



## Fresh Coast Planning

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# MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals  
From: Alexis C. Gulker  
Date: June 17, 2025  
Re: Dalton Bates – Dimensional Variance Request of Side Yard

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Attached is an application for a dimensional variance request from Dalton Bates for property located at 9902 Linden Drive, parcel number 70-10-33-200-009. The property is located within the Rural Preserve Zoning District (RP).

The applicant seeks relief from Section 6.04(c) – Area Regulations Side Yards of the Tallmadge Charter Township Zoning Ordinance (TCTZO) to construct an 800 square foot pole barn with a side yard adjacent to a street of only 42.37 feet which is less than the required 75-foot side yard setback adjacent to a street in the Rural Preserve Zoning District, if constructed.

The application has been reviewed and found complete. We believe granting relief may be appropriate.

### Property Details

The 0.80-acre corner lot is situated on the north side of Linden Drive, and the west side of 26th Avenue.

The property currently has a single-family dwelling, and a 120 square foot shed that the applicant is proposing to take down. It is important to note, the existing house does not meet the current setback requirements for the RP Zoning District, as it is only 41.57 feet from the Linden Drive right of way and 24.59 feet from 26<sup>th</sup> Avenue which is less than the 75 feet required from the TCTZO. The existing house is also only 36.37 feet from the rear property line which is less than the 50 feet required from the TCTZO. Therefore, the size of the lot and location of the house make it extremely hard to fit an accessory building in the required setback areas. It also is a very old lot estimated to be created before the 1950s and the house is estimated to have been built in 1952. Given this the property and the existing house predates zoning in the Township. The lot is also very small, only 0.80 acres where the minimum lot acreage in this Zoning District is 2.5 acres. Therefore, it is a substandard lot (meaning it fails to comply with the area requirement), and it would be hard to put the accessory building somewhere that complies with the setback requirements.

### Dimensional Request

As aforementioned, the applicant seeks the following dimensional variance:

- A side yard setback of 42.37 feet adjacent to a street where the minimum side yard required is 75 feet adjacent to a street.

A copy of Section 6.04(c) is provided below for your convenience:

- c) Side Yards. There shall be side yards of not less than twenty (20) feet. For corner lots, the side yard adjacent to the street shall not be less than seventy-five (75) feet.

## Standards for Review

As you know, you are required to examine your Standards for Review (Section 21.07(d) below) to appropriately consider the request, and in order to grant a variance, all of the standards shall be met. In an effort to assist with your review, we provided our comments in italic font for each standard.

- (d) Standards for Review - Dimensional Variance. For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

*This lot is very old, created before the 1950s and therefore it predates zoning and is only 0.80 acres making it 1.7 acres less than what is required in today's ordinance of 2.5 acres. Therefore, it is a legal substandard lot. Given this, the exceptional or extraordinary circumstances do not generally apply to other RP Zoning District properties.*

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

*The variance is necessary for the applicant to have an 800 square foot accessory building. The applicant is asking for the max size allowed on this parcel. An accessory building is a very common property right similar to many other properties for residential use in the same zoning district. Given this, we believe the variance is necessary for the preservation and enjoyment of a substantial property right to other properties in the same zone.*

3. The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

*While the intent and purpose of the TCTZO is to eliminate nonconformities over time, public comment from adjacent property owners may provide an overview of any concerns they have with the small side yard for the Zoning Board of Appeals to determine if the side yard would be detrimental to the public. Otherwise, we do not believe the variance will be of substantial detriment to the adjacent road and property or impair the intent and purpose of the Zoning Ordinance particularly given that the proposed accessory building will maintain a greater setback from both public road frontages than the existing house.*

4. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

*Given the size of the property only being 0.80 acres, the lot being an odd triangular shape on a corner lot, and the age of the lot being before the 1950's, the condition or situation of the property doesn't generally apply to other RP Zoning District properties.*

5. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

*The size of the lot and location of the house is not self-created by the applicant, as it has been this size since before the 1950s, and the house has been in this location since 1952, which predates zoning.*

As you are aware, a dimensional request requires a majority vote of the membership.

**Public Hearing**

The application has been scheduled for a public hearing at your July 1, 2025, special meeting at 7:00pm. If you have any questions, please let us know.

A handwritten signature in black ink that reads "Alexis Gulke". The signature is fluid and cursive, with the first name "Alexis" and the last name "Gulke" clearly distinguishable.

Associate Planner

Attachments

cc: Mark Bennett, Supervisor