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MEMORANDUM

To: Tallmadge Charter Township Zoning Board of Appeals
From: Gregory L. Ransford, MPA
Date: December 29, 2025
Re: Scott and Jodye Dennis Dimensional Variance Request

Attached is an application for dimensional variance from Scott and Jodye Dennis for their property located at 70-10-36-200-033 and 70-10-36-200-037, both of which are located within the R-1 Single Family Residential Zoning District. Parcel 70-10-36-200-033 contains their single family dwelling located at 310 Fennessy Drive, which abuts Fennessy Lake. The second parcel is across Fennessy Drive and is currently vacant.

The applicant seeks relief from Section 3.02 – Accessory Uses and Buildings of the Tallmadge Charter Township Zoning Ordinance (TTZO) to construct a pole barn on the vacant parcel rather than on the dwelling parcel. The applicant contends that, “there is no location on the south (dwelling) parcel that is suitable for our accessory building.”

The application has been reviewed and found complete. We believe denial of this request may be appropriate or tabling the matter to allow for accommodations on the dwelling property, as we outline further below.

Section 3.02 – Accessory Uses and Buildings

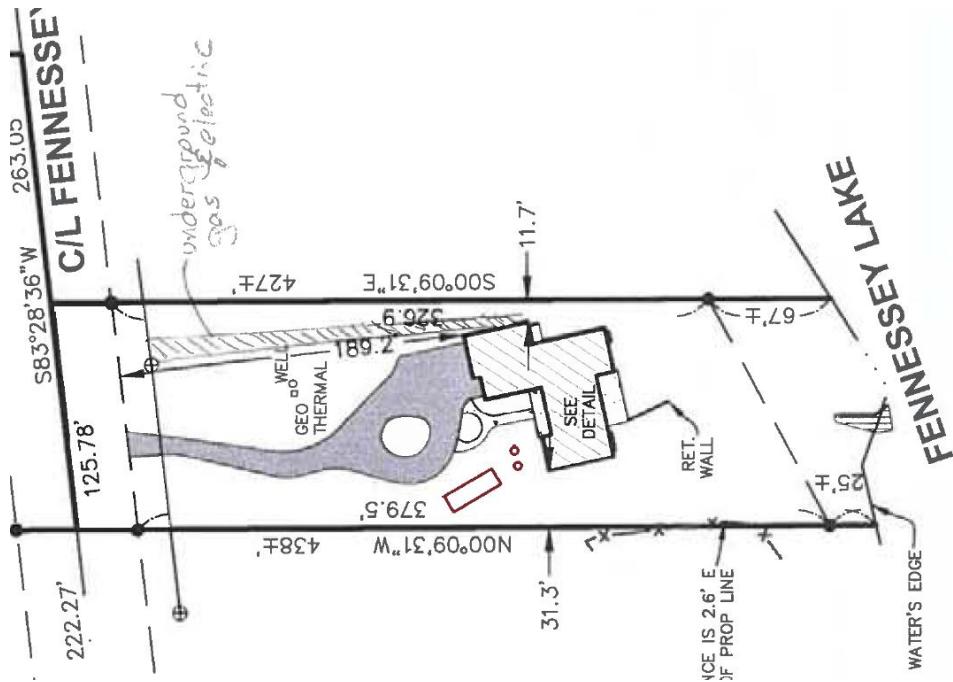
As you are aware, pursuant to Section 3.02(b) – Accessory Uses and Buildings of the TCTZO, no accessory building may be built on any lot on which there is no principal (dwelling) building. As aforementioned, this is the main provision from which relief is sought by the applicant. However, given that the TCTZO requires that an accessory building is located in the side or rear yard, pursuant to Section 3.02(f) and since there is no principal building to determine the location of the front, side, and rear yards, the applicant also needs relief for the proposed building location. Given this and the overall complexity of this request, we prepare the public hearing notice for the request for the entirety of Section 3.02 to make sure you had the ability to grant relief, if appropriate, for any provision you find applicable within Section 3.02.

In the instance the applicant attempted to locate the accessory building on the dwelling parcel, lake front properties are permitted to locate an accessory building in the front yard.

For your convenience, attached is Section 3.02 of the TCTZO.

Property Details

As you will note within the application materials, the applicant provided an aerial photo as well as a survey showing both properties, including hand drawn notes on the dwelling property. Although faded on the drawing, you should be able to discern an “underground gas and electric” area just to the east of the “189.2” dimension and its setback arrow. Nonetheless, to ensure that the underground gas and electric area is clear, below is a copy of the same from the first submission of the materials. The applicant additionally identifies a well, geo thermal location (we presume is built within the driveway), the septic, and drainfield. No other structures are within the dwelling property.



Despite all of these attributes it appears that an accessory building could be accommodated within the front yard of the property, although still requiring a variance given a location will likely exceed the maximum of twenty percent "in front of" the dwelling (Section 3.02(f)3). As a result of our observation, we advised the applicant to attempt to locate the accessory building in this area, as the Zoning Board of Appeals will likely seek the same. In response, we did not receive any revisions to the materials.

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 provide our comments in italic font for each standard. As aforementioned, we believe that denial of the variance request may be appropriate or tabling the matter to allow for accommodation of the proposed building on the dwelling property.

(d) Standards for Review - Dimension 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.

We do not believe the subject dwelling property contains exceptional or extraordinary circumstances or conditions that do not apply to other properties in the R-1 Zoning District. The property appears relatively flat and as aforementioned, it appears that an accessory building could be accommodated on the property. As a result, this standard does not appear to be met.

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.

Again, given that it appears an accessory building could be accommodated on the dwelling property, it does not appear that a variance is necessary to position an accessory building off-site. Not only does the area between the underground gas/electric and the driveway appear to be a feasible location, but also that area west of the driveway (again, likely with some relief from the Zoning Board of Appeals). As a result, this standard does not appear to be met.

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.

We believe granting the variance would materially impair the intent and purpose of this Ordinance given that the dwelling parcel appears to have room to accommodate an accessory building. In addition, allowing a lot to contain an accessory building without a principal building would also materially impair the intent and purpose of this Ordinance and will likely become detrimental to adjacent property given our experience with property use of this type without a dwelling. That is, we tend to see accessory buildings such as this rented, sold, or used for business purposes by other people than the property owner. Parcels containing only a pole barn are highly sought after.

Nonetheless, if public comment compels the Zoning Board of Appeals otherwise, you could conclude differently. Pending public comment, it appears this standard has not been met.

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.

During our 21 years serving Tallmadge Charter Township, this type of request has never been sought nor raised with our office. As a result, it appears this standard has not been met.

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

We believe that any exceptional or extraordinary circumstances are self-created by the applicant. Again, it appears that there is sufficient area to accommodate an accessory building on the dwelling property. As a result, it appears this standard has not been met.

Recommendation

Given that the TCTZO allows for an accessory building within the front yard of a lake front property and that the lot appears large enough to accommodate an accessory building (with some relief) given the lack of evidence to the contrary, we recommend that the Zoning Board of Appeals tables the request to allow the applicant to position the accessory building on the dwelling lot to determine the amount of relief that is necessary from Section 3.02(f)3 of the TCTZO, and return to the Zoning Board of Appeals for said relief. In the instance the applicant declines this opportunity, we believe denial of the request is appropriate.

The application has been scheduled for a public hearing at your January 6, 2026 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Mark Bennett, Supervisor