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MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals
From: Gregory L. Ransford, MPA
Date: June 23, 2022
Re: Michael Pare Dimensional Variance Request

Attached is an application for a dimensional variance request from Michael Pare for property located at 12271 Sunset Creek, parcel number 70-10-14-300-037. The property is located within the Rural Preserve (RP) Zoning District. The applicant seeks relief from Section 3.02(f)1 – Accessory Uses and Buildings, Minimum Setbacks, of the Tallmadge Charter Township Zoning Ordinance (TCTZO) to locate a detached garage in the front yard, where accessory building are prohibited.

As you may recall, the applicant sought and received the same variance in November of 2020. That variance has expired. Given this, the applicant must reapply. It is important to note that the November 2020 variance was for a 28-foot by 28-foot detached garage. The attached application seeks a 28.75-foot by 30-foot detached garage.

The application has been reviewed and found complete. We believe granting relief may be appropriate. Below is a copy of our previous findings, as presented in November of 2020. We believe the same applies to this application.

Property Details

As the applicant notes within the attached materials, there are some difficulties locating the detached garage to the east side of the dwelling because of the existing water well and close proximity to the property line. As the applicant additionally notes, they would like to construct a pool and the related pool house, which requires relocation of the septic system and drainfield. Further, the subject parcel is approximately 1.09 acres in area, where the RP Zoning District requires a minimum of 2.5 acres. While the parcel is a legal lot, it is non-conforming in area by over fifty percent (50%), which creates further difficulties achieving compliance.

Section 3.02(f)1 – Accessory Uses and Buildings, Minimum Setbacks

As aforementioned, the applicant seeks relief from Section 3.02(f)1 – Accessory Uses and Buildings, Minimum Setbacks of the TCTZO to locate the detached garage within the front yard. A copy of said section is below for your convenience.

Section 3.02(f)1 – Minimum Setbacks.

1. Accessory buildings may be located in the rear yard or side yard.

Standards for Review

As you will note, Section 3.02(f)1 includes standards for your consideration in lieu of Section 21.07(d) of the TCTZO, which we outline below. In addition, we provide our comments regarding these standards, in italic font, in an effort to assist with your review. It is important to note that Section 3.02(f)1 does not mandate that the applicant meets each standard as is the requirement of Section 21.07(d) of the TCTZO. Consequently, the Zoning Board of Appeals will need to make their decision on a reasonable application of the standards relevant to the property.

Section 3.02(f)1 – Minimum Setbacks.

If the applicant desires to place the proposed detached garage between the street and the dwelling due to unusual property circumstances, application must be made to the Zoning Board of Appeals for consideration. In such a request, the Zoning Board of Appeals shall consider the following standards in lieu of Section 21.07(d).

- a. An existing natural feature makes it impractical to locate an accessory building in the rear or side yard without drastically modifying the natural feature itself. For the purposes of this section, natural features shall only include a creek, ravine or steep slope.

As you will note in the picture below, the property contains significant slopes along the west (side) and north (rear) lot lines, which we presume is why the applicant is angling the proposed pool house and swimming pool away from those areas. Given this, it appears difficult to locate the detached garage in the side or rear yard. As a result, this standard appears to be met.



- b. The proposed location of the accessory building shall comply with the setback requirements of a principal building.

The proposed detached garage will be located over 200 feet from the right-of-way of Sunset Creek and well over the minimum 20 feet to the side lot line. As a result, this standard appears to be met.

- c. The proposed location of the building on the parcel will take maximum advantage of natural screening provided by existing vegetation. Natural vegetative screening of the accessory building from adjoining properties is a major consideration for front yard locations.

The proposed location of the detached garage does not appear to be screened by existing vegetation. Despite this, the subject property is located at the end of the private right-of-way and adjacent to the Township park property. Given this, unless the Zoning Board of Appeals has concerns regarding its proximity to the Township property without screening, it appears the proposed meets the spirit of this standard.

- d. The variance granted shall be the minimum variance that will make possible a reasonable placement of the accessory building.

As the applicant notes, the proposed location of the detached garage would be approximately 10 feet from the dwelling, which is the minimum setback required from the principal building. Given this, it appears the applicant proposes the minimum variance to reasonably place the detached garage.

- e. The variance granted shall be in harmony with the intent of this ordinance and will not be injurious to the neighborhood, and otherwise detrimental to the public interest.

The requested variance does not appear to cause an adverse impact on surrounding properties in the neighborhood, particularly given its location at the end of the private easement. However, if public comment compels the Zoning Board of Appeals otherwise, you could conclude differently. Pending public comment, it appears this standard has been met.

Recommendation

As aforementioned, we believe that approval of the variance request may be appropriate. The application has been scheduled for a public hearing at your July 5, 2022 regular meeting at 7:00pm. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Mark Bennett, Supervisor