



MAYFIELD  
VILLAGE

MAYOR BRENDA T. BODNAR  
mayfieldvillage.com

**BUILDING DEPARTMENT**  
Daniel T. Russell, Building Commissioner  
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**MEMO**

To: Board of Zoning Appeals Members  
From: Dan Russell, Building Commissioner  
Date: Nov 15, 2023

**Re: 7115 Wilson Mills Rd, 44040 - Front Entry Gate and Piers**

The applicant is requesting to install a 5' 5" (five feet, five inch) high pier and attached to this pier, a 4'-6 ½" (four feet, six and a half inch) gate.

The code allows a 42" (forty-two inch) high decorative fence in the front yard.

The variances requested per Section 1157.08 (b)(1) as follows;

1. 23" height variance to allow a 5' 5" pier.
2. 12.5" height variance for the gate.

If you have any questions, feel free to contact me at 440-471-1043.

DR/dmg

Enclosure:  
Section 1157.08 (b) (1)

**EXHIBIT A**

**1157.08 FENCES; PERMIT; FEE.**

(a) Definitions. The following terms shall have the following meanings for purposes of this Section of the Planning and Zoning Code:

(1) "Fence" means the installation of acceptable material at or along the property line or lines to define or enclose the property or to prevent entry to an area.

(2) "Solid Board" means a wood or vinyl fence where the boards are installed against each other so as to provide a solid wall that does not allow seeing through or the passage of air and includes stockade fences.

(3) "Spaced Board" means a wood or vinyl fence where there is a space left between the boards so as to allow the flow of air and allow visibility. Typically, the space is anywhere from one (1) inch up to the width of the vertical boards.

(4) "Board on Board (or Shadow Box)" means a fence constructed like a Solid Board fence, except that the fence boards are installed alternately from one side of the fence rails (or stringers) to the other. Boards can run either vertically or horizontally.

(5) "Louver" means a fence where the boards are installed on an angle between the rails or posts to direct sunlight or air. Boards may be installed either vertically or horizontally.

(6) "Basket Weave" means a fence where thin basket boards are woven alternately around small wooden members which extend through the height of the weave.

(7) "Split Rail" means a rustic fence where split rails are inserted into slotted posts. Two and three horizontal rails are common.

(8) "Picket" means a fence that is typically a spaced board fence four (4) feet or less in height usually with a blunted point cut at 45-degree angles, or rounded, or with a gothic point.

(9) "Chain link" means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.

(10) "Decorative fence" or "Ornamental Fence" means a fence that is erected primarily for aesthetic purposes which does not obstruct visibility into or out of the lot or property, and is constructed of materials to enhance the appearance of a property or garden such as metal or wrought iron.

(b) Fences Permitted.

(1) In Front Yards. In front yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: decorative fences and split rail. Such fences shall be placed adjacent to the front entrance of the dwelling, at a point not closer than twelve (12) inches from the front property line and not over forty-two (42) inches in height.

(2) In Side and Rear Yards. In side yards and rear yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: split rail, chain link, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences.

(i) Chain link fences shall not be permitted over four (4) feet in height and shall have uniformly spaced openings.



## Board of Zoning Appeals Application

Application Date:

Meeting Date:

12/19/23

B.O.A. Application Fee: \$50 + 3% State Fee

Pursuant to the Village of Mayfield Charter and Zoning Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning Appeals for the following purposes:

- (Please Check Request)     AREA VARIANCE                       NON-CONFORMING USE
- USE VARIANCE                       OTHER APPEAL

Owner

Representative at Hearing (if different than Owner)

Name: **Jason and Lindsey Baker**

Address: [REDACTED]

Phone: [REDACTED]      Fax: \_\_\_\_\_

E-mail: [REDACTED]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_      Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Nature of Request (e.g., side yard setback variance)	Code Section	Description
1. <b>Front entry gate</b>	<b>1157.08 Fences</b>	<b>Install a gate that is 4'-6 1/2" ht only at the entrance of the driveway. Code indicates 42" ht.</b>
2.		
3.		

**NOTE:** A narrative is required with the application when applying for "use" variance, demonstrating PRACTICAL DIFFICULTY per Section 1105.02.

APPLICANT'S  
SIGNATURE:   
DATE: **Nov. 13, 2023**

PROPERTY OWNER'S  
SIGNATURE:   
DATE: **Nov. 13, 2023**

Use Variance Application Supplemental Information

Application for property located at:

7115 Wilson Mills Road, Mayfield Village, 44040

"Use" Variances from the terms of the Code shall not be granted by the Board of Zoning Appeals unless the "evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty."

In determining "practical difficulty", the Board of Zoning Appeals will consider the following factors:

1. Do special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district?

The home will be roughly 15 feet higher than the elevation at the driveway entrance at Wilson Mills Drive. Security concerns related to visibility and control of unwanted visitors from busy street.

2. Will the property in question yield a reasonable return or can there be any economical beneficial use of the property without the variance? Not sure.

3. Is the variance substantial and is it the minimum necessary to make possible the economically reasonable use of the land or structures? yes.

4. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance? no.

5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup?

No. The gate will typically be open during business hours.

6. Can the property owner's predicament feasibly be obviated through some method other than a variance?

no.

7. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance?

yes

8. Will the granting of the variance requested confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district:

no.

9. Would a literal interpretation of the provision of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code?

yes. there are currently other homes with fences along Wilson Mills Road.

10. The Applicant may submit evidence and the Board may also consider whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.

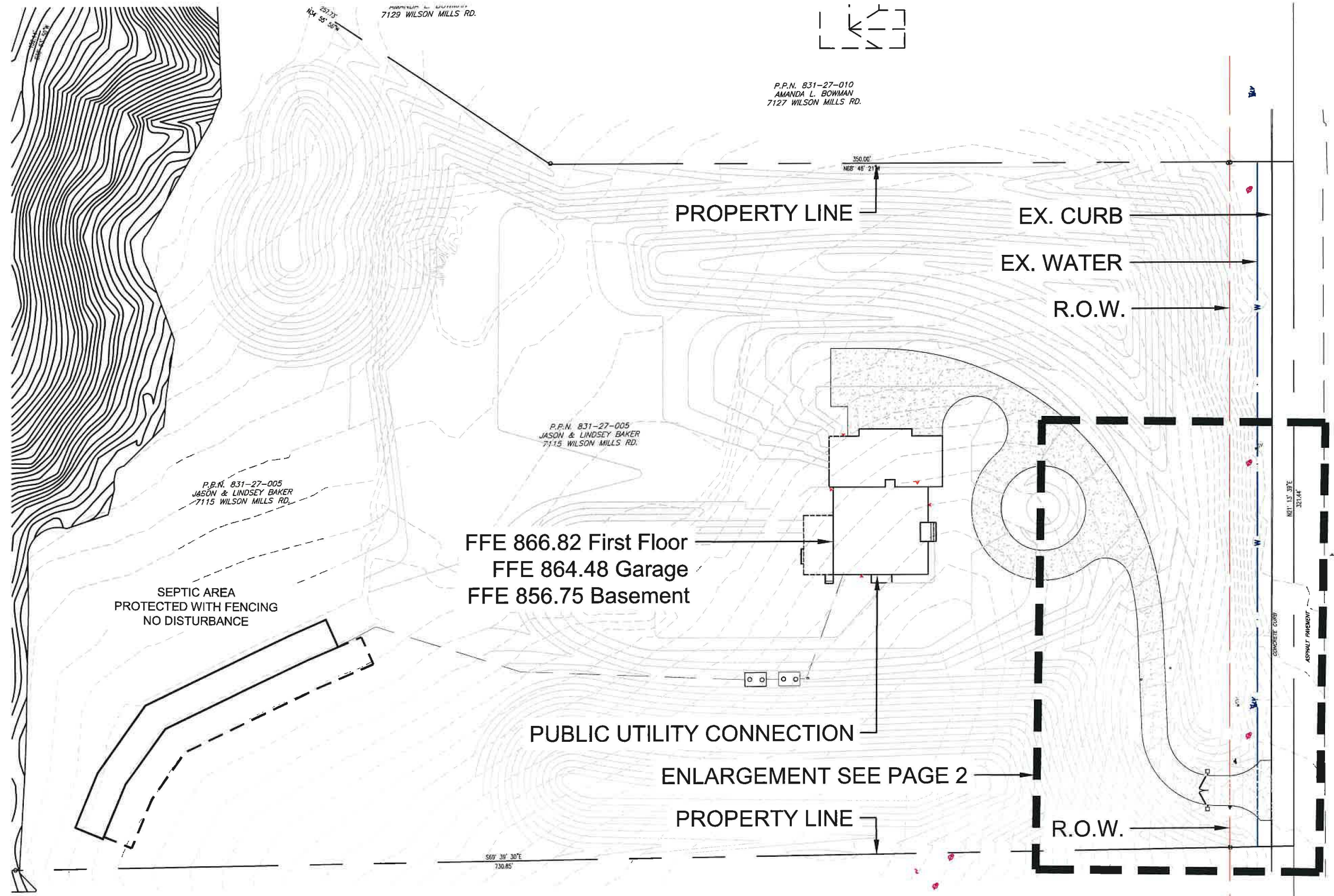
please see attached plan and details for proposed gate.

SIGNATURE



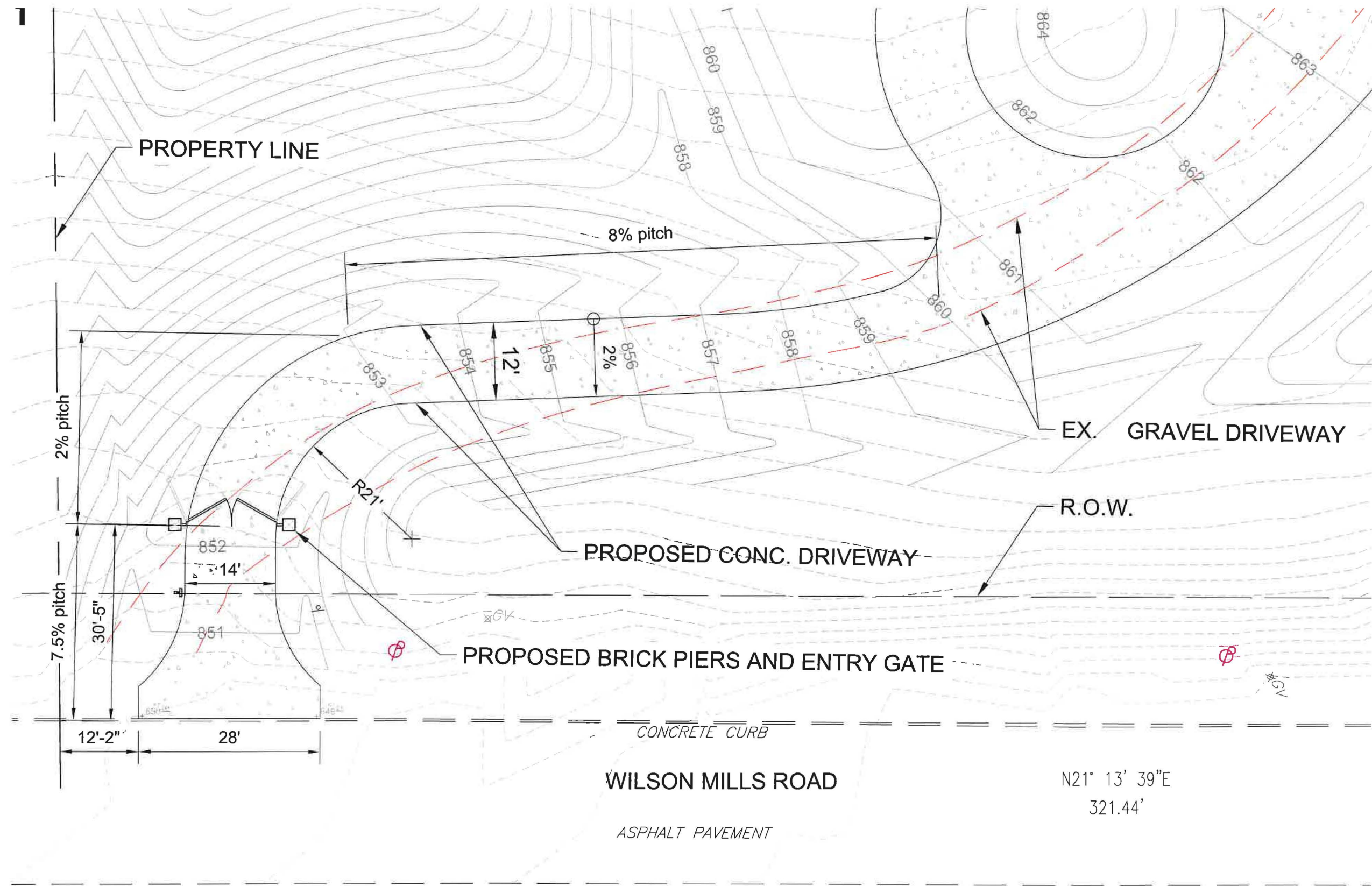
DATE

Nov. 13, 2023



Not for construction. Drawing for coordination & review only.

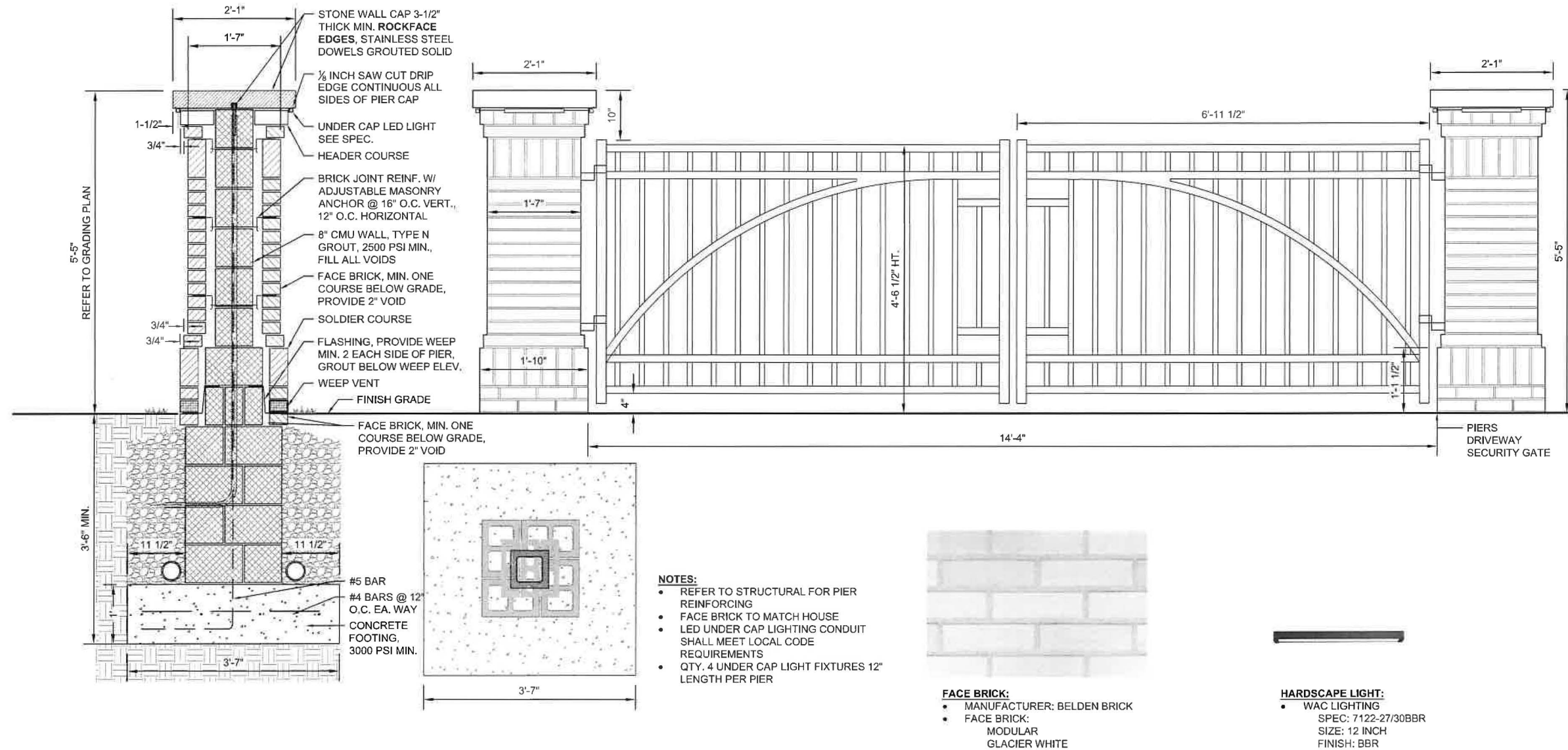




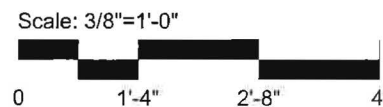
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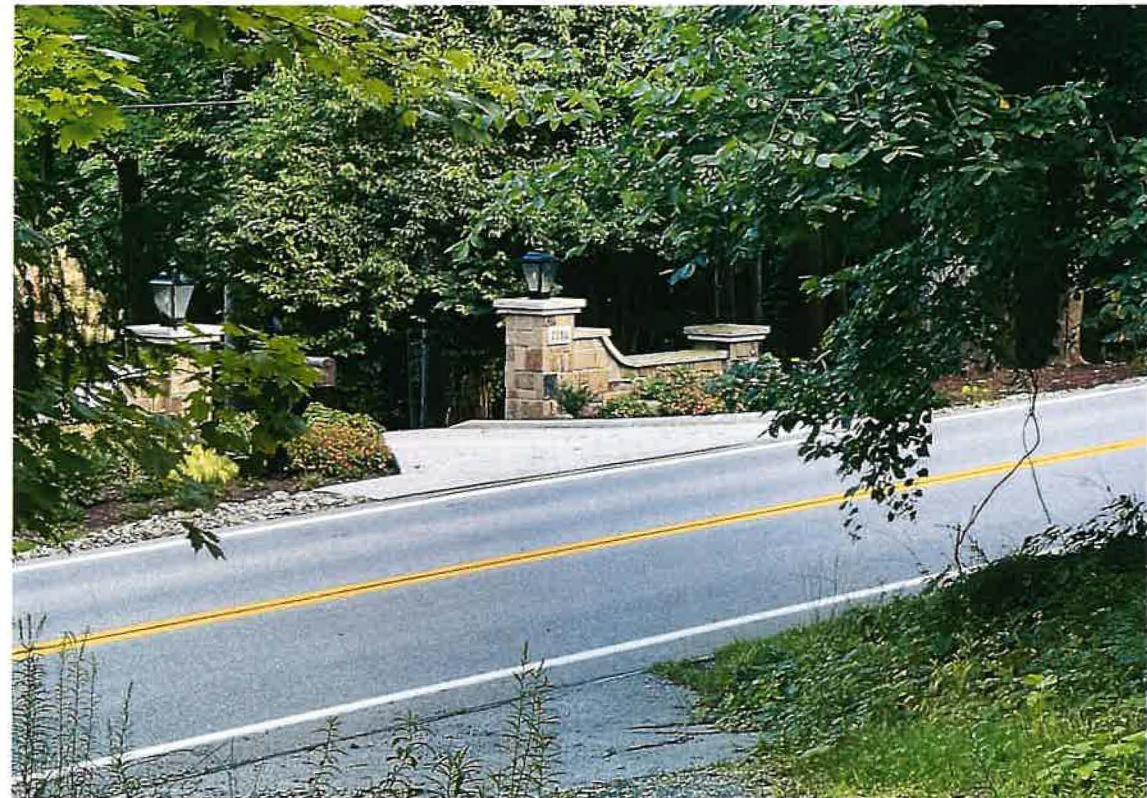
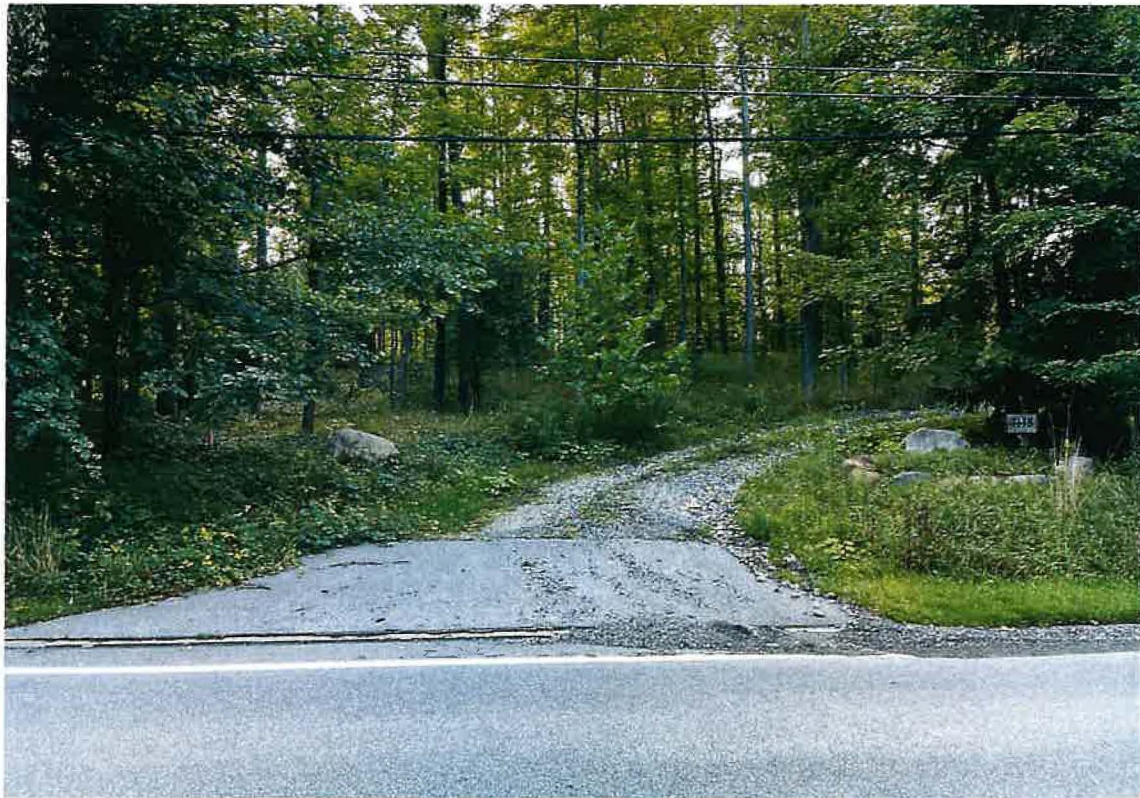
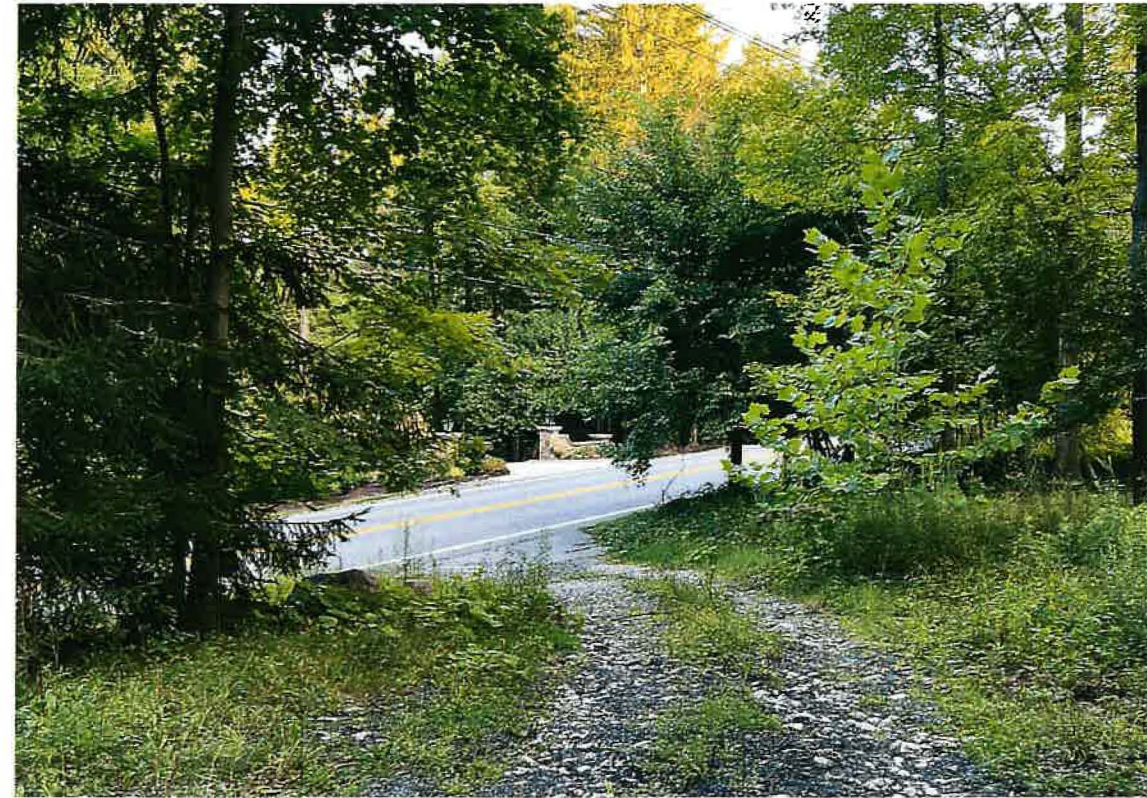
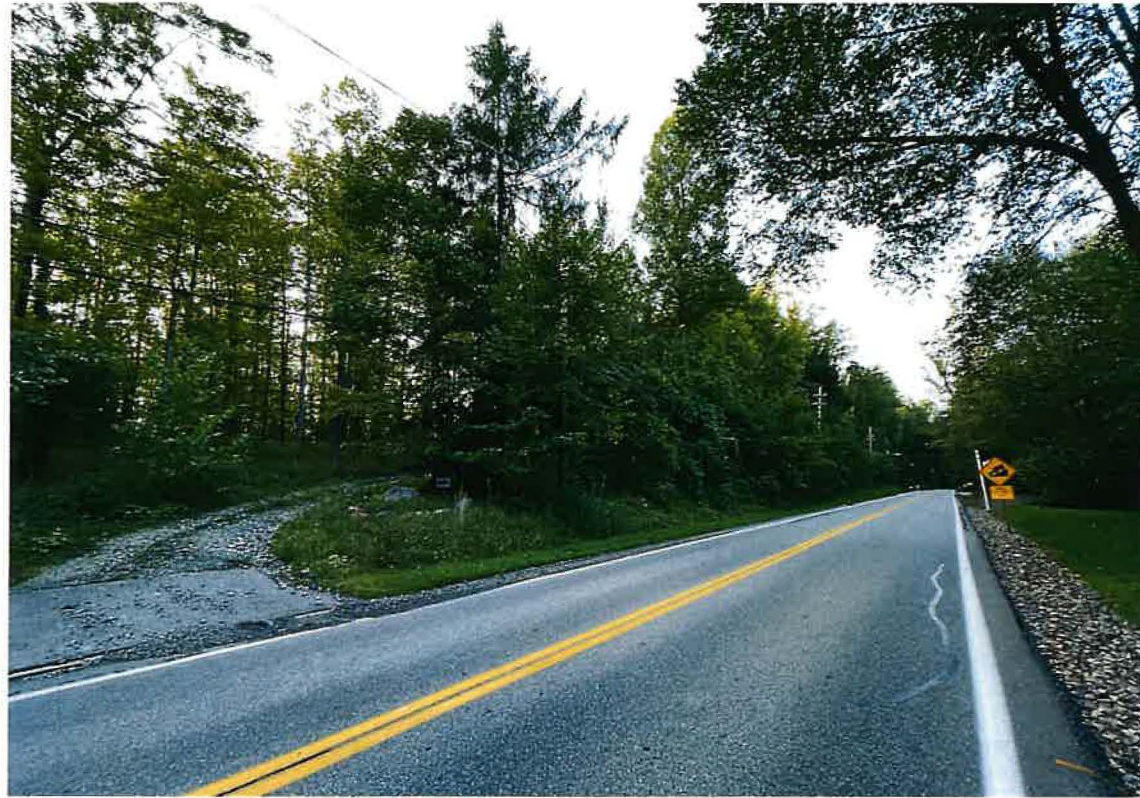
Scale: 1"=20'-0"





Not for construction. Drawing for coordination & review only.





Location of proposed gate & masonry piers at the entrance

Neighbor's stone pier across the street

Not for construction. Drawing for coordination & review only.