

**CITY OF TALLMADGE
BOARD OF ZONING APPEALS**

MINUTES OF MEETING HELD February 12, 2019 7:00 p.m. Council Chambers
Date Time Place

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

MEMBERS ABSENT:

CHAIRMAN: Richean Kuzior

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. 1017 **7:01 PM**

Kenneth Dixon, applicant/owner
195 Northeast Ave

- Variance requested from Subsection 1167.09 (b) Minimum side yard setback 50 feet when abutting a residential district.
- **Request variance to allow 10 feet.**
- For review and determination

Item #2 Case No. 1018 **7:05 PM**

Jeff DeRemer, applicant/owner
250 Fawnwood Dr

- Variance requested from Subsection 1154.08(a) Minimum rear yard setback 25 feet.
- **Request variance to allow 23 feet.**
- For review and determination

The February 12, 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.

Mrs. Kuzior: The next item of business is the approval of the minutes for January 8, 2019.

Mrs. Bushey: **So moved.**

Mrs. Kuzior: **Second.**

Roll called. All members voted in favor. (5-0)

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

Mrs. Hussing: We actually do. We have election of Officers.

Mrs. Kuzior: **I nominate Melanie Bushey as Vice Chair for the Board of Zoning Appeals for 2019.**

Mr. Victor: **Second.**

Mayor Kline: Any other nominations?

Mrs. Bushey: I would like to nominate Mrs. Kuzior for the Chairperson of this Committee.

Mayor Kline: Just do the Vice Chair first. Any other nominations?

Mr. Schunk: **I move the nominations be closed.**

Mrs. Kuzior: Ok. **I'll second.**

Roll called. All members voted in favor. (5-0)

Mayor Kline: Any nominations for Chair?

Mrs. Bushey: **I would like to nominate Mrs. Kuzior for the Chairperson of the BZA Committee.**

Mr. Victor: **Second.**

Mayor Kline: Any other nominations?

Roll called. All members voted in favor. (5-0)

Mrs. Kuzior: Do we have any correspondence or communication for these two items?

Mrs. Hussing: We do not.

Mrs. Kuzior: Ok. It's 7:04 and we'd like to begin:

Item #1	Case No. 1017 7:01 PM Kenneth Dixon, applicant/owner 195 Northeast Ave
	<ul style="list-style-type: none"> • Variance requested from Subsection 1167.09 (b) Minimum side yard setback 50 feet when abutting a residential district. • Request variance to allow 10 feet. • For review and determination

Mrs. Kuzior: Are the applicants present?

Mr. Dixon was sworn in.

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

Mr. Dixon: The property that we have back there is zoned Industrial but on the northwest side of the property is Residential zoning but is right now and has been the ballfield for Tallmadge. On the northeast side is Waltco Manufacturing Corporation and they've got about 10 acres there and we just have about an acre that we want to do something with there. Our hope is to build a pole building there, which would be a cold storage type facility and that's going to be for housing busted up cars before we can get an estimate on them and so on and so forth, it's open to the weather. Machinery, equipment, sheet metal storage and stuff like that.

Mayor Kline: If I may, I have the map up just so you can get your bearings at what you're looking at. You can see this is Kent Drive, this is Overdale, this is a paper street of Overdale that goes all the way back to Mr. Dixon's property. This property right here is the property in question, that is zoned Industrial. The park is zoned Residential even though it's a City park. The code requires any structure abutting a Residential neighbor has to be 50 foot off the property line. He's requesting it down to 12 feet. He would like to put a pole building back in the back, in the wooded area there. That's the batting cages back there, the fence lines there. The City has no objection to the variance and, as he stated, Waltco is leasing the building that Speelman Electric actually owns, that building right there. Speelman will take that over one of these days from Waltco but he also asked if he could have access off of the Kent Drive and we are looking to provide that, for just a light traffic, no truck traffic, going into his parcel but that's still yet to be determined. All in all, the City has no objection to him coming within 12 foot of our fence line.

Discussion about Kent Park.

Mr. Dixon: Mr. Mayor, if I may, the request is a 10-foot variance.

Mayor Kline: Yes. I'm sorry, I said 12.

Mr. Dixon: There is wooded area between us there, maybe about 20-25 feet of wooded area. I'm only going to take down the trees that I need just to get the facility up. Trying to keep the wooded look.

Mrs. Bushey: Is there going to be a lot of noise coming out of that building?

Mr. Dixon: It's going to be just for storage. We're not even putting electric in it. It's just a storage area.

Mr. Schunk: Would that building be then 10 feet off of where the green painted fence is? There's a green painted fence and then there's a chain linked fence back there. I'm trying to position where the building is going to be.

Mr. Dixon: I have it in my drawing there. There it is. That 12 feet that you see right there, that is the foundation and I have a 1/2 foot overhang so that takes me to the 10-foot area.

Mr. Gregg: How far past where the existing fence that he has now, the green fence that's around the back of the property, how far back is that building from the existing green fence?

Mr. Dixon: About 20 feet.

Mr. Gregg: So, it's 20 feet back past...

Mayor Kline: You're talking about that fence right there?

Mr. Gregg: Yea, that fence there.

Mr. Dixon: That is an old photo. We go back another 120 feet of fence yet from there. Where the fence is right now, the facility is going to be covered up pretty much by the batting cages. So, even from the Kent Drive area, the building itself is not going to be seen at all. It will be in the Industrial area, you'll see it from Waltco's location.

Mr. Schunk: Is the proposed building going to be a steel pole type building?

Mr. Dixon: It's just a wood structure with all steel exterior. It's going to blend in. The colors will blend into the woods. Those of you that know Tallmadge Collision, we try to keep things looking real nice, up to City standards. We don't look like a body shop.

Mr. Schunk: So, the Tallmadge Fire Department gave you an ok on this building?

Mr. Dixon: They did. We met with them. They did, didn't they?

Mrs. Hussing: They did.

Mrs. Bushey: I have a question for the City. How close is the closest resident on Kent Drive going to be to this? For example, there's that horse shed... how close... or is it just where the batting cages are going to be, that's not going to affect any residents.

Mayor Kline: So, this is the back of, starting right there, the closet resident off of Kent Drive is 400 feet away. 475 feet to that house on Kent Drive. This resident is 425.

Mr. Gregg: So, there's no house in front of that old shed that's back there?

Mayor Kline: No, and if you drove down there to see, it's really a pole barn type thing that's not in that great of shape but if you look at the current building, their main office is only 245 to one of those residents, so this is 200 feet further than their current operations.

Mrs. Kuzior: Ok, we'll close the Public Hearing. Do we have any comments or questions or discussion for the Board? I don't see a problem with this variance. I see the hardship that, because it's a City park, we have to say it's a residential area, even though there are no houses right there. So, I'll be voting for this variance. I don't think it's going to be a problem.

Mrs. Bushey: Since I live on Overdale, I kind of want to take care of my neighbors so that was my question and I do see you hardship but I just want to make sure that you're not infringing on residents in my neighborhood but I don't see a problem either.

Mrs. Kuzior: Ok, I'll entertain a motion.

Mr. Gregg: I move to approve the variance request for applicant for Kenneth Dixon for the property located at 195 Northeast Ave, Tallmadge OH for the variance request from Subsection 1167.09(b) Minimum side yard setback is 50 feet when abutting a residential district, seeking 10 foot based upon the plans and application submitted and dated January 14, 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 or 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. Bushey: **I second.**

Roll called. All members voted in favor. (5-0)

Mrs. Kuzior: Your variance has passed.

Mr. Dixon: Thank you.

Mrs. Kuzior: It's now 7:16, and we're looking at case:

Item #2	Case No. 1018 7:05 PM
	Jeff DeRemer, applicant/owner 250 Fawnwood Dr
	<ul style="list-style-type: none"> • Variance requested from Subsection 1154.08(a) Minimum rear yard setback 25 feet. • Request variance to allow 23 feet. • For review and determination

Mrs. Kuzior: Are the applicants present? Can you step to the podium please?

Mr. DeRemer was sworn in.

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

Mr. DeRemer: We'd like to put a swimming pool in our backyard and in the process, we're going to remove a handicapped ramp off the side of our deck. The pool will go to 25 feet from the back of the property but there is a 2-foot deck with a fence around it that will extend to 23 feet. If we were to take any more of the deck down, it would encroach into our back entrance into the addition on the back of the house so, we don't want to have to take the deck down because then we would have to move a door which is the entrance to the house. I can show you here. This is an addition that was off the back of the house. This handrail right here is actually the... there's a handicapped ramp here. We're going to take that section, the four feet of the deck off from there and it's going to extend out 2 feet past the addition and then there will be a 2-foot deck which gets us to the 23 feet instead of the 25 feet.

Mrs. Kuzior: So, in reality you're only asking for a 2-foot variance.

Mr. DeRemer: Yes

Mr. Victor: Your neighbor to the west, was there any objection by that neighbor? Was there any objections at all, City?

Mrs. Hussing: Letters went out to all the property owners within 500 feet and we did not receive a single call or any information inquiry so...

Mr. Victor: Thank you.

Mrs. Bushey: Was there a particular reason that you are going to put the pool there? You have a nice sized yard.

Mr. DeRemer: We have a back door here, off the main house and then there's a side entrance door into the mother-in-law suite addition area and we wanted to kind of butt it up to the deck so that it all kind of flowed as one so they're all the same elevation so that you didn't have to go down into the yard and then back up to a pool to get out to it so, we wanted to kind of tuck it into the deck so that we could just go right off the existing deck and not have to build another deck around it or add on to the deck to go around the pool.

Mrs. Kuzior: So, will that serve as your barrier? I know there's a law that you have to have a fence around a deck, because it will probably start at the house and then go around and then the house will be part of the barrier there?

Mr. DeRemer: The pool itself, with the 2-foot deck will have a railing all the way around it with a locking gate. So, off of the deck, the handrail that's on the existing deck will still remain so there will actually be 2 rails there but then there will be like a 4-foot opening where there will be a swinging gate off the pool that we will have a lock on so that nobody can access it. The deck will still be just like a regular deck off someone's house. We're not using the house as a barrier to keep people from getting into the pool.

Mr. Gregg: So, this deck you're talking about is a manufactured deck that come with the pool?

Mr. DeRemer: Correct. It's actually suspended up off the ground. So, the base of the pool will be right at 25 feet and then there's a 2-foot overhang deck with the handrail that would get me to the 23 feet.

Mrs. Kuzior: So, how far off the ground is the pool? Like 4 feet?

Mr. DeRemer: It's going to be like 34 inches. It's going to meet up with the existing deck. It's going to be a partially in ground pool, it's not going to be completely an above ground pool. It's going to be partially in ground so that it meets up with the existing deck that's there.

Mrs. Kuzior: Ok.

Mrs. Bushey: I don't know a lot about pools. Is this like the standard size for a pool?

Mr. DeRemer: I don't know. We were with a company and it's like the middle of their package. It's not the biggest one they offer and it's not the smallest one they offer. So, I don't know how to answer that question, I'm sorry.

Mrs. Kuzior: Does anyone else have any questions? Ok, I'll close the Public Hearing. I don't see a problem with this variance. I think it's only 2 feet and if we had problems with the neighbors, the neighbors would have come forward so I don't see a problem with it myself. I see the hardship, that you want to have some access to the play area, deck area, pool area from your house so you want to have that door.... Would anyone like to make a motion?

Mr. Schunk: I move to approve the variance request for applicant Jeff DeRemer for the property located at 250 Fawnwood Dr, Tallmadge OH for the variance request from Subsection 114.08(a) Minimum rear yard setback is 25 feet, seeking 23 foot based on 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 or 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. Bushey: **Second it.**

Roll Called. All members voted in favor. (5-0)

Mrs. Kuzior: Your variance has been approved.

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

Mrs. Kuzior: **Second.**

All members in favor. (5-0)

Meeting adjourned at 7:26 pm.

Respectfully submitted,


Kelli Funk, Secretary


Richean Kuzior, Chairwoman