

**CITY OF TALLMADGE
BOARD OF ZONING APPEALS**

MINUTES OF MEETING HELD January 14, 2020 7:00 p.m. Council Chambers
Date Time Place

MEMBERS PRESENT: Richard Schunk, Melanie Bushey, Tim Gregg, Chuck Victor

MEMBERS ABSENT: Richean Kuzior

CHAired BY: Richard Schunk

SECRETARY: Kelli Funk

REGULAR MEETING

SPECIAL MEETING

PRESENT: Dave Kline, Mayor
Helene Hussing, Planning and Zoning Manager

ITEMS TO BE DISCUSSED

Item #1	Case No. 1034 Jen & Wade Hoffman, applicant/owner 953 E Howe Rd <ul style="list-style-type: none">• Variance requested from Subsection 1155.03 (c) Accumulative area for all accessory buildings shall not exceed 900 sq. ft.• Request variance of 564 sq ft to allow 1,464 in accessory structure.• For review and determination	7:01 PM
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The January 14, 2020 meeting of the Board of Zoning Appeals was called to order at 7:00 p.m. by Acting Chairman, Richard Schunk.

The meeting was opened with the Pledge of Allegiance.

Roll called. All members were present with the exception of Mrs. Kuzior.

Mr. Schunk: **She [Mrs. Kuzior] is absent and I move to approve to excuse her.**

Mrs. Bushey: **Second.**

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

Mr. Schunk: We have the minutes of the meeting of November 12. **Do I have a motion to approve the minutes?**

Mr. Victor: **So moved.**

Mrs. Bushey: **Second.** I have a correction. On page 14, Mr. Bushey does not belong on this Board. It says Mr. Bushey so I assume Mr. Gregg was the one who called the motion. Also, I think the footage was 1,280 sq ft, that wasn't on there also. I didn't know if that was important for public record or not.

Mr. Schunk: Do I have a motion to accept the correction of the minutes of the November 12 meeting?

Mr. Gregg: **I make a motion.**

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

Mr. Schunk: We're not going to elect officers tonight because we don't have a full quorum. Are there any agenda additions?

Mayor Kline: We have none.

Mr. Schunk: None? And we have 1 item of correspondence, is that correct?

Mrs. Hussing: I have another one. We received a phone call today from Mr. Joseph Miller, he resides at 889 E Howe Rd. He was calling in regard to the case you have before you today and wanted to extend that he has no objections to the variance.

Mr. Schunk: Ok, we'll add those 2 to the correspondence and communications.

Case No. 1034

Jen & Wade Hoffman, applicant/owner

953 E Howe Rd

- Variance requested from Subsection 1155.03 (c) Accumulative area for all accessory buildings shall not exceed 900 sq. ft.
- **Request variance of 564 sq ft to allow 1,464 in accessory structure.**
- For review and determination

Wade Hoffman was sworn.

Mr. Hoffman: So, we want to put an outbuilding set back a little bit off the house. We're going to store some light equipment in there. A mower... we have 5.61 acres so I need to store a large mower, not an industrial one but it will be a decent size. We have a UTV, a 6-wheel with a drop head for my wife for gardening, as well as a 4-wheeler for plowing snow. It's utility. I also will be putting my tools out there and a work bench for me and my sons. Part of the square footage... 264 feet is overhang on one side and on the other we plan on storing firewood there. The other thing to note is that this will be done with the same siding, roofing, and stone that the main house will be done with as well as windows. It will match identically.

Mr. Schunk: Anyone in the audience wish to comment on this structure? No? How far is this structure from what is going to be your main house?

Mr. Hoffman: I believe it's about 75 feet from the northwest corner.

Mayor Kline: 67.95.

Mr. Hoffman: It's 67 feet off.

Mr. Gregg: Is it about where the existing building is?

Mr. Hoffman: No, that is all the way in the back of our property. If you're looking at that, our property goes in a diagonal from Costco's point there. This structure is right here and we will be putting in a permit for demolition on that later in the spring but this structure is going to be going right here-ish. We had to set it off the trees. There is a gas line that we had to stay away from, so we're staying away from the sewer on one side and the gas line on the other.

Mr. Schunk: I was out there this morning and I think this is the first time that I've ever gone out to a site that I could not get to. My car would have gotten stuck and I didn't have any boots or anything with me to try to get up there.

Mr. Hoffman: I went out right after we spoke and there was an issue with the people who delivered the truss, put it in the middle of the street. Both of us have contacted our representatives on that as well and we're doing what we can to keep that drier. We're putting more brick out there and hay and Phil had one of his representatives out there shoveling the mud off the street and we will continue to do that as that happens.

Mr. Schunk: Do you anticipate that, say in a month, by the time of the next meeting that that site would be accessible to ordinary people?

Mr. Hoffman: We think the freeze is coming next week and everything will be accessible, it will just be colder. We didn't really expect all this rain and with the trusses being on the only accessible part of the construction drive, it... I can get back there in my truck and it's not a fun time. We park at the park over there on Howe Road and we walk across and we walk through it every day. It is a muddy beast.

Mayor Kline: May I ask a question? This lot currently, as it stands today, is 5.62 acres of land. Do I understand that you're looking at acquiring other land to square it off?

Mr. Hoffman: Yes, sir.

Mayor Kline: Then it will grow greater than 5 acres of land.

Mr. Hoffman: Yes, sir. I have legal documents, they're not finished or signed, but we have an agreement and principal on first rights for refusal with a set price on acreage, at least squaring this off from here to here and then potentially going more towards 261. It really depends on finances, if we're being honest.

Mayor Kline: So, then you're going to acquire all of the additional property of Mindale Farms.

Mr. Hoffman: Not all of it.

Mayor Kline: Additional property.

Mr. Hoffman: So, the goal... my wife and I currently live in a subdivision. She grew up on a farm in Brimfield, I grew up in Missouri. We have 3 little kids and we're trying to carve out a nice homestead with plenty of land for the kids to roam. That's the idea.

Mayor Kline: And another question I have, the Summit County DOES easement, for their 42" sanitary sewer travels across your property?

Mr. Hoffman: Yes, sir.

Mayor Kline: And the gas line?

Mr. Hoffman: I think there's 2.

Mayor Kline: So, here's the sanitary sewer easement and then the gas line easement.

Mr. Hoffman: There's also one right through here, in the front.

Mayor Kline: Yes, that's in the right-of-way though. You can see on the property; this is a gas line easement travelling and this is Summit County sanitary sewer travelling and that eventually ends up over to Fishcreek. That goes across Northeast Ave, across Mindale Farms, so that's why I think he's proposing that far away, because he cannot build on the easement. You have permission from DOES, Summit County, to cross that with a roadway or access way?

Mr. Hoffman: We don't currently plan on putting in a drive there. Those are not going to be road vehicles.

Mayor Kline: And the shed that's in the back here, you're demoing it... it doesn't show on this plan.

Mr. Hoffman: It's actually further back. The roofs falling in... honestly, I'm worried my kids are going to corner an animal back there when they're playing around, so that's going to come down.

Mayor Kline: So it's just that building there?

Mr. Hoffman: Yes, sir.

Mrs. Bushey: I was out there today and I couldn't go anywhere because, like you said, your trusses were being delivered in the road. When I look at the plans of your house, just for public record, your garage is going to be attached to your house, correct?

Mr. Hoffman: Yes.

Mrs. Bushey: Also, how far setback is your foundation. When I see from the street... how far does it setback?

Mr. Hoffman: I think it's 223.

Mrs. Bushey: Ok, so it's that far back. My other question to you is, if we grant this variance for you, as of right now, will this be enough storage or accessory structures that you will need at this time? Or do you think, since you're going to be adding more land to your life, that you may need other structures?

Mr. Hoffman: I'm not a big machinery guy. We don't do any motor sports or... no. The answer is no. I'm more of a tech guy. We put this with what we believe will be us living there forever, having enough space. Buying the land would be most preventative from it getting sold to somebody else and then putting whatever housing they want back there. I kind of want to close it off. That's the goal. I will not be developing it or... I do think that's enough. I'm not a car guy either...

Mrs. Bushey: You're not going to run a business out of this structure either, correct?

Mr. Hoffman: No, ma'am. I've got enough work. I've got 3 little kids... there will be no business.

Mr. Schunk: How much frontage will you actually be having on Howe Rd.

Mayor Kline: 319.44.

Mr. Hoffman: The sewer cuts it at 130 I think and then...

Mayor Kline: And all the easements...

Mr. Hoffman: Yea... it's got a lot of stuff in there that's going on. I thought it was just an open field.

Mr. Schunk: Anyone else on the Board have a comment?

Mr. Victor: I drove by there today and at first glance of the plans I thought, that is a substantial building and we'd have to look closely but driving by there, seeing the acreage... I don't foresee a problem, personally, with that. I think it's good. Just curious, have you checked with the county about going over their sewer easement? You said you're not going to put a driveway but, I would hate for you to start this and then the County says, "Wait a minute, you can't do that".

Mr. Hoffman: We had a professional engineer that did that. He handled all that with OUPS and the sanitary people. I don't have it in writing but they said that we could put a drive or gravel other there. Worst case, they have to cut up the sections but, the way they explained, if they work on sewers now, they don't actually dig down. I don't have anything in writing though.

Mr. Victor: Again, it wouldn't reflect us. I was just cautioning you to make sure that that was cleared.

Mr. Hoffman: Thank you.

Mr. Schunk: Anyone else?

Mrs. Bushey: Do you have a date of completion?

Mr. Hoffman: That's a very sensitive topic. On our contract, it states no later than September 18th... are you talking about the barn or the house?

Mrs. Bushey: The house and the barn.

Mr. Hoffman: Yesterday would be what I would like but it's going to September 18th would be the final, worst case scenario, but we believe we will be in there sometime in July. We're really excited. We've joined the Rec, we're getting kind of built in so...

Mr. Schunk: Well, I would have no objection 1 way or the other to the plan, the only thing that... I always go out and visit the site and want to see what's going in and where it is and I would be reluctant to vote on this, personally, tonight without being able to view the site. Do you think maybe in a month it would be accessible? I'd be happy to vote on it then. So, I will not be voting on this tonight. So we have 3 people and one of the rules we have is, if we have less than the 5-person quorum, you have the option of continuing your hearing until the following month so that you can have all 5 people available to vote on it. If you want to have a vote... you need 3 people to pass it tonight and that would be the end of it. Personally, I will not be voting on this until I can see the site.

Mr. Hoffman: If there's not 3 tonight, then it doesn't just get to go again, right?

Mr. Schunk: It will carry over until the following meeting.

Mayor Kline: No, it would be declined. It has to have a majority or a majority against...

Mr. Schunk: You can ask that the case be continued without a vote of the 3 people.

Mr. Victor: I have a question for you, Mr. Hoffman. Would the delay of a month, would that adversely affect the construction in anyway?

Phil Smith was sworn in.

Mr. Smith: I mean, as far as that, we're hoping it's going to freeze next week. We built in the side hill, obviously, and we've got a driveway that goes up to the top of that hill and then we filled in for a walk on the left-hand side of that lot. So, that makes it even worse because there's a lot of fill going down the side there. As far as that, I don't think it will hamper what we've got going there but... I think between now and then, I would hope that it would be frozen. So, you would actually like to go over and see the site where the pole building is going, correct?

Mr. Schunk: Yes.

Mr. Smith: Ok, so you will have to truck across the field there. I think it should be no problem. Even today, it's grass all the way... once you get into the lot and go to the left, you can walk straight back there. It's staked out so... once you get in, the whole left side of it... except where we ran our sewer in... we actually tied a sewer in, but you can see that basically we are going to do a trench. Ohio Edison is actually... we're going to go up the pole with the power and put a transformer back by the house but once you get into the lot, if you walk to the left, it's way flatter than up where the house is.

Mr. Gregg: The house is on the top of the hill then the lot goes down...

Mr. Smith: Yea, what happens is, there is a big giant hill on the right, you got neighbors fence, property line... so we put the drive on the high side of the lot, the low side has a walk out, so we tried to make it work as best as possible. Once you get in there, if there's not everybody and their brother in there, and we can make it accessible as well by putting... we want to go ahead and top it off, the problem is, as soon as it turns 70 and rains, no matter what we put in there... if you would have looked at this site last Thursday after we got done grading it, put all new 1s and 2s up there, it looked fantastic then Friday and Saturday, it's just been trucks coming in delivering lumber, it's the nature of the beast.

Mr. Schunk: So, the accessory building that you're planning on building, is it a freestanding pole building? It's not attached...

Mr. Smith: No sir, it's poured wall. It's 4-foot poured wall built on... it's not a pole building. This is actually a foundation, footer etc...

Mayor Kline: If I may put it in perspective where that's at, you see this gas line easement going through here? Let me go back out to the view from the street... There's that gas line. So, the gas line is going up through... so he's building... Here's the gas line so he's building it right back in this corner. That's what you're going to see if you could even get in in 30 days. If Mother Nature's like this, it's going to be... This is probably one of the best views you're going to get. It's going to be right back in this corner.

Mrs. Bushey: Personally, I don't see a detriment to the public on this. I have walked a lot Mindale Farm property in my career. I don't see a problem. I think your property is large enough, so I will be voting in favor because like I say, I've walked a lot of property.

Mr. Gregg: Yea, the lot and that building I think would be a good fit on the building.

Mr. Victor: With all due respect Mr. Schunk, I think that it might adversely affect... and as the Mayor pointed out, delaying you may or may not get back in there in a month so... unless he requested a delay I would [inaudible].

Mr. Schunk: Do you wish then to go forward with the votes of the panel as it consist now?

Mr. Hoffman: I would like to have a vote if possible.

Mr. Schunk: Very well. Somebody want to make a motion?

Mrs. Bushey: **I move to approve the variance request for applicants Jen and Wade Hoffman for the property located at 953 E Howe Rd, Tallmadge OH, for the variance requested from Subsection 1155.03 (c) Accumulative accessory structures shall not exceed 900 sq ft; requesting variance of 564 sq ft allowing 1,464 sq ft on the plans and applications submitted and dated December 13, 2019 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 of 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.**

Mr. Victor: **Second.**

3 members voted in favor. Mr. Schunk abstained.

Mr. Hoffman: Thank you guys.

Mrs. Bushey: **I move to adjourn.**

Mr. Victor: **Second.**

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

Meeting adjourned at 7:27pm.

Respectfully submitted,



Kelli Funk, Secretary



Richean Kuzior, Chairwoman