

MEETING DATE: 5-14-20

BOARD OF ZONING APPEALS

Z20-03

560 N. Harmony



CITY of MEDINA

Board of Zoning Appeals

May 14, 2020


Case No: Z20-03

Address: 560 N. Harmony Street

Applicant: Lauren and Donny Roys

Subject: A variance from Section 1155.01 of the Planning & Zoning Code to permit a 6 foot tall fence in the corner side yard where a maximum 3 foot tall fence is permitted.

Zoning: R-2, Medium Density Urban Residential

Submitted by: Jonathan Mendel, Community Development Department 

Site Location:

The property is located at the southwest corner of N. Harmony and Ridge DR.

Project Introduction:

The applicant proposes building a solid 6 foot tall fence at their easterly property line along most of their Ridge Drive frontage instead of the minimum required 15 feet of Section 1155.01(c)(1).

The applicant has also provided two alternate fence configurations for consideration.

Please find attached to this report:

1. Aerial photograph of the site
2. Applicant's narrative and proposed dated March 17, 2020

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.

The applicant's 'Plan B' would be less than a 100% variance as part of the fence would be setback about 15 feet to provide a sight triangle for the neighbor's driveway to the south at 535 Ridge Dr.

- 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 be altered as there are no corner lots in the immediate neighborhood with fences similar to the applicant's request.

- 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;*

These regulations were in place when the applicant purchased the subject property in October, 2019.

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

The fence could be setback the minimum 15 feet from the Ridge Dr. frontage as required by the zoning code.

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 between the need for enclosing usable yard areas for corner lots, but maintain adequate traffic sightline visibility across a street side yard for more uniformly configured lots. The applicant's lot has a unique configuration due to the intersection of Ridge Dr. and Harmony St.

This may not be an issue in this particular case as the applicant proposes the alternate Plan B or C that could aid the visibility between the two types of traffic through the proposed fence, thereby possibly complying with the spirit and intent of the zoning requirement.

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.

Z20-03
560 N. Harmony St.
Fence Height Variance
May 14, 2020

Subject Site

N HARMONY ST

RIDGE DR

1 inch = 40 feet



City of Medina
Planning and Zoning Department
132 North Elmwood Street
Medina, Ohio 44256

March 17, 2020

Lauren Roys
Donny Roys
560 N Harmony St
Medina, Ohio 44256

RE: Variance Request for Residential Fence

To the City of Medina Board of Zoning Appeals,

Please accept this letter as part of our request for a variance from code 1155.01(C) Permitted Fencing: Fence Heights. This is regarding a proposed fence installation on our property at 560 N Harmony St, parcel #028-19B-10-122.

As first-time homebuyers, we purchased our home in October 2019. The property has an existing wood fence along the back yard of the property. The existing fence is comprised of 3' high picket panels along Ridge St, two 6' high privacy panels along one shared property line, and 3' high picket panels along a second shared property line (photos attached). The current fence is damaged, dilapidated, and does not serve us, or the neighborhood, well.

Our lot, specifically the side along Ridge Dr, is directly along the path many families and kids take to walk to and from Sidney Fenn, Claggett, the High School, and Jump Park. Additionally, it is open and very exposed to neighbors and traffic. Knowing we will soon start a family, we want to ensure the fence we install is visually appealing for our neighbors and effective at protecting small children and dogs.

If our lot was like most others, square or rectangular, the area in reference would automatically be considered a backyard. Our lot is triangular. We were informed that our entire yard is considered a front yard, making this process and request necessary. We hope the board recognizes the unique condition of our lot and the situation we are encountering.

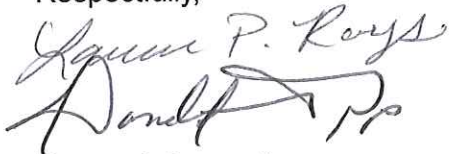
We are proposing to install 6' high privacy fence panels where the existing fence currently stands. The fence will be constructed of vinyl material over an aluminum insert, adding a rigid core. This will help maintain the fence over time and provide added safety at such a close distance to moving traffic and a busy road. This white vinyl fence would not require staining or painting maintenance, adding to the beautification of our neighborhood.

If the ordinance was strictly applied to our property, we do not feel it would provide security for our property or growing family. Furthermore, a fence that provides even semi-privacy must be custom cut down to 3' from a standard 4' or 6', adding a minimum of \$1,300 to the total project cost.

Prior to our house going on the market, it was not well maintained. We received praise and appreciation from our neighbors simply by pulling weeds and mowing our lawn in the short time we owned the house before winter. We are confident this new fence will only add to the curb appeal of our home, further demonstrating our commitment and pride in our new neighborhood.

We appreciate your consideration of this request and look forward to your decision on the matter.

Respectfully,

The block contains two handwritten signatures in cursive. The first signature is 'Lauren P. Roys' and the second is 'Donny Roys'. They are written in dark ink.

Lauren & Donny Roys

A. *The variance requested stems from a condition which is **unique** to the property at issue and **not ordinarily** found in the same zone or district;*

Our property is unique in the position of our house on the lot and the consideration for the property to have no back yard. Our lot is triangular in shape versus a traditional square or rectangular lot ordinarily found in the same zone.

B. *The hardship condition **is not** created by actions of the applicant;*

House constructed in 1957. Existing fence erected by previous owners.

C. *The granting of the variance **will not** adversely affect the rights of adjacent owners because;*

The fence line does not block neighboring or intersection views, nor does it interfere with neighboring property rights.

D. *The granting of the variance **will not** adversely affect the public health, safety or general welfare because;*

It does not interfere with traffic intersections nor adversely affect right-of-way traffic flow. It does not block sight for bus routes or public service vehicles.

E. *The variance **will** be consistent with the general spirit and intent of this Ordinance because;*

The spirit/intent of the ordinance is to ensure property owner rights are respected and protected. We do not feel our back yard is a front yard, therefore feel it is within our rights to protect our property while beautifying the neighborhood.

F. *The variance sought **is** the minimum which will afford relief to the applicant because;*

Installing a 3' vinyl privacy fence requires customization to have it cut down to required height. This adds a minimum of \$1,300 to the total project cost, adding additional financial burden to us, the applicants. Installing a 6' privacy fence ensures security and protection while eliminating additional costs.

G. *There [is/is no] other economically viable use which is permitted in the zoning district because;*

We do not feel this applies to our request relating to a single-family home.

*For all of the above reasons, I move the board **approve** the request with the following conditions:*

At this time, there are no other conditions to be considered for our request

Intersection of Harmony St & Ridge Dr facing south towards our property. Existing fence in reference to left of house.





To demonstrate close proximity of yard to foot and auto traffic. Showing Ridge Dr facing south, direct route to Sidney Fenn and the High School.



View of back of house and existing fence around what we consider our back yard, including a deck.





View from neighboring driveway to demonstrate sight to intersection and oncoming traffic would not be blocked or prohibited.



Views from intersection of Ridge Dr and Homestead St facing north towards our property. Fence does not prohibit sight or visibility from this intersection.



Photos taken standing on sidewalk running parallel to our yard. Demonstrates that 3' fence does not provide privacy or security (can easily be reached/climbed over)



Photos taken while standing on our deck to demonstrate proximity and frequency of foot and auto traffic.



Photos of white vinyl privacy fence we propose to install. 6' high panels.





Home Improvement Agreement: Proposal for Fencing Installation

Roxs Lauren

Customer's Last Name, First Name

Store No.

Date 3-3-20

560 N. Harmony St

Service Address

Medina

City

OH

State

42456

Zip

330-241-2460

Customer's Daytime Phone No.

Customer's Evening Phone No.

Customer's E-mail Address

QUOTE IS VALID FOR 14 DAYS
FROM DATE ABOVE

PERMIT/INSPECTION INFORMATION

Permit required?



Yes



No

☐ Homeowner to obtain permit

(Installation Professional requires copy of permit before installation)

Installation professional
to obtain permit

| Selection | \$ |
|---|----------------------|
| ADDITIONAL COST OPTIONS ADD THE PRICES IN THIS COLUMN TO THE SELECTION | |
| TAKE DOWN AND HAUL AWAY OLD FENCE | \$ 815 ⁰⁰ |
| PERMIT COST | \$ 50 ⁰⁰ |
| SUB TOTAL | \$ |
| SALES TAX | \$ |
| TOTAL CONTRACT PRICE | \$ |

☐ Stock Product☒ Special Order ProductFront 845⁰⁰

6 White

CONTACT ME:

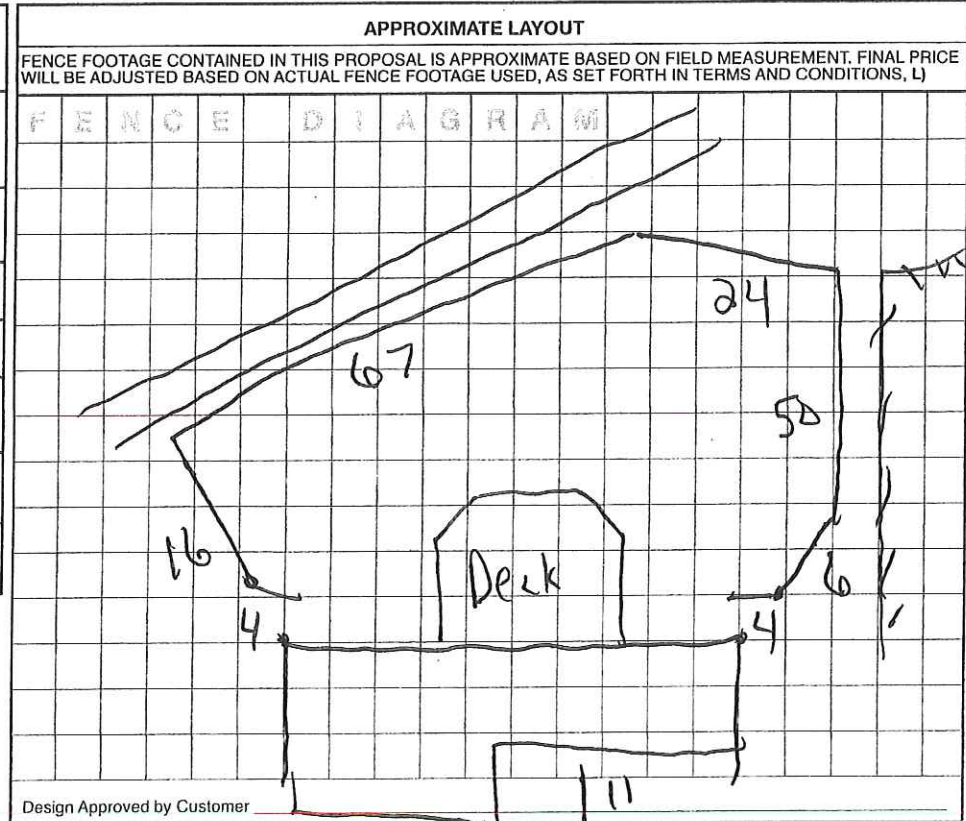
Dealer Name:

Rob Holodnyak

Dealer Phone #:

330-645-4856

| | |
|--------------|------------------------|
| Product | Vinyl |
| Style: | Dogwood |
| Height: | 6 |
| Footage: | 163 |
| If Gates: | 2-4 |
| Post Cap: | N. End |
| Color: | White |
| Rail Type: | Harbor |
| Post Type: | 5x5 |
| Picket Type: | \$ 6,865 ⁰⁰ |



FENCE INSTALLATION RELATED TO GRADE: PLEASE INITIAL ONE

| | | |
|--|--|--|
| <input type="checkbox"/> PLEASING TO THE EYE FENCE TO BE LEVEL WITH HIGHEST GRADE (CUSTOMER TO FILL IN GAPS) | <input type="checkbox"/> FOLLOWING FLOW SLIGHTLY UNEVEN GRADE WITH FENCE FOLLOWING FLOW OF GROUND - FENCE WILL BE UNEVEN AT TOP | <input type="checkbox"/> STEPPED INSTALLATION STEEP SLOPE WHERE FENCE CANNOT "RACK" ENOUGH TO FOLLOW GRADE AND MUST BE STEPPED, RESULTING IN LARGE GAPS UNDER FENCE - (CUSTOMER TO FILL IN GAPS) |
|--|--|--|

| | |
|--------------|------------|
| Product | Aluminum |
| Style: | Traverline |
| Height: | 4 |
| Footage: | 163 |
| If Gates: | 2-4 |
| Post Cap: | Flat |
| Color: | Black |
| Rail Type: | Harbor |
| Post Type: | 2" |
| Picket Type: | \$ 6,931 |

| | |
|--------------|------------------------|
| Product | Vinyl |
| Style: | Chestnut |
| Height: | 4 |
| Footage: | 163 |
| If Gates: | 2-4 |
| Post Cap: | N. End |
| Color: | White |
| Rail Type: | Harbor |
| Post Type: | 5x5 |
| Picket Type: | \$ 5,800 ⁰⁰ |

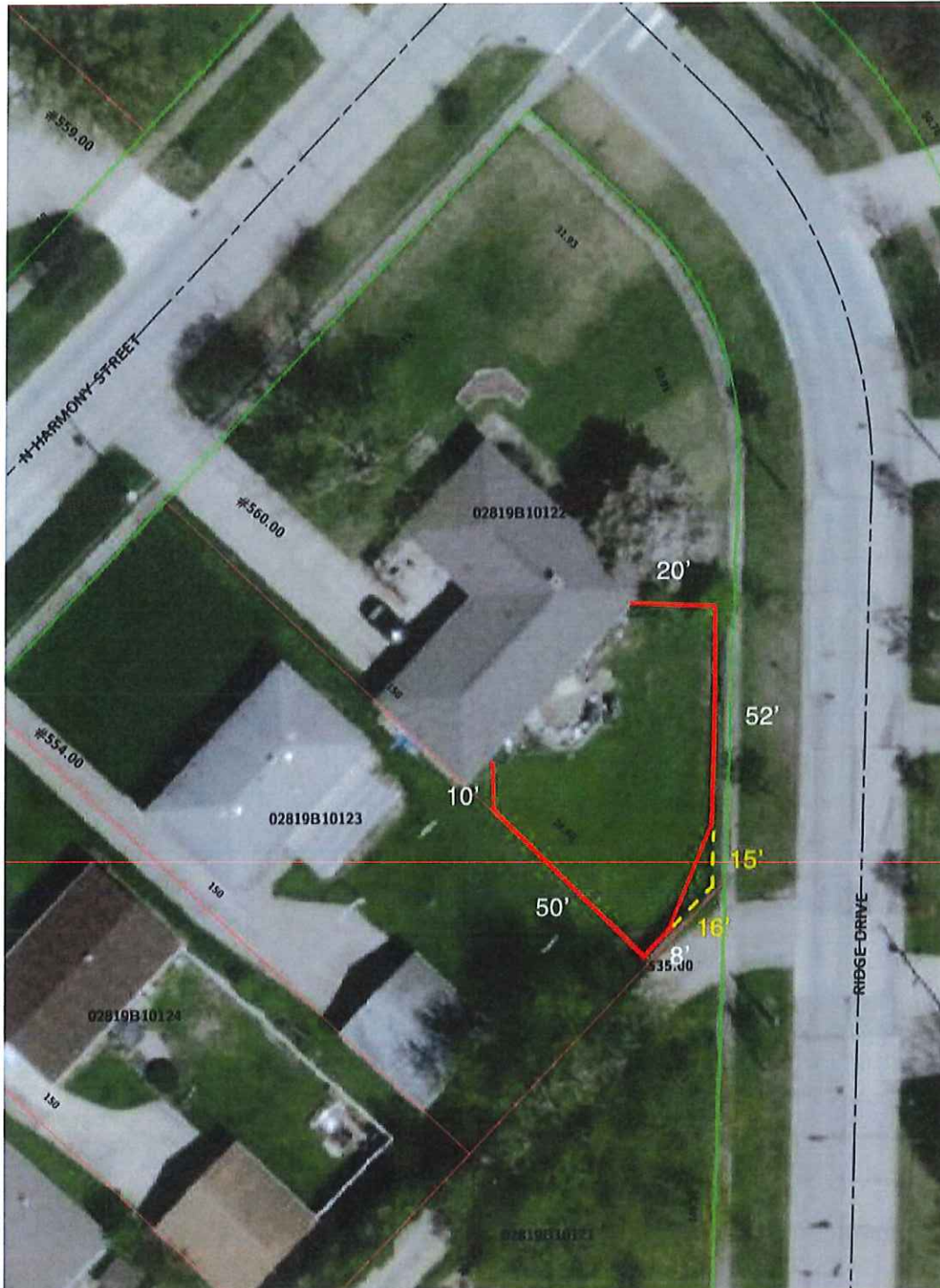
Plan A (Original Request)

The red line indicates where we will put the proposed fence. This is exactly where the current fence stands along the property line. The new fence would be a 6' high white vinyl privacy fence.



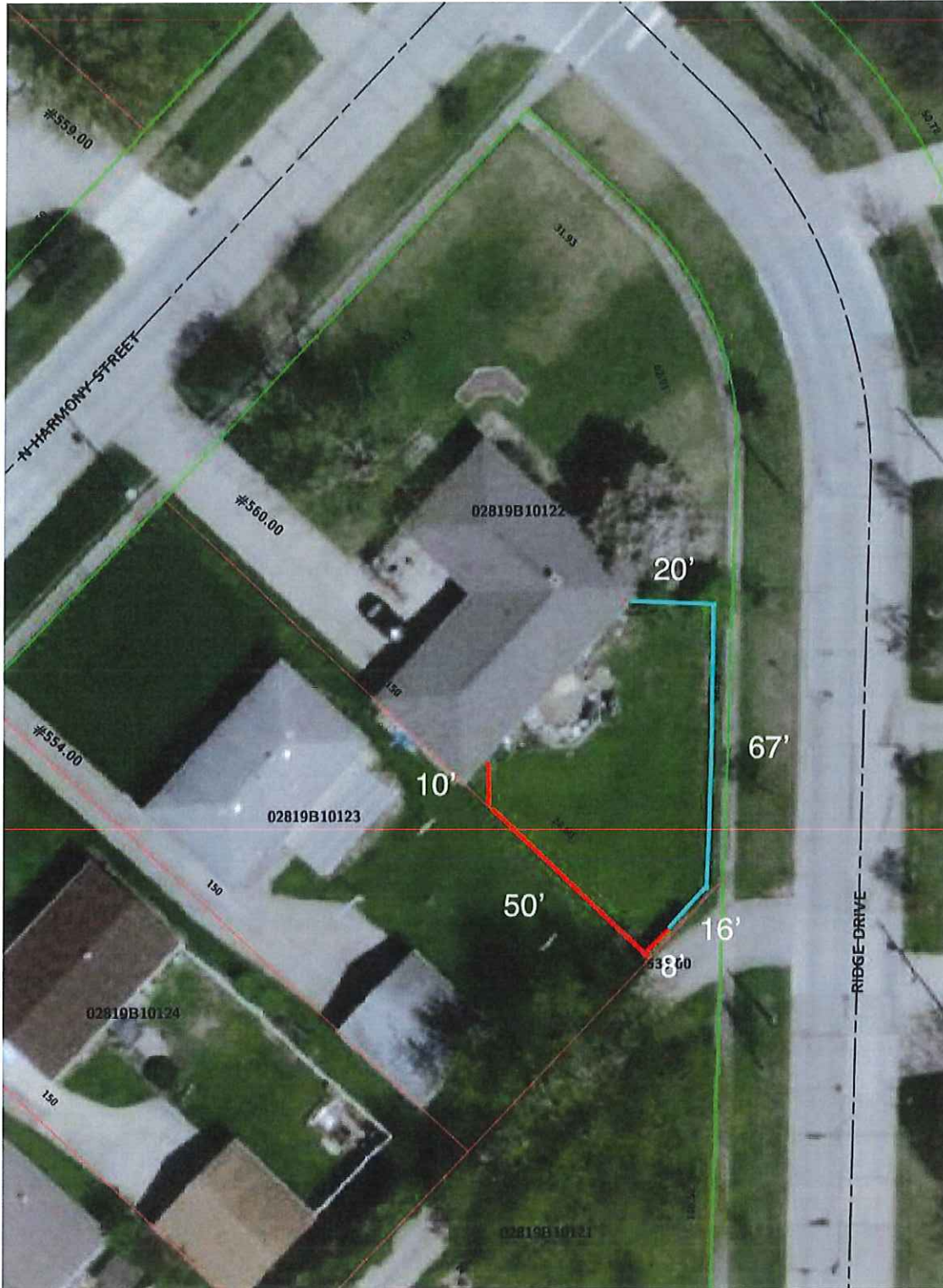
Plan B

Here, the red line indicates an alternate layout for the proposed fence. A triangle of visibility is created by measuring 15' north and 16' southwest from the property point shared at the end of our neighbor's driveway. This accommodates visibility for our neighbors and pedestrians on the sidewalk. The fence would be a 6' high white vinyl privacy fence.



Plan C

Here is an alternate layout for the proposed fence. The red line indicates where we would install a 6' high white vinyl privacy fence. The teal line indicates where we would install a 4' high white vinyl semi-privacy fence.



This is a screen grab from our security camera at our front door. The group is walking from Harmony St towards Ridge Dr. The group of teens walked through our yard at 10:59 pm on Sunday April 11. This occurred after submitting our original request and further illustrates the need for a more secure fence.

