

**CITY OF TALLMADGE  
BOARD OF ZONING APPEALS**

MINUTES OF MEETING HELD January 8, 2019 7:00 p.m. Council Chambers  
DATE TIME PLACE

MEMBERS PRESENT: Richean Kuzior, Melanie Bushey, Richard Schunk, Chuck Victor

MEMBERS ABSENT: Tim Gregg

CHAIRMAN: Richean Kuzior

SECRETARY: Kelli Funk

REGULAR MEETING

SPECIAL MEETING

**ADMINISTRATION PRESENT:**

Dave Kline, Mayor

Helene Hussing, Planning and Zoning Manager

**ITEMS TO BE DISCUSSED**

**Item #1      Case No. 1016 ..... 7:01 PM**

Gregory Peters, applicant/owner  
**853 Olde Orchard Dr**

- Variance requested from Subsection 1154.08(a) Minimum rear yard setback 25 feet.
- **Request variance to allow 12 feet.**
- For review and determination

The January 8, 2019 meeting of the Board of Zoning Appeals was called to order at 7:00 p.m. by Chairwoman, Richean Kuzior.

The meeting was opened with the Pledge of Allegiance.

Roll called. All members were present with the exception of Tim Gregg.

Mrs. Kuzior: **I'll move to excuse Mr. Gregg.**

Mrs. Bushey: **Second.**

Roll Called. All members present voted in favor. (4-0)

Mrs. Kuzior: The next item of business is the approval of the minutes of November 15, 2018.

Mr. Schunk: **So moved.**

Mrs. Bushey: **Second.**

Roll called. All members present voted in favor. (4-0)

Mrs. Kuzior: Do we have any additional agenda items?

Mrs. Hussing: There are none.

Mrs. Kuzior: Any correspondence or communication?

Mrs. Hussing: There is one item, an email. It should be before you from, it says Gene Riggin, but it's from Paula Henry, 821 Olde Orchard Dr. It's highlighted yellow.

Mrs. Kuzior: Yes. This is from Gene Riggin and the subject is Gregory Peters zoning request. He says he's in favor of the setback request. Paula Henry, 821 Olde Orchard Dr. That's his daughter. Ok. It's now 7:02. Is the applicant present? Can you step to the podium please?

<b>Item #1</b>	<b>Case No. 1016</b> ..... <b>7:01 PM</b>
	Gregory Peters, applicant/owner <b>853 Olde Orchard Dr</b>
	<ul style="list-style-type: none"> <li>• Variance requested from Subsection 1154.08(a) Minimum rear yard setback 25 feet.</li> <li>• <b>Request variance to allow 12 feet.</b></li> <li>• For review and determination</li> </ul>

Mr. Peters is sworn in.

Mrs. Kuzior: Can you tell us why you're seeking this variance?

Mr. Peters: I'm asking the Board to consider a variance of a setback for an addition to an existing building per the plans that were submitted. The plans represent an addition "sunroom" to the existing building that we would like to construct that is adjacent to the neighbors and setback requirements that are required by the City of Tallmadge. I believe the side setbacks meet the qualification of the City of Tallmadge Zoning Code. The building addition would be of the same general construction to match the existing building rather than to add some kind of other foreign type of construction. The plans were drawn up by an architect that I worked with and we recently acquired some property, which this setback is adjacent to, that is owned by myself and Sheri and we'd like the Board to consider, I think it's a 12-foot, variance to... the zoning code is a 25-foot minimum setback. The property that's identified as 6005553 is approximately 2 acres. It's landlocked. I don't foresee how it could be used by any other person. It's kind of a straight forward request to the Board for a setback to the property that's affected.

Mrs. Kuzior: Mr. Peters, is that addition going directly where the deck already is? You're taking the deck out?

Mr. Peters: Yes, deck's going to go. The desire is that the deck would be replaced with this addition. To be frank about it, it's because we have dogs. We thought we'd be able to incorporate the, not only recently installed pool, but the house, pool and the extra space we need. It's kind of a straight forward request. If I can share any more information, please feel free.

Mrs. Bushey: The purpose of this room that you're going to use it for?

Mr. Peters: It's like a sunroom. Adjacent to the existing building is the kitchen and to enter the house through the kitchen is presenting kind of a problem so it would be kind of like a breezeway, but of the same construction as the building. Just additional space that will allow the kitchen and other parts of the house to be utilized more efficiently.

Mayor Kline: Just a point of clarification, the property behind your house is owned by you also, correct?

Mr. Peters: Yes, sir.

Mayor Kline: And when they came into us in the zoning department to see, since he owns both parcels, what does he really have to do there? Can he just tie the two parcels together to make one parcel? You can't do that because the plat for the Olde Orchard subdivision would have to be replatted and everyone would have to sign to add that parcel to Olde Orchard.

So, otherwise, you can't really Z the two properties together so that's why this was the only route that was to come, is the variance, because he still owns both properties.

Mr. Peters: I also own the property identified by the county as 6007739, which is also...

Mrs. Kuzior: Landlocked?

Mr. Peters: Well, not necessarily landlocked. It's accessible by Ellen Drive. That setback is also affected but there's plenty of space. That depiction there, with the round pool, that was before, the permanent inground is now there in place.

Mayor Kline: Yea, these pictures are off.

Mrs. Bushey: Just for curiosity's sake, are you planning to do anything with the other pieces of land that you have?

Mr. Peters: I would like to partially extend the backyard maybe 20 feet, 30... just so that there will be a little additional space so that it could be utilized. Other than that, I have no immediate plans for either of those pieces of property at this point.

Mrs. Kuzior: Ok. Do we have anybody in the audience who would like to speak on this? We have people that have signed in. Mark Hussing?

Mr. Hussing was sworn in.

Mrs. Kuzior: Ok.

Mr. Hussing: I'm a direct neighbor, my wife and I, are direct neighbors to Greg and Sheri. We live... this is Greg and Sheri and this is where I live and my wife and I are both in support of what Greg and his wife plan to do. So that's just what I wanted to come up and say.

Mrs. Kuzior: Ok. Thank you.

Mr. Hussing: Sure.

Mrs. Kuzior: Tom Kot?

Mr. Kot was sworn in.

Mr. Kot: Mine is the really nice house just to the other side of Greg's. So, I wasn't sure what the variance was. Greg and I kind of pass in the night. We rarely see each other because we're both busy people, so I wasn't sure what was going on. Obviously, I have no complaint about setbacks, because he doesn't need a variance for setbacks for my side and I did not know you bought the property behind us. I tried to buy that property years ago. So, I think it's a great idea for him to do that. My only concern, and Greg would probably admit this, we're pretty wet in the back there. I just want to make sure that the drainage from the addition is hooked in to wherever it has to be hooked into to prevent it from... there's just a little slight way that the water goes towards the back of my property because of the retention area, which is right there. A lot of this water that goes through here, just slightly... behind the property he owns there at 600553, the water drains to the left over to this retention area that I'm being pointed to. My only concern is building more onto his house, where there's not going to be drainage into the area, would affect that. I'm confident that Greg won't have any problems doing the drainage part, so I'm supporting his decision.

Mrs. Kuzior: That will be inspected by the City too.

Mr. Peters: To reiterate what Tom said, it is a common problem. Water is going to eventually find its way to its common ground. As of this date, I don't have the data but I have ordered a topographical survey of that piece and make every effort to make sure that this natural occurrence is diverted as best it can be done. The company I've contracted with on the 5<sup>th</sup> of

December is called Pearson Surveying and, I just don't have the data in front of me, they were six weeks out. They're on schedule to have a topographical survey with some information that will help alleviate this problem. It's not a problem that Tom has, I have it too. I just want to make it clear that it's a common issue that I don't want and neither does anyone else.

Mrs. Kuzior: Ok. Thanks. Lisa Gibson?

Mrs. Gibson was sworn in.

Mrs. Gibson: Our property is the one that runs directly behind the two pieces of property that Mr. Peters has purchased.

Mrs. Kuzior: Ok.

Mrs. Gibson: I just wanted to show support. My husband and I both support what Greg is looking to do. Back there, we have absolutely no concerns. Drainage and everything, we're very confident in what he's looking to do.

Mrs. Kuzior: Great. Thank you. Does anyone on the Board have any questions for Mr. Peters?

Mr. Victor: No. Comment though. Mr. Peters, I agree that this seems like a no brainer as far as the variance you're requesting. I hope that your drainage is addressed, but that's not really what we're here to discuss. We're here for the variance and it does make absolute sense, especially since you own the parcel behind and I'm going to speak in favor of that.

Mrs. Kuzior: Any other questions? Comments?

Mr. Schunk: Perhaps this questions a stretch, but you're not going to be running afoul for the Corps of Engineers Wetlands designated areas, are you?

Mr. Peters: Excuse me sir? What was that again?

Mr. Schunk: Sometimes people run afoul of areas that are designated as wetlands by Corps of Engineers...

Mr. Peters: No, no.

Mr. Schunk: Now, I don't know how large a parcel that has to be, but I trust this company that you're bringing in will verify that.

Mr. Peters: Yes.

Mrs. Bushey: Mr. Peters, I see your hardship is really the plot of land that you have that you want to build this addition to. Also, the swimming pool that you have, it's not like you can just pick it up and move it over a little bit. So, I do see your hardship with the way the cul-de-sacs are. We've run into this a lot of times and just the way your lot is, that's a hardship for you and I see that you should get your variance.

Mayor Kline: If I may ask, this picture here that's on your packet says future deck. That would be an elevated deck, I'm assuming, not on grade?

Mr. Peters: Actually, when Greg Chaplin drew these, he added that and actually we discussed it and I believe it should be a small patio.

Mayor Kline: It would require a variance and if we're here tonight considering, this is actually the structure of the home, that 12 foot, and if you carry that line over, should this include the deck also? If it's not done tonight, you'll have to come back if it's elevated.

Mr. Peters: We discussed that and I believe it should be...

Mayor Kline: Slab on grade?

Mr. Peters: Slab on grade.

Mayor Kline: And that would not require a variance. Just...I saw that earlier.

Mrs. Kuzior: Oh, yea. Ok, I'm going to close the Public Hearing. I'll entertain a motion.

Mr. Victor: **I move to approve the variance request for applicant Gregory Peters for the property located at 853 Olde Orchard Dr, Tallmadge OH for the variance requested from Subsection 1154.08 25-foot rear yard setback seeking 12 foot based upon the plans submitted and dated December 13, 2018 and the evidence presented that:**

1. **The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Code.**
2. **There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood;**
3. **The granting of such a variance will not be or substantial detriment to the public interest or to property or improvements in such district in which the variance is sought and will not materially impair the purpose of this Zoning Code.**

Mrs. Kuzior: **I'll Second.**

Roll Called. All members present voted in favor. (4-0)

Mrs. Kuzior: Your variance has passed.

Mrs. Bushey: **I move for adjournment.**


Mrs. Kuzior: **Second.**

All members present in favor. (4-0)

Meeting adjourned at 7:19 pm.

Respectfully submitted,

  
Kelli Funk, Secretary

  
Richean Kuzior, Chairwoman