



# BOARDS & COMMISSIONS APPLICATION

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

Application Number 225-25

GENERAL	Date of Application <u>28 August 2025</u>
	Property Location <u>320 Baxter Street</u>
	Description of Project <u>Cedar Fence Varance</u>
CONTACT INFORMATION	<b>Applicant</b>
	Name <u>Johnny &amp; Debra Moncayo</u>
	Address <sup>†</sup> _____ City <u>Medina</u> State <u>OH</u> Zip <u>44256</u>
	Phone _____ Email _____
	<b>Property Owner</b>
	Name <u>Johnny &amp; Debra Moncayo</u>
	Address _____ City <u>Medina</u> State <u>OH</u> Zip <u>44256</u>
	Phone _____ Email _____
APPLICATION TYPE	<b>Planning Commission</b>
	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"/> TC-OV <input type="checkbox"/> Other <input type="checkbox"/>
	<b>Historic Preservation Board</b> Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/>
APPLICATION TYPE	<b>Board of Zoning Appeals</b> Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>
APPLICANT SIGNATURE	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.
APPLICANT SIGNATURE	Signature <u>Johnny A. Moncayo Jr.</u> Date <u>28 August 2025</u>
OFFICIAL USE	Zoning District <u>R-3</u>
	Meeting Date <u>11/13/25</u>
OFFICIAL USE	Fee (See Fee Sheet) \$ <u>200</u>
	Check Box when Fee Paid <input checked="" type="checkbox"/>

## **Z25-25 Baxter Street Fence**

Property Owner: Johnny and Debra Moncayo  
Applicant: Johnny Moncayo  
Location: 320 Baxter Street  
Zoning: R-3 (High Density Urban Residential)  
Request: Area Variance to Section 1155.01(d)(4) to allow a fence with the finished or most decorative side facing inward

### **LOCATION AND SURROUNDING USES**

The subject site is composed of 0.32 acres located on the east side of Baxter Street. Adjacent properties are zoned R-3 and contain the following uses and zoning:

- North – Single-Family Residential
- East – Single Family Residential
- South – Single-Family Residential
- West – Single and Multi-Family Residential



### **BACKGROUND & PROPOSED APPLICATION**

The applicant received a Zoning Certificate and constructed a 6 ft. wooden privacy fence along the south property lines, between the home and the north property line, and along the north property line.

Upon inspection, it was observed that the finished side of the fence was constructed facing inward, which is not in compliance with Section 1155.01(d)(4), as noted below. The applicant corrected the issue along the south property line and between the home and the north property line, but has requested that the fence along the north property line remain as originally installed.

**FENCE DECORATIVE SIDE (SECTION 1155.01(d)(4))**

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Section 1155.01(d)(4) states "The finished or most decorative side of the fence shall face away from the property erecting the fence".

The fence located along the north property line has the most decorative side of the fence facing inward.

**STANDARDS FOR VARIANCES AND APPEALS (SECTION 1107.08(i))**

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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 essential character of the neighborhood will not be substantially altered as adjacent property owners have no issues with the fence.
- The property owner was not aware of the zoning restrictions prior to the purchase of the property.
- The spirit and intent behind the zoning requirement would be observed as granting of the variance would be beneficial to the applicant and neighbor at 310 Baxter Street, who has requested that the fence remain as constructed.



**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;

The Fence is between 320 Baxter and 310 Baxter Street. The owner of 310  
Baxter Street wants the owner of 320  
Baxter Street to leave the fence as is. He and his wife enjoy the fence as it is.

B. Whether the variance is substantial;

The Variance would limit the cost of the rebuilding of the fence.

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;

Adjoining properties have stated that the fence is a good addition to their  
properties. Other properties in the neighborhood would not be affected by the  
variance.

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

The Variance has no effect on governmental services.

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

The property owner was not aware of the zoning restrictions concerning the  
fence.

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

The Variance is feasible to the owner and the owner of 310 Baxter Street.

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

Granting the variance would be beneficial to the owner and his neighbor at  
310 Baxter due to their request to leave the fence as is.

# McSteen

LAND SURVEYORS

1415 E. 286th Street  
Wickliffe, Ohio 44092  
W mcsteen.com  
P 440.585.9800 F 440.585.9801

**PREPARED FOR:** MAXIMUM TITLE & ESCROW SERVICES INC.  
NEW DAY FINANCIAL, LLC

**PRESENT OWNER:** WILLIAM E. SCHAFER AND GLENNA M. SCHAFER

**NEW OWNER:** JOHNNY ABRAN MONCAYO, JR. AND DEBRA MONCAYO

**OCCUPIED BY:** Present owner

**WORK:** None Observed

**STREET IMPROVEMENTS:** None Apparent

**TITLE CO. FILE #:** 22-10363

**APPROVED**

FOR ZONING CODE COMPLIANCE ONLY

CITY OF MEDINA, OHIO

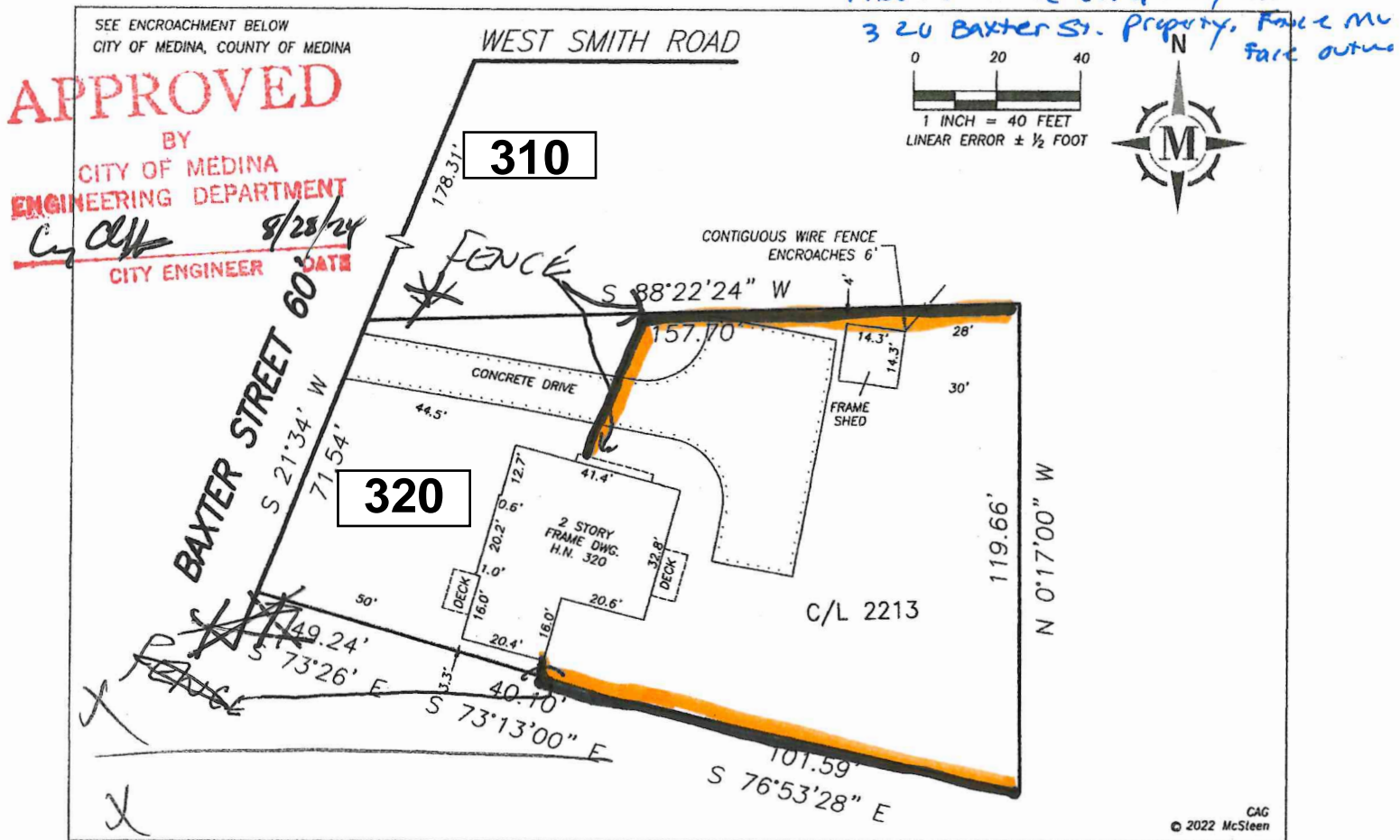
PLANNING OFFICIAL

DATE: 8/27/24



**PROPERTY ADDRESS:** 320 BAXTER STREET,  
MEDINA, OH 44256

**DATE:** 12/07/22 **TIME:** 3:33 PM **FILE #:** 626383



**50+ YEARS OF  
EXPERIENCE**

**McSteen**  
Proudly Surveying all 88 Ohio  
Counties



THIS SURVEY IS A MORTGAGE LOCATION SURVEY PREPARED IN ACCORDANCE WITH CHAPTER 4733-38, OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE. A MORTGAGE LOCATION SURVEY DOES NOT LOCATE OR DETERMINE BOUNDARY LINES AND IS INTENDED FOR LENDING AND UNDERWRITING PURPOSES ONLY. ANY OTHER USE OF THIS SURVEY IS UNAUTHORIZED, AND THE USER ASSUMES ALL RISK. LIABILITY FOR THIS SURVEY IS LIMITED TO FEES CHARGED IN PREPARATION.



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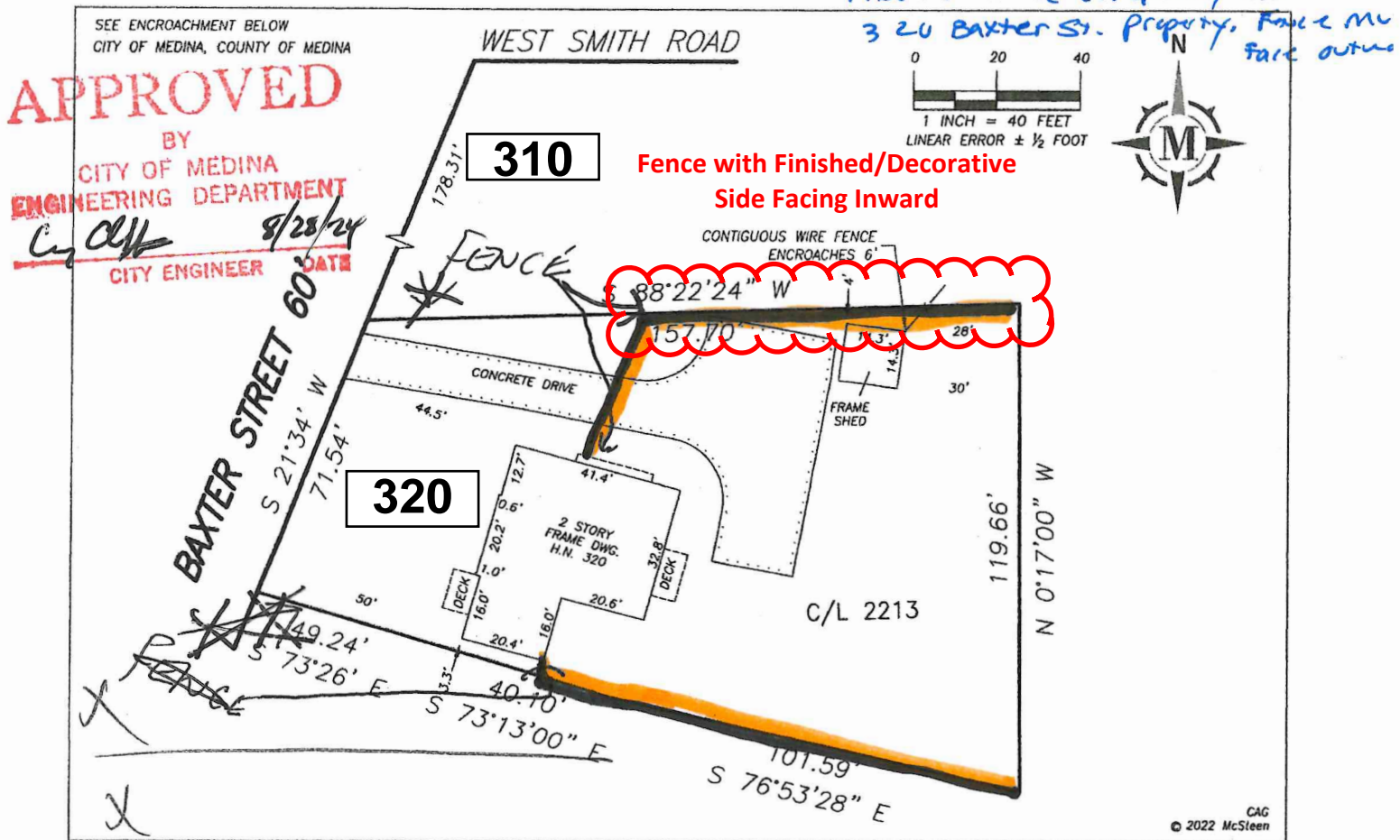
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**Fence on North Side  
of Property**

