



# BOARDS & COMMISSIONS APPLICATION

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

Application Number 225-28

GENERAL	Date of Application <u>09/18/2025</u>	
	Property Location <u>221 S Elmwood Avenue</u>	
CONTACT INFORMATION	Description of Project <u>Build an 8ft privacy wooden fence beside our back patio. An 8ft fence is being requested because our back door sits higher than ground level and it faces towards the public parking lot allowing anyone to look in our back door if blinds are not closed.</u>	
	<p><b>Applicant</b> Name <u>Darren M. Hesson</u> Address <u>221 S Elmwood Avenue</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone _____ Email _____</p> <p><b>Property Owner</b> Name <u>Darren M. Hesson</u> Address <u>221 S Elmwood Avenue</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone _____ Email _____</p>	
APPLICATION TYPE	<p>Planning Commission Site Plan <input checked="" 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"/>  Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/>  Board of Zoning Appeals Variance <input type="checkbox"/> Appeal <input type="checkbox"/></p>	
APPLICANT SIGNATURE	<p>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.</p> <p>Signature <u>Darren M. Hesson</u> Date <u>09/18/2025</u></p>	
OFFICIAL USE	<p>Zoning District <u>R-3</u> Fee (See Fee Sheet) \$ <u>200</u>  Meeting Date <u>10/9/25</u> Check Box when Fee Paid <input checked="" type="checkbox"/></p>	

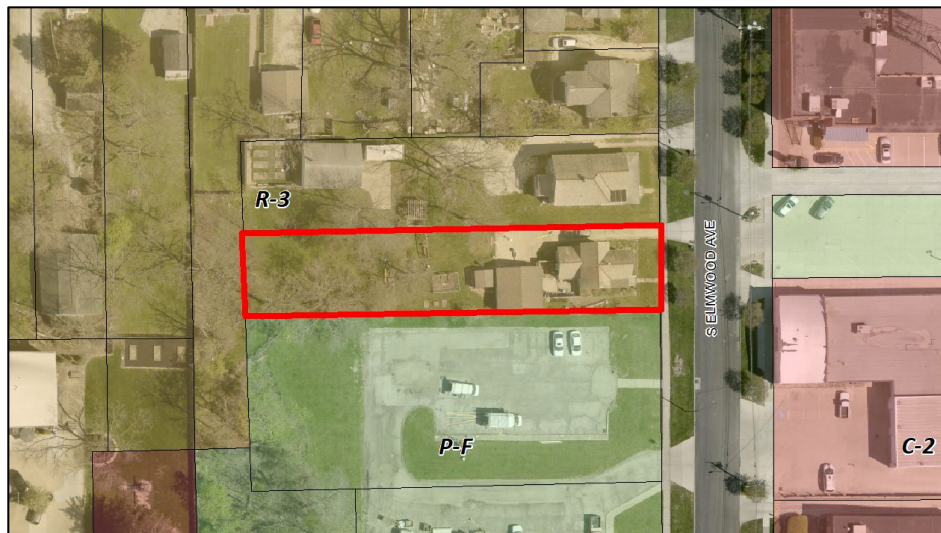
## Z25-28 South Elmwood Avenue Fence

Property Owner: Darren Hesson and Sara Graham  
Applicant: Darren Hesson  
Location: 221 South Elmwood Avenue  
Zoning: R-3 (High Density Urban Residential)  
Request: Area Variance to Section 1155.01(c)(1) to allow a fence taller than permitted

### **LOCATION AND SURROUNDING USES**

The subject site is composed of 0.27 acres located on the west side of South Elmwood Avenue. Adjacent properties contain the following uses and zoning:

- North – Single-Family Residential (R-3)
- East – Parking Lot (P-F) and Hotel Site (C-2)
- South – Parking Lot (P-F)
- West – Single-Family Residential (R-3)



### **BACKGROUND & PROPOSED APPLICATION**

The applicant is requesting to remove an existing fence and construct 33.5 ft. of 8 ft. tall wooden fence between the home and the detached garage. As noted above, the subject property abuts a public parking lot to the south.

### **FRONT YARD SETBACK (SECTION 1155.01(c)(1))**

Section 1155.01(c)(1) indicates a maximum fence height of 6 ft. in the side and rear yard for properties in residential zoning districts. The fence height may be increased to 8 ft. when the top 2 ft. are 50% open. The applicant has proposed a solid 8 ft. tall privacy fence in the side and rear yard.

To note, solid fences in the adjacent P-F zoning district to the south are permitted to be 8 ft. in height.

**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 necessary to allow a beneficial use of the property as the home's back door is elevated and screening is necessary from the adjacent parking lot.
- The variance is not substantial as the fence will only enclose a back patio facing a parking lot.
- The essential character of the neighborhood will not be altered as adjacent property owners have no issues with the fence.

## 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;

*Purpose of variance (85ft privacy fence) is to block view of parking lot and for someone sitting in parking lot to not be able to look into our back door as it does not sit at ground level.*

B. Whether the variance is substantial;

*Variance will only be requested for our back patio facing the parking lot.*

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;

*Speaking with both of our neighbors on both sides of our property (excluding Medina County who own parking lot) they have no issue for an 85ft fence. Written statements can be made by them if needed.*

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

*Dig 811 was contacted and no lines were found to be close to area of fence area.*

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

*I was not aware of the zoning restrictions when purchasing the property.*

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

*A request for an 85ft fence is being requested due to parking lot and privacy.*

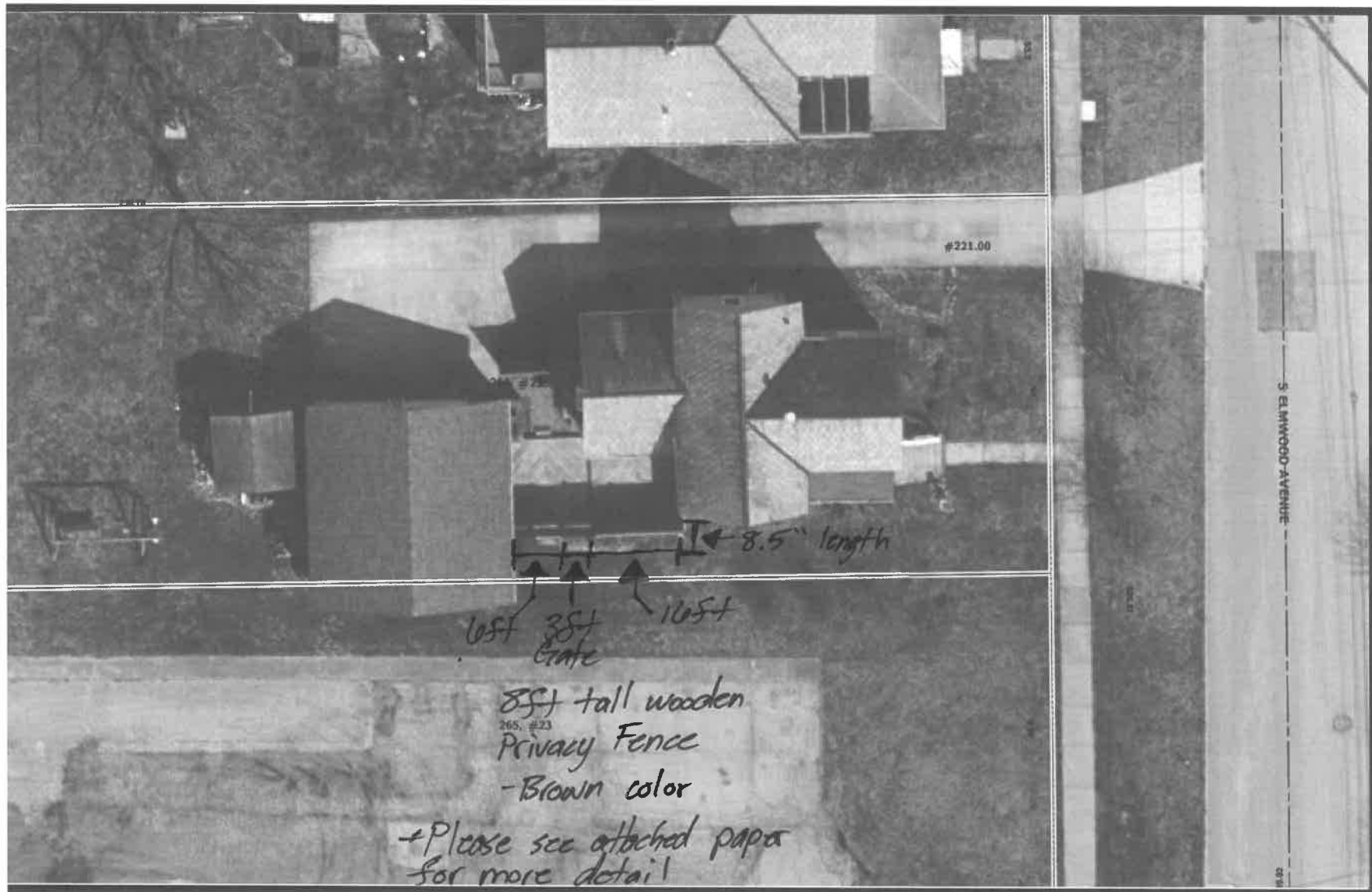
G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

## Hesson Fence Permit Request

Details are as follow:

1. 8ft tall wooden privacy fence
2. A new patio was recently installed that outlines the same area such as the wooden deck that was previously installed
3. Fence would run 25ft from garage to house then 8.5ft connecting to the house
4. 811 dig was contacted, no lines were found to be running in the area where fence would be installed

# Hesson Fence Request





Correct Property Line  
(From S. Elmwood Lot Proposed Plan)

MCL 23 (PT)  
SARA E. GRAHAM &  
DARREN HESSON

Ex. House

MCL 23 (PT)  
SARA E. GRAHAM &  
DARREN HESSON

Ex. Garage

Ex. House

PROP. LIGHT  
POLE (TYP.)

25'

8.5'

FENCE

PROP 6" CONC. CURB

MCL 23 (PT)  
MEDINA CITY  
DEVELOPMENT  
CORPORATION

9.5'  
(TYP.)

19'  
(TYP.)

10'

21

Ex. 4' Conc. Walk



