



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

June 8, 2021

7:00 p.m.

Virtual Meeting

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

A motion to excuse Mr. Satterfield was made by Mrs. Kuzior and seconded by Mr. Victor.

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

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

IV. Approval of Minutes

A motion to approve the April 13, 2021 minutes with 1 correction was made by Mrs. Kuzior and seconded by Mrs. Bushey.

All members voted in favor. (4-0)

V. Agenda Additions

None

VI. Cases

Case # 1058 for Michael Abshire at 528 Hughes Drive was withdrawn by the applicant.

Case # 1059

**Steve Riley, applicant/owner
792 N Munroe Rd**

- A Variance is requested from Tallmadge Codified Ordinance 1153.09 (a) Minimum side yard setback is 10 feet.
- **Request variance of 6 feet, to allow 4 feet.**
- For review and determination

Public Hearing opened at 7:05 pm.

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

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

Discussion

Q: Mrs. Kuzior: Have you had a person come out who can tell you about the lay of the land and the drainage and what you need to do?

- A: Mr. Riley: Yes, Wayne Homes has sent out engineers and done topographical map surveys and they are the ones who told me that we could easily move that water with a French drain.
- Q: Mrs. Kuzior: In 25 years, I don't think we've had to make a decision based on 1 person's opinion regarding where the water goes vs another person's opinion on where the water goes. I don't know where to go from here.
- A: Mrs. Raber: You really need to base your opinion based on the code. So you need to analyze the code section and whether or not you think the hardship exists.
- Q: Mrs. Kuzior: Do you have any report from the engineers that came out?
- A: Mr. Riley: They are the ones that made the print of the house.
- Q: Mr. Victor: Is that 24' the driveway?
- A: Mr. Riley: Yes.
- Q: Mr. Victor: So, if we say no to the variance, that would be 18' and you said that the recommended is 28'...
- A: Mr. Riley: If you said know, I still have 15' over there, I would just move it and bury the thing, and everyone would be swallowed by water. That's why I asked for it, I'm trying to help everybody.
- C: Mr. Victor: Except that your extraordinary circumstance may actually cause an extraordinary circumstance on your uncles' property, the distance between the 2 structures. We have to look at that. You indicate that you had these studies done but we don't see the results of the studies other than your word.
- Q: Mrs. Kuzior: Is the fence on Mr. Leeks property line?
- A: Mr. Riley: No, it's about 8 ft.
- Q: Mrs. Bushey: Why have you had to change your plans so many times?
- A: Mr. Riley: There have just been a lot of changes made.
- Q: Mrs. Bushey: In the narrative, you say that "the swale will be maintained for runoff from all the properties on the hill of N Munroe". Has it been maintained at all?
- A: Mr. Riley: We've dug it out but it's a vacant property at this point. My father owned it and he's so limited that he could not maintain it. I do go through and dig it out the best we can.
- Q: Mrs. Bushey: What was the white pipe that you have in there?
- A: Mr. Riley: That's a downspout pipe from my dad's house.
- Q: Mr. Victor: So you do have plans to clean that swale out?
- A: Mr. Riley: Yes. I would like to dig it out and put stone in it.
- Q: Mr. Victor: So, it is your belief that if the ditch were dredged out, and the swale was cleaned out, the water runoff would probably be minimized?
- A: Mr. Riley: I think it would be significantly minimized.
- Q: Mrs. Kuzior: What is the minimum that you could get away with?
- A: Mr. Riley: Probably 6'.

Public Comment

Registered speakers

Michael Leek, 778 N Munroe Rd, Tallmadge

Mr. Leek had concerns about drainage between the proposed house and his existing garage. He also had concerns with the close distance between the proposed house and the existing garage in the case of a fire or flood. Mr. Leek stated that, in his opinion, there is enough room for a 10' setback and no need for a variance.

Applicant asked that the variance request be changed to a 4' variance to allow 6'.

Public Hearing closed at 7:38 pm.

Comments from the Board

Mrs. Bushey: I see his extraordinary circumstance. I think that he could help everybody if he matins that swale and adds additional ditching and whatever he can do. I could see where this could be something helpful. I also look at Mr. Leeks photos and hope that this will benefit him in the long run.

Mr. Victor: I understand the situation. I would hope that this doesn't make things any worse than the present conditions and you are trying to address the situation and I hope that it will be successful.

Mrs. Kuzior: I agree with both of you. I think that if Mr. Riley can keep that up, I think it will help Mr. Leek as well and I see the hardship with the water.

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

I move to approve the variance request for Steve Riley applicant and owner for the property located at 792 N Munroe Rd for the variance requested from Subsection 1153.03 (a) minimum side yard setback is 10 ft requesting variance of 4 ft to allow 6 ft upon the showing based on the plans and application submitted dated May 10, 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.**

Additional Discussion

None

All members voted in favor. (4-0)

Case # 1060

**Kathryn Patton, applicant/owner
52 Outlook Dr**

- A Variance is requested from Tallmadge Codified Ordinance 1181.04 (a) Fences/walls in front yard setback not to exceed 3 ½ feet.
- **Request variance of 2 ½ feet, to allow 6-foot-high fence.**
- For review and determination

Public Hearing opened at 7:44 pm.

The representative for this case, Ruth Patton, was sworn in.

Ms. Patton presented the plan according to the submitted plans.

Discussion:

Q: Mr. Victor: The tree line separating the 2 properties, that goes clear to the sidewalk, correct? And you're going to be running along there close to that?

A: Ms. Patton: Correct.

Q: Mr. Victor: And it looks like you're going to be 13.8' from the edge back from the sidewalk?

A: Ms. Patton: Yes.

Public Comment

Email received from Samantha and Joe Abbott stating they have no issue with the request.

No residents registered to speak.

Public Hearing closed at 7:48 pm.

Comments from the Board:

Mr. Gregg: I can certainly see the hardship with the lot, and I think it's a good plan and a great looking fence.

Mrs. Bushey: I've been a resident of that neighborhood for 36 years. At one point, everyone thought that house would be demolished because it was in such disarray. You guys have done a great job. I'm very proud that when I walk down there, it just looks so nice.

Mr. Victor: It's a unique lot. I don't know of any other in Tallmadge that have an oval lot. I don't see that it will pose any harm to others or adversely affect them.

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

I move to approve the variance request for Kathryn Patton applicant and owner for the property located at 52 Outlook Dr for the variance requested from Subsection 1181.04 (a) Fences/walls in front yard setback not to exceed 3 ½ feet requesting variance of 2½ ft to allow 6 ft upon the showing based on the plans and application submitted dated May 13, 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.

Additional Discussion

None

All members voted in favor. (4-0)

VII. Adjournment

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

All members in favor. (4-0)

Meeting adjourned at 7:59 pm

Respectfully submitted,



Kelli Funk, Secretary



Chuck Victor, Chair