

**MEETING DATE: 6-11-20**

# **BOARD OF ZONING APPEALS**

**Z20-07**

**1087 Greenwood Ct.**



# CITY of MEDINA

## Board of Zoning Appeals

June 11, 2020 Meeting

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**Case No:** Z20-07

**Address:** 1087 Greenwood Ct.

**Applicant:** Amy Costello

**Subject:** Variance request from Section 1113.05(n) of the Planning and Zoning Code to permit the keeping of goats on the residential property at 830 E. Washington St. when goats are not a permitted type of farm animal.

**Zoning:** R-1, Low Density Urban Residential

**Submitted by:** Jonathan Mendel, Community Development Director 

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### Project Introduction:

The applicant wishes to house two dwarf goats at their R-1 zoned property at 1087 Greenwood Ct. Section 1113.05(n) of the Planning and Zoning Code permits keeping a narrow range of farm animals on residential properties. These include "chicken, ducks, rabbits, and similar animals". Goats are not considered a 'similar animal' to chicken, ducks or rabbits as goats can be much larger and have greater potential to be a nuisance.

Please find attached to this report:

1. Applicant's project narrative received May 1 & 27, 2020
2. Aerial photograph of the property.

### Considerations:

Section 1107.08(b) of the Planning & 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 rear yard 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;*

The subject property can keep chickens, ducks, rabbits and similar animals

B. *Whether the variance is substantial;*

The variance is substantial. This would be a '100%' variance as goats are not a permitted farm animal under 1113.05(n).

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 applicant's property is adjacent to residential zoning and occupancy on all sides within the interior of its wider neighborhood.

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 subject requirements have been effective since 2014 and the applicant has owned the subject property since 2001.

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

The owner's predicament could be feasibly obviated by housing the goats at another site where such animals would be permitted although that would not be within the City of Medina.

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

The intent of this regulation was to allow animals that are generally the same scale, size and impact as typical houses pets, such as dogs and cats.

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 1113.05(n).

## Letter of Intent

### In Support of Request for Zoning Approval

1087 Greenwood Ct, Medina, Ohio 44256

This letter of intent is in support of my request for zoning approval in the allowance of two Nigerian Dwarf Goats on our parcel of land. We live on a lot which is approximately 21,780 square feet (about a half-an acre), and our back yard is fully fenced in.

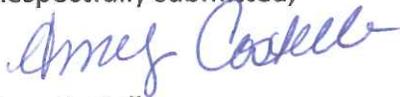
The goats will have a detached enclosure which is 73" w x 39" d x 42" h and shall be located behind our home in an area not visual from the street. I have attached a picture of it, so that you may see it is made of wood and attractive looking so as not to take away from the caliber of the neighborhood in any way. And with the fenced in yard, they have the ability to have enough area to live comfortably.

What is perhaps most relevant here, and what I ask the board to consider, is that they will be used as companion animals to my two children with disabilities. One of my children suffers from a Traumatic Brain Injury sustained from a car accident, and the other is on the Autism spectrum, and suffers severely with social anxiety. My goal is to help teach animal care skills that will help them so they may be able to apply this to a future job working with small farm animals. The American Goat Association cited Nigerian goats as the perfect companion pet because of their small stature, growing only 17 to 22 inches in height and only up to 50 pounds. Furthermore, this breed of goats are friendly and good natured as well as easily trainable. Most importantly, however, these goats tend to form very close bonds with their human companions.

I have spoken with my neighbors on both direct sides of me and they did not have any concerns nor negative feedback when I told them what we were applying for in this application. I am a very thoughtful neighbor and strive to keep my home and yard in a tidy and eye appealing manner, and will continue to do so.

Thank you for your thoughtful consideration for zoning approval for the two Nigerian Dwarf Goats which will serve as companion animals to my disabled children.

Respectfully submitted,



Amy Costello



BY: 



## Letter of Intent

### In Support of Request for Variance Approval

1087 Greenwood Ct, Medina, Ohio 44256

This letter of intent is in support of my request for the approval in the variance for the purpose of having two miniature goats on our parcel of land.

In asking for this variance, it is not my intention to realize a reasonable return.

This variance is insubstantial because it is unique and does not apply to a substantial portion of the neighborhood.

It is my belief that the applicable zoning regulations and restrictions have caused unnecessary hardship for my family.

The variance requested is being asked for as I have not found any other way to give the skills and interaction to my children with special needs that is feasible or affordable for our family. The miniature goats aka Nigerian Pygmy Goats, will be used as companion animals to my two children with special needs. One of my children suffers from a Traumatic Brain Injury sustained from a car accident, and the other is on the Autism spectrum, and suffers severely with social anxiety. My goal is to help teach animal care skills that will help them so they may be able to apply this to a future job working as well as to provide emotional support. The American Goat Association cited Nigerian goats as the perfect companion pet because of their small stature, growing only 17 to 22 inches in height and only up to 50 pounds, as well as this breed of goat being quiet, friendly and easily trainable. Most importantly, however, these goats tend to form very close bonds with their human companions.

It is important to know that any derived food products will only be used for our personal consumption.

The variance would not in any way adversely affect the delivery of governmental services, and goat management practices shall be followed closely including droppings to be removed and disposed of properly.

When we first purchased the property in 2001, we were aware that this neighborhood did NOT have an HOA, and were not aware of any zoning restrictions prohibiting miniature pygmy goats. We do not believe the essential character of the neighborhood would be adversely altered and the adjoining properties would not suffer detriment as a result of the variance being allowed to us at this time.

We live on a lot which is approximately 21,780 square feet (about a half-an acre), and our back yard is fully fenced in. The goats are dehorned and will have a detached enclosure which is approximately 8' by 12' and shall be located behind our home in an area not visual from the street. The structure is made of wood and attractive looking so as not to take away from the caliber of the neighborhood in any way. I have recently added a fully fenced in back yard so they have the ability to have enough area to live comfortably.

I have spoken with my neighbors on both direct sides of me and they did not have any concerns nor negative feedback when I advised them what we were wanted miniature goats, and

were applying for a variance. I am a very thoughtful neighbor and strive to keep my home and yard in a tidy and eye appealing manner, and will continue to do so.

I do carry full liability insurance coverage through a local agent at State Farm as well as an additional umbrella policy should any damage occurs on my property or that of another landowners.

Thank you for your thoughtful consideration for variance approval, I know you will find in approving the variance that substantial justice will be done in that it will allow the companionship, skills and support for our household members in need while minimizing any adverse impact on our neighborhood.

Respectfully submitted,

Amy Costello



RECEIVED  
MAY 27 2022  
BY





Z20-07  
1087 Greenwood Ct.  
Farm animal variance  
June 11, 2020

Subject Site

GREENWOOD CT

1 inch = 50 feet

