



# BOARDS & COMMISSIONS APPLICATION

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

Application Number Z23-11

<b>GENERAL</b>	Date of Application <u>5-17-23</u> Property Location <u>467 Lafayette Rd</u> Description of Project <u>Garage 20x20</u>
<b>CONTACT INFORMATION</b>	<b>Applicant</b> Name <u>Frank Gauglerdi</u> Address <u>467 Lafayette Rd</u> City <u>Medina</u> State <u>Oh</u> Zip <u>44256</u> Phone <u>330-725-2121</u> Email <u>all Gags @ Gmail .COM</u> <b>Property Owner</b> Name <u>Same</u> Address _____ City _____ State _____ Zip _____ Phone _____ Email _____
<b>APPLICATION TYPE</b>	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"/>
<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>[Signature]</u> Date <u>5/17/23</u>
<b>OFFICIAL USE</b>	Zoning District <u>R-3</u> Fee (See Fee Sheet) \$ <u>260</u> Meeting Date <u>6-8-23</u> Check Box when Fee Paid <input checked="" type="checkbox"/>

**Z23-11**  
**Lafayette Road Gazebo**

Property Owner: Marie Gagliardi  
Applicant: Frank Gagliardi  
Location: 467 Lafayette Road  
Zoning: R-3 (High Density Urban Residential)  
Request: Area Variance to Section 1113.05(l)(2)(A.) to allow an accessory structure within rear yard setbacks and to be larger than permitted

**LOCATION AND SURROUNDING USES**

The subject site is composed of 0.68 acres on the north side of Lafayette Road. Adjacent properties are zoned R-3 and contain single family residences.



**BACKGROUND & PROPOSED APPLICATION**

The applicant recently began construction of a gazebo on the north side of the property. The gazebo is 400 sq. ft. (20 ft. x 20 ft.) in area, is located 3 ft. from the north property line, and incorporates a pitched roof and open walls. Construction was begun prior to obtaining the necessary building and zoning permits.

There are two existing accessory structures on the site, a 975 sq. ft. detached garage and a 96 sq. ft. shed. The applicant has indicated the shed will be removed from the site.

**SECTION 1113.05(I)(2)(A.) – DETACHED ACCESSORY STRUCTURE REGULATIONS**

- A. Requirements for detached accessory buildings associated with principal buildings used primarily for residential purposes in all districts, and associated with principal buildings for all uses on lots located in the M-U District:
3. Detached accessory buildings shall be built no closer than five (5) feet to rear and side lot lines.
  7. The combined area of all detached accessory buildings on a lot shall not exceed 744 square feet, except as follows: The maximum combined area of all detached accessory buildings on a lot may be increased to a maximum of 1,032 square feet, provided that such area shall not exceed ten percent (10%) of the area of the rear yard of the lot.

The gazebo is located 3 ft. from the north property line, which is within the required 5 ft. setback.

As the lot is large, the maximum combined area of all detached accessory buildings in the rear yard is 1,032 sq. ft. The existing 975 sq. ft. structure and proposed 400 sq. ft. structure exceed the maximum at 1,375 sq. ft.

**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.

The applicant has indicated the following regarding the Standards for Variances and Appeals:

- The variance is not substantial as the gazebo is only 2 ft. within the required setback.
- The applicant was not aware of the zoning regulations.
- There are no residences near the gazebo.

**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;

I will use this Garage Annually for a party I throw every Labor Day Weekend. I have already invested 2 thousand dollars.

B. Whether the variance is substantial;

I don't think so. It sits 2 Feet outside existing shed.

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 is a vinyl fence separating properties. This does not go over fence. It is 3 feet from fence.

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

NO

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

I have lived here over 30 yrs.

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

I didn't realize there was a 5 ft. stipulations. I poured a pad 2 yrs. Ago. The shed will be torn down next to pad.

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

It will set back off adjoining property 3 ft further than old shed and be less of an eye sore.

To Whom it may concern.

31 Years ago, I moved to Medina. I was a Firefighter for the city of Cleveland, and although the city had a residency policy, I took a chance and moved here anyways. Other Firemen that moved out did so as to not have to send their children to Cleveland city schools. I moved here because I wanted to live here, and was the only Firefighter I know that moved out and still sent his children to a Catholic school [ St. Francis ]

I love this city. I call it Mayberry on steroids. I have bragged about this city to friends and family. I have spent countless hours , and tens of thousands of dollars, rehabbing this house and property, and plan to stay until I die.

I bought the property next door , and built a business, and have literally stripped every wall in my house down to the studs, one room at a time, and replaced the lath & plaster with drywall. I have restored the woodwork, painted and stained every inch of this house. I put in a cement pad a couple years ago, getting tired of setting up a stage and dance floor for my annual Labor Day party.

This year instead of setting up a tent, like I have in the past, I threw a roof up over it. As with everything I do, I do it the best of my ability. Not Knowing about the five foot property rule, I have erected a beautiful structure, at least I think so. I know ignorance of the city's statutes is no excuse, but as you can see it is just about complete. I am asking for a variance of two feet. You see I built this a foot or two, too close to the property line. It does not infringe on anyone's property. As you can see there is an old shed, that is not even six inches from the fence. I will be tearing that down. That is an eye sore I.m sure.

As you can see from my pictures, and from google earth, there are no residents close to the gazebo. The only house that is remotely close is at least a hundred feet away. Im sure all of my neighbors can attest to the fact I not only take care of my property, but I also weed wack the grass on both sides of the fence, Clean both sides of the fence, and on occasion, have even cut the neighbors to the rear of my properties' grass, when I assumed their mower was broken.

This is my last project , I will not be doing anymore building of any kind. I hope you will allow this gazebo to remain, and I will continue to keep it maintained like I have everything else on my property.

Frank Gagliardi











