



BOARDS & COMMISSIONS APPLICATION

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

Application Number 225-33

| | |
|---------------------|---|
| GENERAL | Date of Application <u>11-19-2025</u> |
| | Property Location <u>801 SOUTH COURT ST, MEDINA OHIO</u> |
| | Description of Project <u>INSTULATION OF FENCE IN FRONT YARD</u> |
| | |
| CONTACT INFORMATION | Applicant Name <u>KENT A. SEWARD</u> |
| | Address _____ City _____ State _____ Zip _____ |
| | Phone _____ Email _____ |
| | Property Owner Name <u>KENT AND TERRI SEWARD</u> |
| | Address _____ City _____ State _____ Zip _____ |
| | Phone _____ Email _____ |
| APPLICATION TYPE | Planning Commission <input type="checkbox"/> 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"/> |
| | 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"/> |
| 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. |
| | Signature <u>Kent A Seward</u> Date <u>11-19-2025</u> |
| OFFICIAL USE | Zoning District <u>R-1</u> Fee (See Fee Sheet) \$ <u>200</u> |
| | Meeting Date <u>12/11/25</u> Check Box when Fee Paid <input checked="" type="checkbox"/> |

THIS PAGE PLUS 11 PAGES
ADDITIONAL

Z25-33
South Court Street Fence

Property Owner: Kent and Terri Seward
Applicant: Kent Seward
Location: 801 South Court Street
Zoning: R-1 (Low Density Residential)
Request: Area Variance to Section 1155.01(c)(1) to allow a fence taller than permitted in the front yard

LOCATION AND SURROUNDING USES

The subject site is composed of 0.67 acres located at the southwest corner of South Court Street and West Park Blvd. Adjacent properties are zoned R-3 and contain single-family residences.



BACKGROUND & PROPOSED APPLICATION

The applicant is requesting to install a 4 ft. tall black ornamental fence in the front yard of the property between the home and South Court Street. The fence will be located 45 ft. from the South Court Street right-of-way.

FENCE IN FRONT YARD SETBACK (SECTION 1155.01(c)(1))

Section 1155.01(c)(1) incorporates a table with fence height limits. The table indicates:

- A "Front Yard" maximum fence height of 3 ft.
- A "Front Yard with Side Street Lot Line" maximum fence height of 3 ft., which may be increased to 6 ft. when the fence is located 15 ft. or more from the right of way.

The property is a corner lot with the home oriented towards South Court Street. The area between the home and South Court Street, where the fence is proposed, is considered the "Front Yard". The area between the home and West Park Blvd. is considered the "Front Yard with Side Street Lot Line".

The proposed fence is 4 ft. tall, which exceeds the permitted 3 ft. maximum height in the front yard.

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:

- Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- Whether the variance is substantial;
- 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;
- Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- Whether the property owner purchased the property with knowledge of the zoning restrictions;
- Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
- Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Though not all inclusive of the applicant's responses, the applicant has indicated the following regarding the Standards for Variances and Appeals:

- The variance is not substantial as the request will increase the height of an ornamental fence by 1 ft. and will be setback 45 ft. from the right-of-way.
- The essential character of the neighborhood will not be substantially altered as area property owners have fences taller than 3 ft. in the front yard, which are not ornamental.
- The spirit and intent behind the zoning requirement would be observed as granting of the variance will preserve property values and maintain the appearance of the neighborhood.

Zonning Board
City of Medina Ohio
132 North Elmwood Avenue
Medina, Ohio 44256

RE: Variance request for the installation of Fence. **11 pages total.**

Kent and Terri Seward
801 South Court Street
Medina, Ohio 44256
028-19C-10-172

Dear Zonning Board Members:

I was informed my permit for putting a 4 foot tall ornamental fence in our front yard was denied because there is a height regulation limiting the height to 3 feet tall. I am filing this request to make my case about how important it is. Basically, first and foremost this is a safety issue for both ourselves AND our neighbors. Since I have no experience in matters such as this I will use the "Factors applicable to Area or SIZE - type Variances" list that was given to me by the young lady that works in your office when I visited to get information on why the permit was denied. I will use it by addressing each factor that is listed as it applies to our situation. I will do this as part of this letter so I have adequate space to properly explain. Please see the attached pictures also.

Factor A:

After much consideration we are unable to come with an alternative plan that would not require a variance. The problem is a 3 foot tall wall will NOT stop our dogs from escaping its confines. However we are positive that a 4 foot tall fence would be effective in confining them. This is a real safety issue for several reasons :

My wife, Terri Seward was diagnosed with an untreatable eye disease. She is legally blind, certified by an ophthalmologist. This started 2 years ago when she lost the vision in her left eye completely. A year later she lost the vision in her right eye. Both of these occurrences were instant and totally unexpected. She is left with an extremely narrow field of very poor vision in her right eye which is getting poorer as time passes. The reason that this is a safety issue for us is that she has to navigate fairly steep stairs in order to let the dogs out in our fenced back yard. Our back yard is a walk out basement that is one floor lower than the front yard. There is no other way to access our back yard other than walking outside and down a hill. That is simply out of the question for my wife.

The Second issue is concern for the safety of our neighbors. They will be happy to see our dogs restrained behind the fence. Due to an unfortunate set of circumstances our dog broke free from my wife's grip on its leash causing her to fall and bite the neighbor while she was in our yard. The sidewalk in front of our house is well traveled by walkers, joggers and people walking their dogs. So the fence is to be installed half way between our house and the sidewalk. This provides a 45' buffer zone (*pics 3,4&5*) from the sidewalk to the fence. With the 4' tall fence people would BE SAFE and FEEL SAFE. A 3 foot tall fence would not provide any real amount of safety.

Factor B:

This is really a very minor variance request due to the fact it is only asking to increase the height of an ornamental fence (*pic. 1*) by one foot in our front yard half way between our house and the sidewalk that would insure the safety measures expressed in Factor A above.

Factor C:

The character and value of the my nieghbors properties will NOT be negatively impacted by this requested variance. My immediate neighbor to the north of our property has a 6 foot tall (*pic 6*) wood slat fence 12 feet away from the sidewalk. It is not maintained and does nothing to help the asthetics of the neighborhood. This property is on ths same side of the road as our property.

Two properties to our south, on the same side of the street as our property is a rusty chain link fence that is about 10 feet tall (*pic 7*) around a tennis court in their front yard and a rusty 2"x4" mesh x 4 foot tall (*pic 8*) wire mesh fence across the remaining frontage running along South Court Street.

We purchased our home at 801 South Court Street in 2013. At that time it had not been maintained for quite a number of years. This house and property were run down and a handyman special without any doubt. We have worked hard to improve it and as such we have also improved the asthetics and value of the homes in the South Court Street neighborhood. Thus granting of this varience request will simply continue these improvements while adding the safety factors mentioned above.

Factor D:

Governmental services will not be affected by this fence in any way because all water and gas values and meters are not within the fenced area.

Factor E:

When we purchased this property we had no idea that my wife would loose her sight and these safety measures would be necessary. There were absolutely no hereditary indicators for her conditon requiring this necessity.

Factor F:

There are no other ways that we can think of to produce the needed result.

Factor G:

The spirit of this zoning requirement I believe is to preserve the integrity of the sourounding property values so they are not negatively effected and maintain the apperance of the of the neighborhood in general thus preserving the appeal of the entire city. We believe that the granting of this variance request will in no way violate this spirit but rather continue to add the safety protections needed expressed above.

A 3 foot tall fence will simply **NOT GUARANTEE** our dogs remain restrained within the confines of the fenced area. It will **NOT PROVIDE** the needed **SAFETY** desired by all.

The **proposed 4 foot tall fence WILL PROVIDE the SAFETY needed.**

Please Grant this variance request.

Thank you,
Kent & Terri Seward

General Regulations

The following information is being provided as a courtesy and does **NOT** include all regulations.
For all regulations see the Planning and Zoning Code.

FENCE REGULATIONS

| District | Front Yard (height in feet) | Front Yard with Side Street Lot Line (height in feet) | Side Yard (height in feet) | Rear Yard (height in feet) |
|--|-----------------------------------|--|-------------------------------|-------------------------------|
| R-1, R-2, R-3, and R-4 or M-U with a Residential Use | 3 ⁵ <i>S. Court</i> | 3 ⁴ <i>West Park</i> | 6 ¹ | 6 ¹ |
| C-S, C-1, C-2, and C-3 or M-U with a Nonresidential Use | 3 ² | 3 ⁴ | 10 ³ | 10 ³ |
| I-1 | 6 ^{2,3} | 6 ^{2,3} | 10 ³ | 10 ³ |
| O-C and P-F | 8 ³ | 8 ³ | 8 ³ | 8 ³ |

¹ Fence heights may be increased to eight (8) feet in height if the top two (2) feet are less than fifty percent (50%) opaque and is approved by the Planning Director.

² Any fence set back fifty (50) feet or more from the street right of way may be eight (8) feet in height.

³ Barbed wire not to exceed twelve (12) inches in height may be added to the top of the fence.

⁴ Fences set back fifteen (15) feet or more from the side street lot line may be six (6) feet in height. Fences set back less than fifteen (15) feet from the side street lot line may be up to six (6) feet in height with approval from the Planning Commission if the Commission finds the fence does not obstruct pedestrian or vehicular visibility and is compatible with the surrounding area.

⁵ For lots with double frontage, fence heights may be increased to six (6) feet in the yard located opposite the building's front facade.

Fences Must face Outward – The finished or decorative side of the fence shall face away from the property erecting the fence
Materials – Must be of traditional fencing materials (wrought iron, chain link, pressure-treated lumber, cedar, redwood, PVC, etc.) and constructed of weather-resistant materials or annually treated

Setbacks – Fences must be located on the subject property, however, there are no required setbacks from property lines

Charged Fences/Barbed Wire – Electrically charged fences are prohibited and barbed/razor wire is only permitted in I-1, O-C, and P-F districts.

DRIVEWAY REGULATIONS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCES

Surface – Must be concrete, asphalt, or brick surface, permeable pavements may be utilized if approved by the City Engineer

Width – Maximum width of 20 ft. on the property and 22 ft. at the curb

Parking – Parking is not permitted in the front yard, though a turnaround area not exceeding 200 sq. ft. is permitted

Setbacks – There are no required setbacks from property lines

Curb Cuts – One curb cut is permitted per property, and a second curb cut is permitted for a property wider than 120 ft.

Lot Coverage – Driveways are included in maximum lot coverage requirements (R-1 50%, R-2, R-3 & R-4 60%)

ACCESSORY BUILDING REGULATIONS

| | Residential Uses (And all uses in the M-U Zoning District) | Non-Residential Uses (Not located in the M-U Zoning District) |
|----------|--|--|
| Location | Rear yard (between the principal building and rear property line) | |
| Setbacks | Minimum 5 ft. from side & rear lot lines and 10 ft. from other buildings* | Varies by zoning district and a minimum 10 ft. from other buildings* |
| Height | Maximum 15 ft. | Varies by zoning district |
| Number | Maximum 3 | None |
| Area | Maximum of 744 sq. ft. for all accessory structures <i>or</i> 10% of the rear yard area, maximum 1,032 sq. ft. | Subject to the zoning district's lot coverage requirement |
| Driveway | An approved driveway is required if there are garage doors or access by a vehicle | |

*Unless a closer distance to another building is approved by the Building Official

Map

1" = 200'



LOT/FENCE
LAYOUT
PICTURE 2



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SCALE: .0371" = 1'
x 1/32" = 1'

801 SOUTH COURT ST.

PICTURE 1.

ORNAMENTAL FENCE TO BE
INSTALLED



PICTURE 3
PLACEMENT OF
NEW FENCE

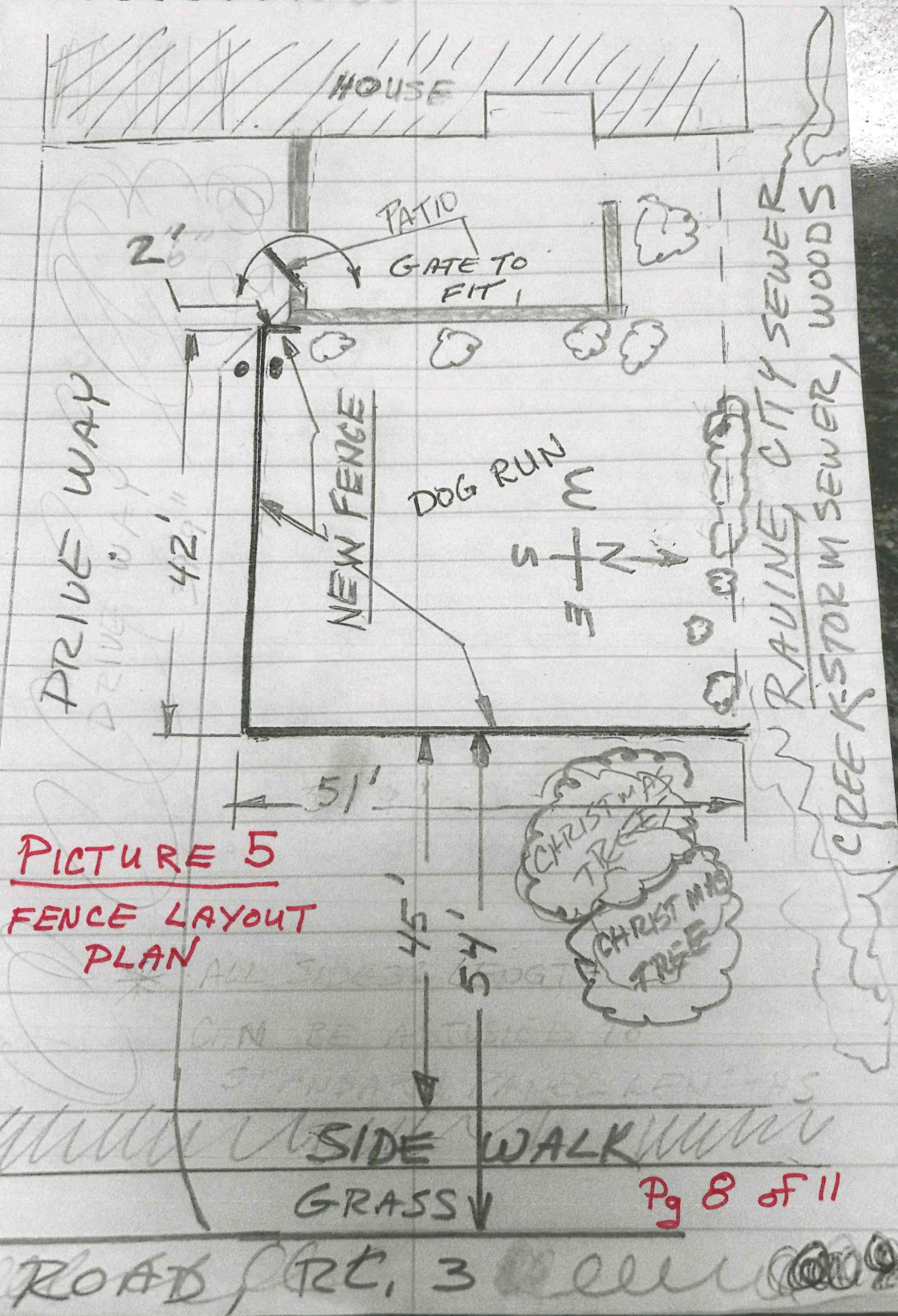
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FEET TO
SIDEWALK

FENCE LOCATION
PICTURE 4

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← 45' TO SIDEWALK →





6' TALL

PICTURE 6

FENCE ON ONE PROPERTY
NORTH OF 801 SOUTH COURT ST.

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PICTURE 8

2"x4"
WIRE MESH
FENCE
40" TO 48"
TALL

By 10/11

10' TALL



PICTURE 7

PICTURE OF FENCE 2 PROPERTIES
SOUTH OF 801 SOUTH COURT STREET.
CHAIN LINK AND CHAIN LINK WITH
PRIVACY/SHADE CLOTH

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