



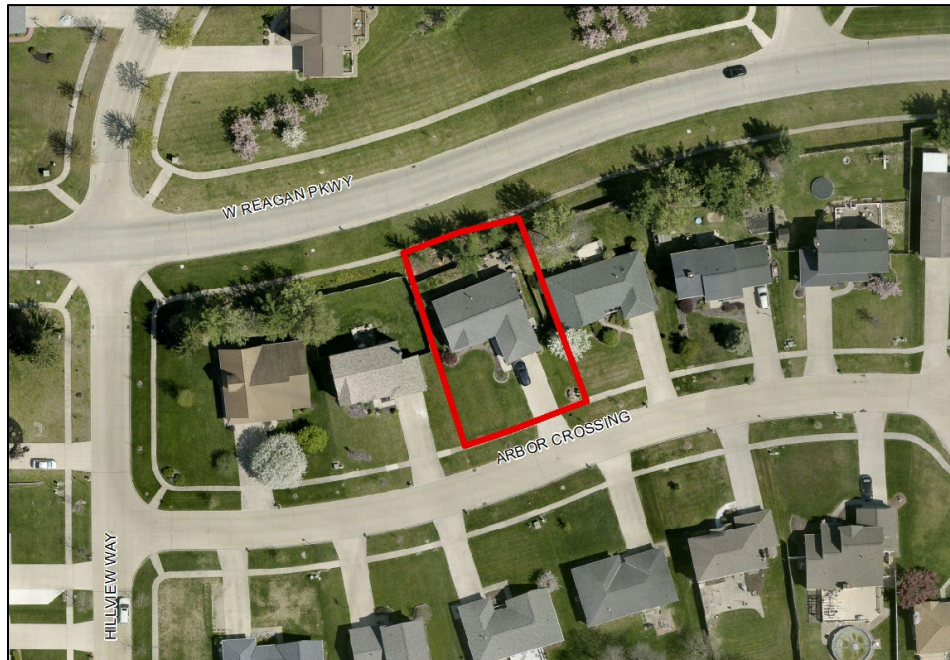
**Z24-19**  
**Arbor Crossing Fence Height**

Property Owner: Jessica and Eric Rupnow  
Applicant: Jessica Rupnow  
Location: 381 Arbor Crossing  
Zoning: R-3 (High Density Urban Residential)  
Request: Area variance to Section 1151.01(c)(1) to allow a fence taller than permitted

**LOCATION AND SURROUNDING USES**

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The subject site is 0.20 acres located on the north side of Arbor Crossing and the south side of West Reagan Parkway. Adjacent properties are zoned R-3 and contain single-family residences.



**BACKGROUND & PROPOSED APPLICATION**

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The subject property is adjacent to rights-of-way on the north and south sides, which is considered “double frontage”. Lots with double frontage have front yards on both sides adjacent to rights-of-way.

The subject lot has a solid 6 ft. fence located approximately 18 ft. from the West Reagan Parkway right-of-way. The applicant is proposing to construct a solid 8 ft. fence approximately 12 ft. from the West Reagan Parkway right-of-way.

### **FENCE HEIGHT (SECTION 1151.01(c)(1))**

Section 1151.01(c)(1) limits fences to 3 ft. in height in a front yard. In side and rear yards, fences are permitted to be 6 ft. in height which may be increased to 8 ft. in height when the top 2 ft. are at least 50% open.

The proposed solid 8 ft. tall fence is located approximately 12 ft. from the West Reagan Parkway within the front yard of the double frontage lot. The proposed fence is taller than the required 3 ft. maximum.

On the north side of Arbor Crossing, numerous double frontage lots have a 6 ft. tall fence near the West Reagan Parkway 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 proposed variance will allow a beneficial use of the property by allowing a fence which provides necessary screening from a highly trafficked street.
- The variance is not substantial as only a portion of the fence is proposed at a greater height.
- The essential character of the neighborhood would be improved as the fence would be in line with neighbors.
- The spirit and intent of the requirement will be observed as the fence will not impact vehicular or pedestrian sightlines.

**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:

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B. Whether the variance is substantial;

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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;

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

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

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

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

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**May 23<sup>rd</sup>, 2024**

Board Members  
Board of Zoning Appeals  
132 North Elmwood Ave  
Medina, OH 44256

**Dear Board Members**

My husband, Eric, and I purchased our home in 2008. He has been a resident of Medina his entire life and I have been for the past 16 years.

We are requesting a variance from the City of Medina Planning and Zoning Code, Chapter 1155.01 (Fence) as it pertains to the height limit, for an eight-foot-tall fence along our property that backs up to Reagan Parkway.

We are replacing an existing old, wooden fence with a new ACQ treated Pro-wood Dura Color pre-inked privacy lap fence. We are including an example picture of the fence style.

When replacing the existing fence, we would like to align our fence with our neighbors, enlarging our fenced in yard. However, without the variance our privacy would be diminished due to the slope of the yard. As I'm sure you are familiar with the traffic flow of Reagan Parkway, you can imagine why our privacy and noise buffering would be important to us.

We have spent a lot of time, labor, and money on our property. The appearance of our yard and house is important to us.

Thank you for your time and consideration.

Sincerely,

**Jessica Rupnow**  
**381 Arbor Crossing**  
**Medina, OH 44256**

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Front Yard

Side Yard

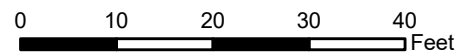
Side Yard

Front Yard

ARBOR CROSSING

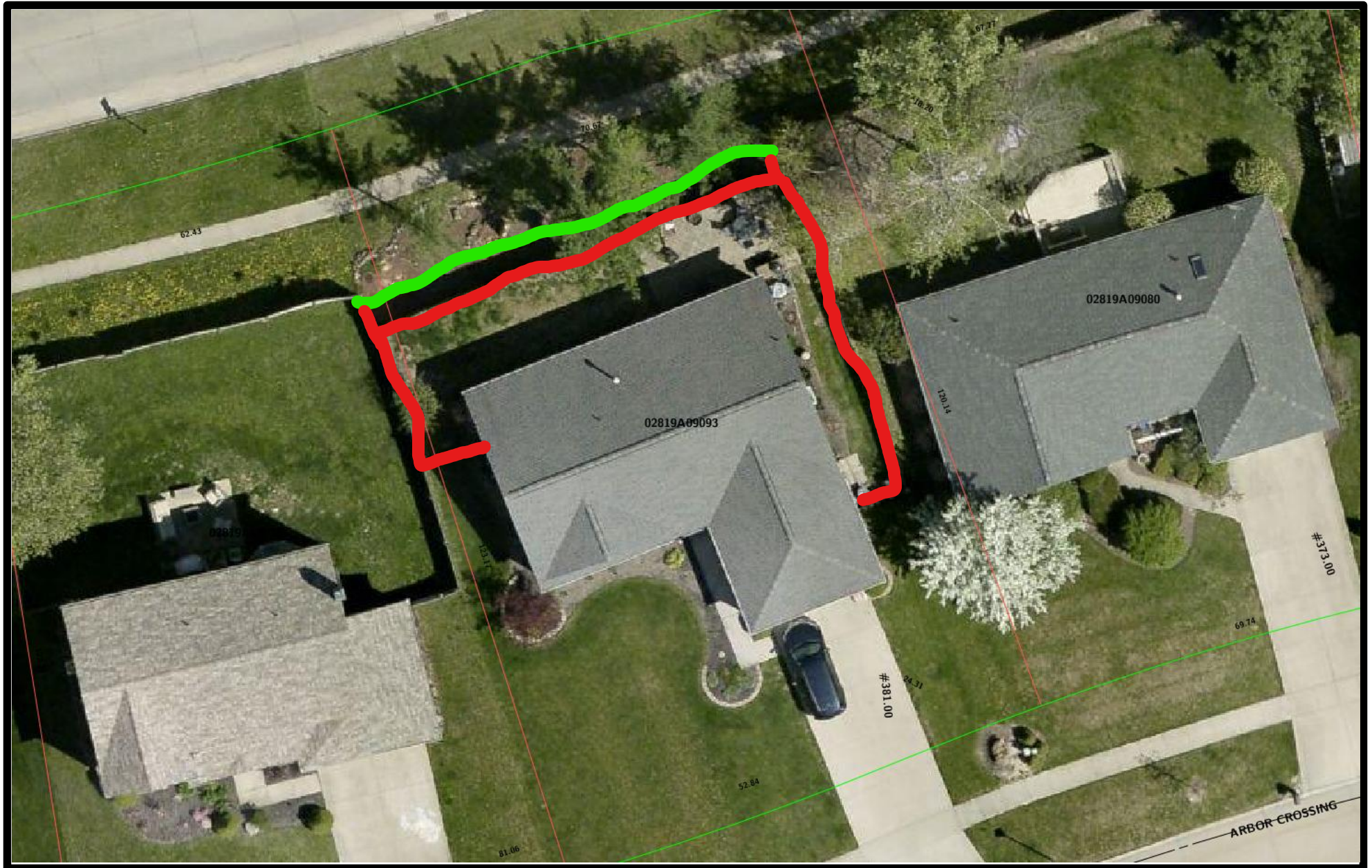


381 Arbor Crossing - Double Frontage Lot



# Map

- current 6' tall fence
- proposed 8' tall section of fence





Current view from our patio door looking west.



Our current fenced in back yard





Picture from Northwest corner by neighbors fence.



Along sidewalk of Reagan Parkway

