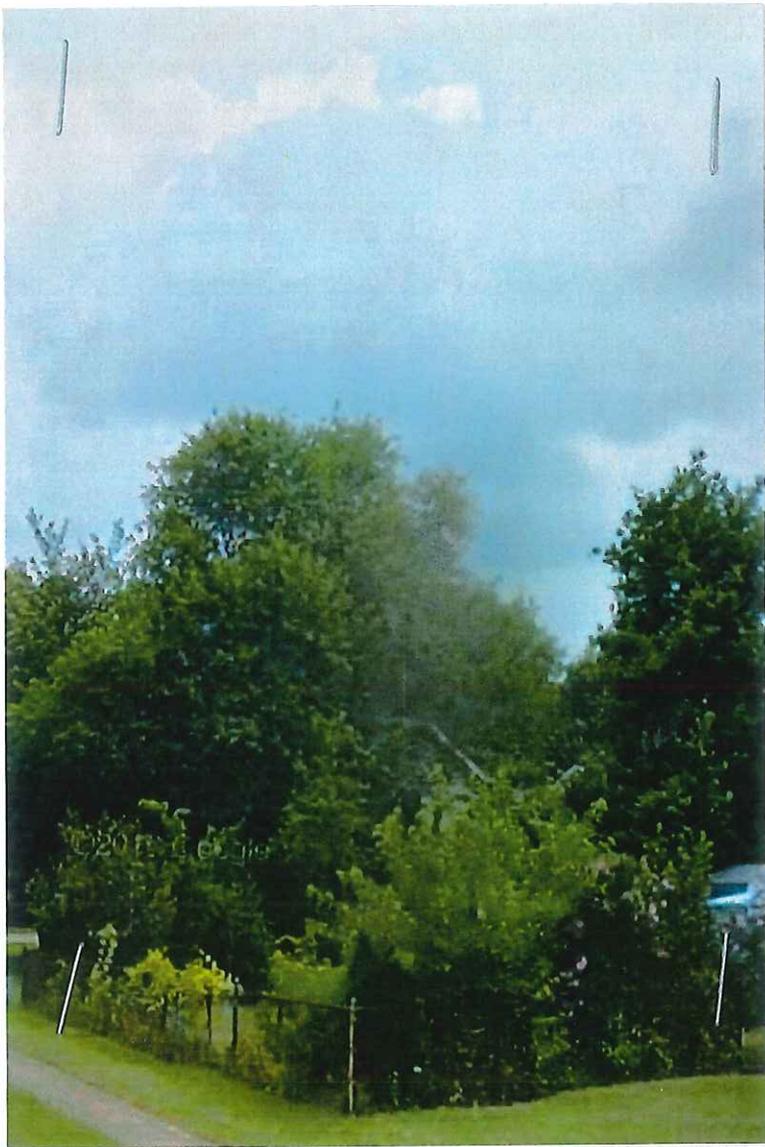
915 Waterloo Lane



View from Waterloo Lane and Yorktown Drive intersection

RECEIVED
OCT 18 2009

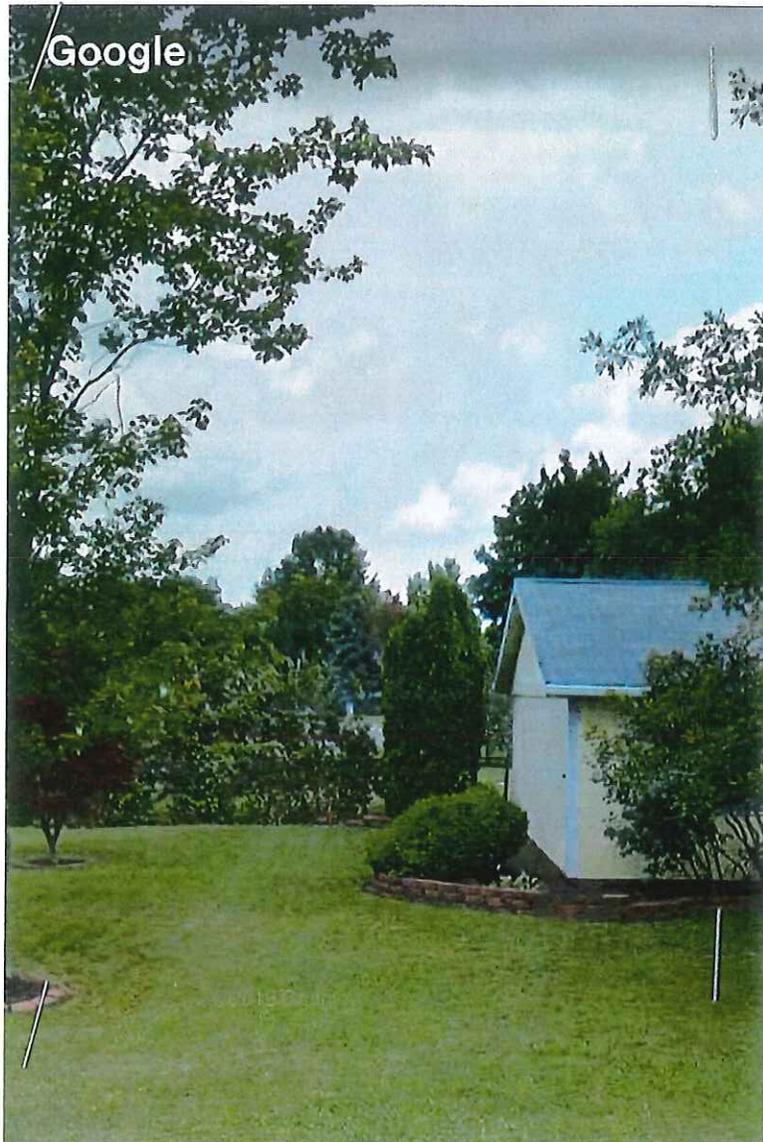
915 Waterloo Lane



Photos of the condition of the property before we purchased. These photos are from Google Maps and are quite a bit older. The actual condition of the overgrowth along the fence line was worse when we purchased it.

RECEIVED
OCT 18 2019

915 Waterloo Lane



Photos of the condition of the property before we purchased. These photos are from Google Maps and are quite a bit older. The actual condition of the overgrowth along the fence line was worse when we purchased it.

OCT 18 2019

915 Waterloo Lane



Pictures of car lights coming around the curve. The "fence" screen does diminish their direct path into our back yard and bedroom window.

RECEIVED
OCT 18 2019

BY:

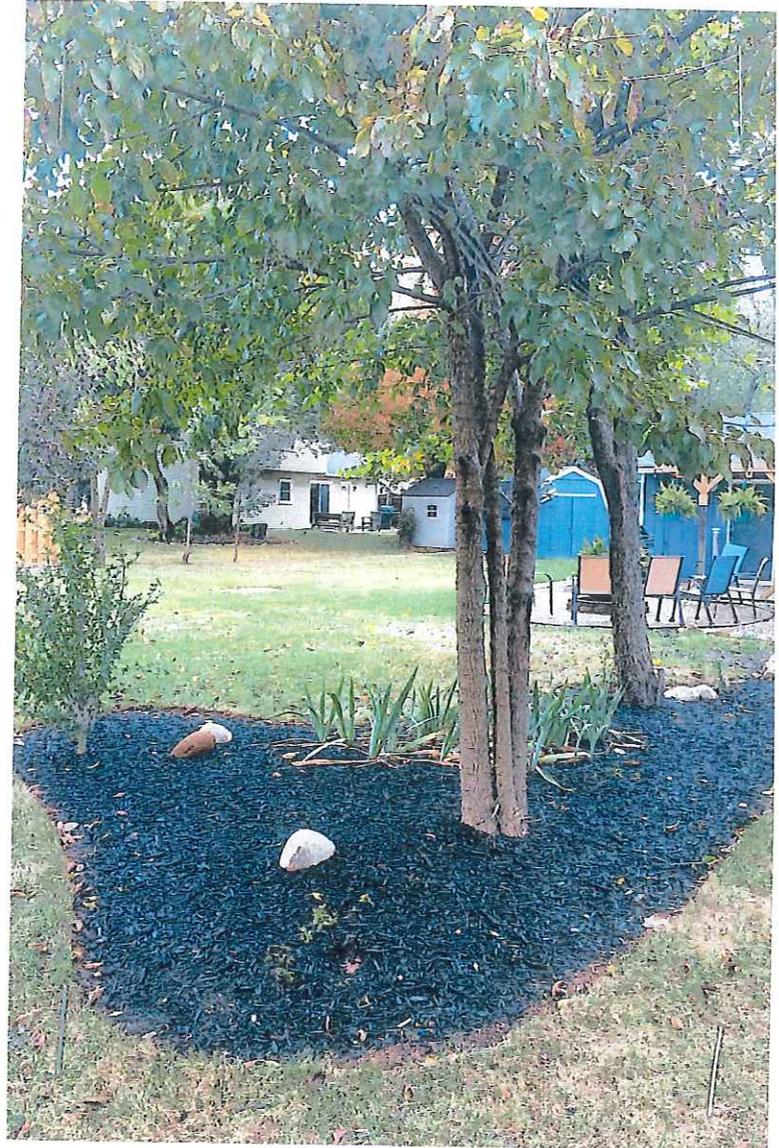
915 Waterloo Lane



Photos of our property after extensive care and clean up

RECEIVED
OCT 18 2019

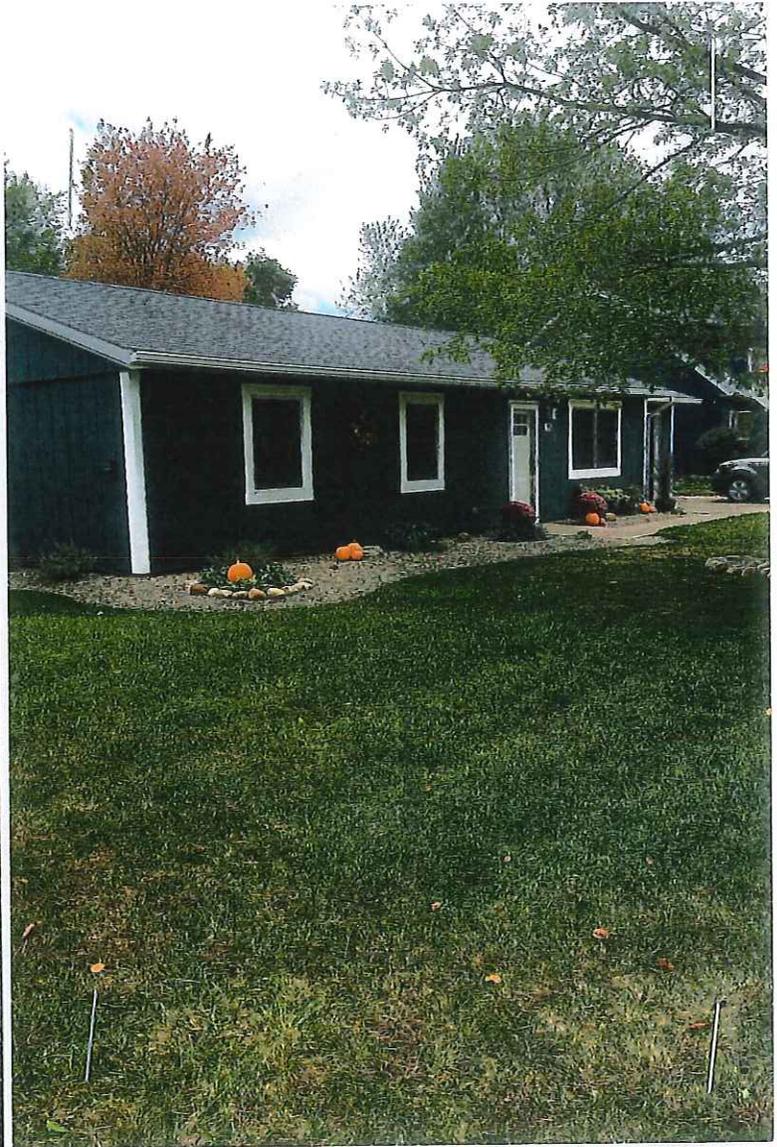
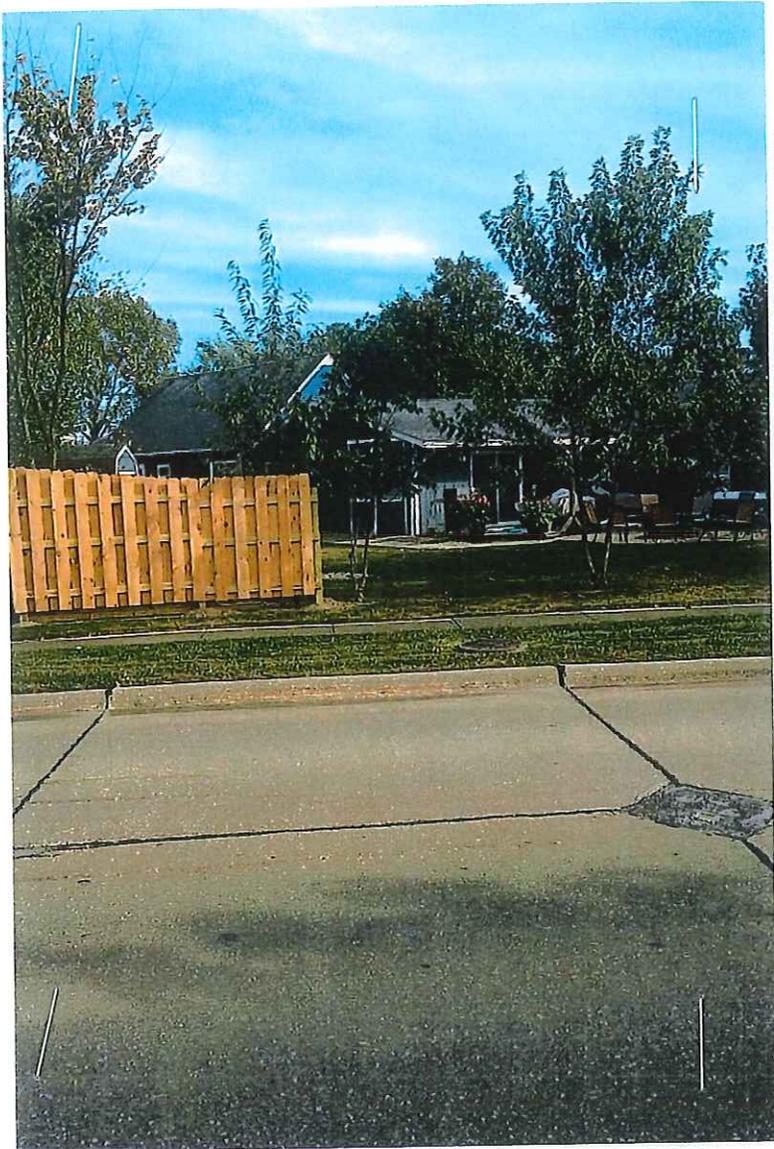
915 Waterloo Lane



Photos of our property after extensive care and clean up

OCT 18 2019

915 Waterloo Lane



Photos of our property after extensive care and clean up

RECEIVED
OCT 18 2019

915 Waterloo Lane

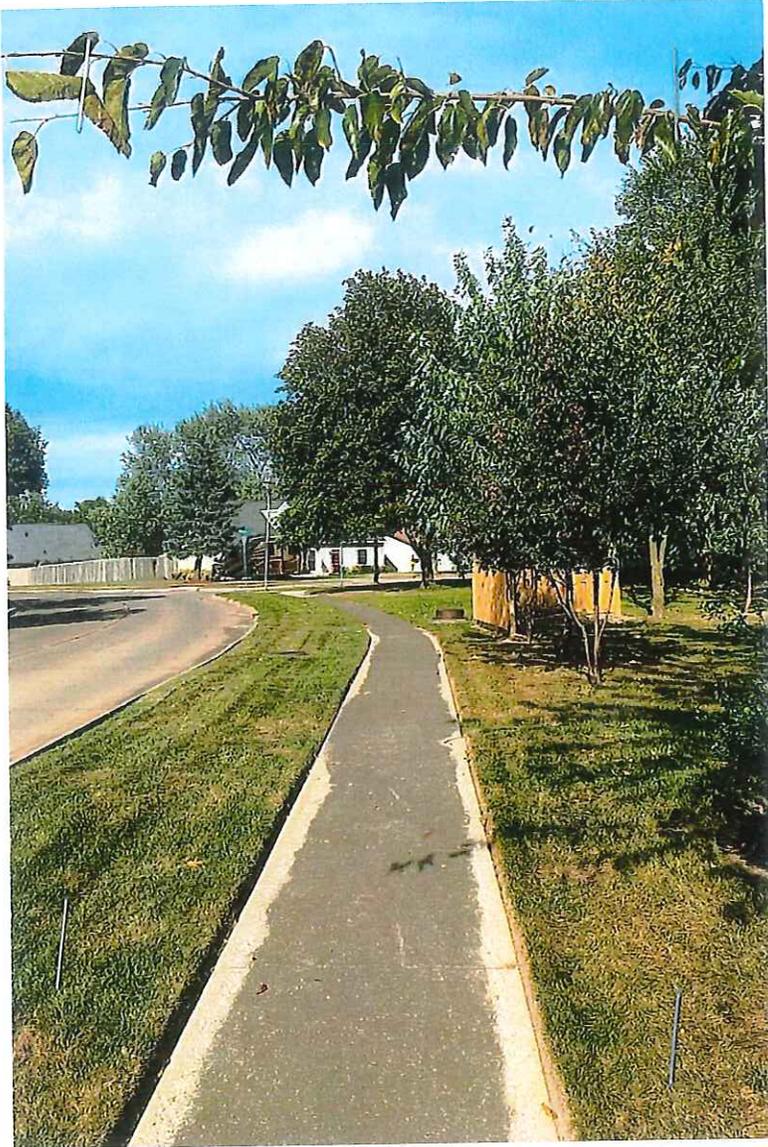


Photo depicts the outline of the sidewalk where the grass overtook it before we edged it to clean it up.

RECEIVED
OCT 18 2019