



**CITY OF TALLMADGE
BOARD OF ZONING APPEALS
MEETING SUMMARY**

March 9, 2021

7:00 p.m.

Virtual Meeting

*As permitted by House Bill 197- extended by HB 404, this meeting was held via videoconference and/or teleconference only and was live-streamed
Per the RC-2 Schedule, meeting recording and communications will remain on file in the Planning and Zoning Department*

I. Call to Order

Chair Chuck Victor called the meeting to order at 7:00 pm.

II. Pledge of Allegiance

III. Roll Call

Commission Members present: Chuck Victor
Richean Kuzior
Melanie Bushey
Tim Gregg
Dan Satterfield (Sworn in by Mayor Kline on Feb 26, 2020)

Administration present: Dave Kline, Mayor
Megan Raber, Law Director
Helene Hussing, Planning & Zoning Manager

IV. Approval of Minutes

A motion to approve the January 12, 2020 minutes as written was made by Mrs. Bushey and seconded by Mrs. Kuzior.

All members voted in favor. (5-0)

V. Cases

Case # 1049

Joshua Scalia, applicant/owner
244 Lois Lane

- For review and determination

Public Hearing opened at 7:08 pm.

The representative for this case, Joshua Scalia, was sworn in.

Mr. Scalia presented the plan according to the submitted plans.

Additional questions/comments from the Board with answers

Q: There is no intention to use this for commercial use?

A: No.

Q: What is the building going to look like from the front?

A: The front portion of the building is the short side. It's a deep building, not a wide building.

Q: You don't really have any neighbors that can see into your property?

A: In the winter they can see into the property but not during the summer.

Q: You're going to have proper downspouts and it will all be connected to the storm sewer?

A: Yes.

Q: Did you do a study on the runoff and the drainage?

A: No. My study has been living here for 2 years.

Q: Is part of this going to be used as an apartment?

A: No. The shower is to clean off before going into the house.

Q: Is there any kind of evidence that a building of this size would depreciate a neighborhood?

A: We have no information to address that.

Q: If he is not changing the elevation of the land, that water is still landing on the ground and running off wherever it may run off. If he puts a building there with properly maintained gutters that drains into the storm sewer, is that not removing more surface area of rain than what it is currently?

A: That is the right logic.

Q: What storm system are you tying into?

A: We're tying into Lois Lane.

C: Not sure if Lois Lanes storm system is calculated to handle a building that large. The City Engineer would need to look at that.

Q: Was there any thought given to a smaller building?

A: I just calculated the space of the items that I have vs the space that I need.

Q: What is the size of your grandmothers building?

A: Maybe 3000 sq ft, just guessing.

Q: Did you take the dimensions from your grandmothers' garage?

A: No. I measured all my items.

C: I would like to see some consideration on whether the storm sewer system could handle the extra drainage before we vote on this.

Q: How many acres do you have?

A: 4 acres

Public Comment

A letter from Kathy Cyphert against the request was read into the record.

Registered speakers

Lyle Ferreira, 532 Alandale Dr, Tallmadge

Q: What considerations have been given to drainage?

A: Drainage has always been an issue. The building will be placed on the highest spot on the land.

Q: Will this building have complete utility service as far as electric, gas and sanitary sewer?

A: Yes.

Philip Cianchetti, 554 Alandale Dr, Tallmadge

C: A few months ago Mr. Scalia posted on Facebook that he has a family member in need of some place to live and that he would like to build this garage and also make an apartment. I want to make sure this is not the case.

A: As stated previously-This will not be used as an apartment.

C: With a building this large, that's going to be a lot of water going downhill. The City needs to look to see if that sewer system can handle all that water.

A: We are trying to address the water problems. Some of the water is coming from properties on Alandale that have drains coming out under our fence and draining onto our property.

Public Hearing closed at 7:37 pm.

Applicant requested the case be tabled until the next meeting to reevaluate the request.

A motion to table the case was made by Mrs. Kuzior and seconded by Mrs. Bushey.

All members voted in favor. (5-0)

Case # 1050

Steve Larson, applicant

Scott Myers, owner

695 North Ave

- For review and determination

Public Hearing opened at 7:40 pm.

The representative for this case, Steve Larson, was sworn in.

Mr. Larson presented the plan according to the submitted plans.

Additional questions/comments from the Board with answers

Q: Has 7 foot been found to just not be enough for a deer?

A: Most places recommend 8 feet because 7 feet may keep deer out but 8 feet is more likely.

Q: Are there any successes for 7-foot fences that you know of?

A: I don't have any data on that.

Q: When do you anticipate going into production?

A: This spring. Hopefully as soon as we get the fence up.

C: The requirements for Fox Ridge Association wouldn't apply to you.

Q: Is 8 ft absolutely necessary?

A: We are going to have roughly 2 acres of vegetables so the 8ft is for extra security.

Public Comment

A letter against the request from Alice Bender was read into the record.

Public Hearing opened at 7:58 pm.

The following motion was made by Mrs. Kuzior and seconded by Mrs. Bushey:

I move to approve the variance request for Applicant Steve Larson and Owner Scott Myers for the property located at 695 North Ave for a variance requested from Subsection 1181.04 (b) Fences or walls erected, other than within the minimum front yard setbacks, shall not exceed 7 feet in height. Requesting a 1 ft height variance to allow 8 ft upon the showing based on the plans and application submitted dated February 9, 2021 and evidence presented that:

(1) The strict application of the provisions of this Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this 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 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.

All members voted in favor. (5-0)

VI. Adjournment

A motion to adjourn was made by Mrs. Bushey and seconded by Mrs. Kuzior.

All members in favor. (5-0)

Meeting adjourned at 7:59 pm

Respectfully submitted,



Kelli Funk, Secretary



Chuck Victor, Chair