

**TALLMADGE CHARTER TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
**APPLICATION FOR WAIVER UNDER SECTION 3.17(c)3: APPLICANT NARRATIVE**

**1. RELIEF REQUESTED**

The Applicant requests that the Zoning Board of Appeals (ZBA) grant a waiver, pursuant to Section 3.17(c)3 of the Tallmadge Charter Township Zoning Ordinance, of the screening requirement otherwise imposed by Section 3.17(c)1, which requires a six-foot obscuring fence or wall along property lines abutting AG, RP, R-1, R-2, R-3, or R-4 districts or residentially used property (with the option, subject to Planning Commission review and approval, to use an earthen berm or obscuring greenbelt in place of the wall). The waiver is requested solely along the southern property line of Parcel 70-10-01-400-036, as shown on Sheets C-101 and L-101 of the referenced site plan.

The waiver, if granted, would apply to the entire southern property line. Independent of the relief requested, the Applicant will install along the south line near the existing residence on the abutting parcel the landscape plantings depicted on Sheet L-101: the same plantings shown on the 2022 Phase 1 approved site plan. The Applicant offers this as a voluntary mitigation measure, honoring the original 2022 commitment, even though the landscape plantings are not represented to fully satisfy the screening requirements of Section 3.17(c)1.

No relief is requested along the north, east, or west property lines. Phase 1 screening on those lines (six-foot wood privacy fence to the north; permanent six-foot chain-link with opaque hurricane screening slats to the west, as approved by the Planning Commission; and existing fencing to the east) will remain in place as previously approved.

**Authority and standard of review.** Section 3.17(c)3 expressly grants the ZBA authority to waive or modify the foregoing screening requirements "where cause can be shown that no good purpose would be served." That is the controlling standard. As a matter of completeness and to support the record, the Applicant also addresses the five practical-difficulty findings of Section 21.07(d), which the Board customarily considers in evaluating any waiver or variance request and which independently support the grant of relief.

**2. PROCEDURAL HISTORY**

Phase 1 of the Pater Self-Storage development was approved by the Planning Commission in 2022, constructed in 2022–2023, and opened for operation in 2023. The 2022 Phase 1 approved site plan included (a) ordinary landscape plantings along the south property line near the abutting residence and (b) an existing six-foot temporary chain-link fence along the remainder of the south line. The south buildings (Buildings 8 and 9, now combined into Building 8) were always intended as Phase 2 and were not part of the 2022 Phase 1 review.

It is important to note that this temporary chain-link fence is a non-obscuring fence; it provides no visual screening of the site whatsoever. The site has therefore been operating with effectively zero visual

screening along the south property line for approximately three years, with no documented complaint or harm to the south abutter.

Phase 2 represents a minor site plan modification: two previously approved buildings (Buildings 8 and 9) have been combined into a single building (the new Building 8), adding approximately 1,000 square feet of total project area. That site plan modification has been reviewed by the Planning Commission at the April 28, 2026, meeting.

Section 3.17(c)1 of the Zoning Ordinance requires a six-foot obscuring fence or wall (with the option, subject to Planning Commission review and approval, to use an earthen berm or obscuring greenbelt in place of the wall) along property lines abutting RP-zoned, residentially used property. That requirement applies along the southern property line of the parcel, which abuts RP-zoned, residentially used Parcel 70-10-01-400-017. Because the south buildings were always intended as Phase 2, this is the first site plan review addressing the south property line, and this Application addresses Section 3.17(c)1 as it applies to that line.

### **3. FACTUAL BACKGROUND: CONDITIONS OF THE PROPERTY**

The following pre-existing physical conditions affect the southern property line and the screening analysis:

**a. Long-established encroaching neighbor sheds.** Two accessory sheds belonging to the south abutter (Parcel 70-10-01-400-017) physically encroach onto the Applicant's parcel by 5.7 feet and 7.8 feet, respectively, as documented on Sheet CD-101 (Civil Demolition Plan) and Sheet V-101 (Existing Conditions). Review of Ottawa County GIS aerial imagery confirms these structures have been in their current locations since at least 2004 (more than two decades), and they pre-date the Applicant's ownership and use of the parcel. Strict compliance with Section 3.17(c)1 along this segment of the south line is therefore not physically possible without action by, or against, the south neighbor regarding their long-standing existing structures.

**b. Proposed Building 8 as a natural opaque screen.** Proposed Building 8 (40' × 384') is set back 30 feet from the south property line and stands approximately 11'-4" in height along its south wall, taller than the six-foot fence or wall otherwise required by Section 3.17(c)1. The continuous, solid south wall of Building 8 functions as a more effective and durable opaque visual screen than any compliant fence could provide along that same line.

**c. 2022-approved south-line landscaping will still be installed.** The Applicant will install along the south line near the residence the landscape plantings depicted on Sheet L-101: the same plantings shown on the 2022 Phase 1 approved site plan. This is offered as voluntary mitigation honoring the 2022 site plan commitment. The Applicant does not represent that this 2022-approved landscaping, standing alone, fully satisfies Section 3.17(c)1.

A 36-inch tree in declining condition on the south portion of the site is shown for removal on the demolition plan as routine site work; this is not advanced as a basis for relief.

## 4. STANDARDS FOR REVIEW

### 4.1 Section 3.17(c)3: "No Good Purpose Would Be Served"

Section 3.17(c)3 of the Zoning Ordinance expressly authorizes the ZBA to waive or modify the screening requirements of Section 3.17(c)1 where cause is shown that no good purpose would be served. The Applicant submits that no good purpose would be served by requiring an additional six-foot obscuring fence along the south property line for the following reasons:

- **A taller, more effective screen already exists by design.** Building 8's south wall, 11'-4" tall, continuous, opaque, and set back 30 feet from the lot line, exceeds the six-foot height of the required fence and provides complete year-round visual obscuring of the self-storage operations behind it. A six-foot fence located between Building 8 and the property line would screen nothing that the building wall does not already screen better.
- **The Township already approved this same screening concept in 2022.** The 2022 Phase 1 approved site plan also relied on building walls to screen the south property line, using two buildings (Buildings 8 and 9) of the same height, material, and 30-foot setback as the combined Building 8 now proposed, with a small fence covering only the gap between them. The Phase 2 modification combines those two buildings into a single, continuous Building 8, eliminating the gap and therefore eliminating the need for the small interstitial fence. The substantive screening result is identical to what the Planning Commission already approved in 2022; only the building configuration has changed.
- **Three years of operating history with no harm.** Phase 1 has operated since 2023 with effectively zero south-line visual screening (the existing temporary chain-link fence is a non-obscuring fence). To the Applicant's knowledge, no complaints have been received regarding visual or other impacts on the south abutter. Three years of operating experience demonstrate, empirically, that an obscuring fence is not necessary at this location for the use to remain compatible with the south abutter.
- **Voluntary mitigation near the residence is preserved.** Independent of the relief requested, the Applicant will install along the south line near the residence on Parcel 400-017 the landscape plantings shown on the 2022 Phase 1 approved site plan and depicted on Sheet L-101. This is voluntary mitigation honoring the 2022 commitment.
- **Strict compliance is physically frustrated by long-standing encroachments.** The neighbor's shed encroachments of 5.7' and 7.8' onto the Applicant's parcel (documented in Ottawa County GIS aerial imagery since at least 2004) make installation of a fence on the property line at those locations physically impossible without the Applicant disturbing structures it does not own.

Each of these factors, individually and collectively, demonstrates that no additional public, neighbor, or community benefit would be obtained by requiring a fence at this location. The express purpose of Section 3.17(c)1 (to provide a visual buffer between the more intensive use and the abutting residential property) is more fully served by the design of the project as proposed than it would be by literal compliance with the fence requirement.

## 4.2 Supplemental Record: Section 21.07(d) Practical-Difficulty Findings

Although Section 3.17(c)3 supplies its own controlling standard, the Applicant addresses each of the five findings of Section 21.07(d) as supplemental record support for the requested relief. Each is independently satisfied:

**(1) Exceptional or extraordinary circumstances apply to the property.** Two long-established accessory sheds belonging to the south abutter physically encroach onto the Applicant's parcel by 5.7 feet and 7.8 feet. Review of Ottawa County GIS aerial imagery confirms the encroachments have existed since at least 2004 (more than two decades). They are specific to this parcel and this property line and do not generally apply to other parcels in the district. They render strict compliance with Section 3.17(c)1 physically impossible at the encroaching locations.

**(2) The waiver is necessary for the preservation and enjoyment of a substantial property right.** The substantial property right at stake is the right to complete the lawfully approved Phase 2 development on this parcel. Strict literal application of Section 3.17(c)1 along the south property line would require the Applicant either (a) to obtain consent from the south neighbor to remove or relocate the neighbor's long-standing accessory structures from the Applicant's own land (a matter over which the Applicant has no unilateral control), or (b) to forgo completion of the project as designed. Neither outcome advances a legitimate purpose of the screening ordinance. The waiver is necessary to preserve the Applicant's substantial right to complete an approved development unimpeded by physical conditions on the property that the Applicant did not create and cannot unilaterally remedy.

**(3) The waiver will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of the Ordinance or the public interest.** The intent of Section 3.17 (visual transition and buffering between commercial/industrial uses and residential property) is served by Building 8's continuous south wall (11'-4" tall, set 30' from the property line) together with the 2022-approved south-line landscape plantings (Sheet L-101) that the Applicant will install as voluntary mitigation. The screening concept is identical to what the Planning Commission already approved in 2022. Phase 1 has operated for approximately three years with effectively zero south-line screening (a non-obscuring temporary chain-link fence) and has produced no documented detriment to the south abutter. No view, light, or quality-of-life impact will result.

**(4) The condition or situation is not of so general or recurrent a nature as to make a general regulation reasonably practicable.** The combination of (a) decades-old shed encroachments documented since at least 2004, (b) a previously approved Phase 1 screening configuration that the south neighbor has lived adjacent to without complaint for three years, and (c) a proposed building taller than the required fence and set 30' off the line, is highly site-specific. It is not a recurring township-wide situation amenable to general regulation.

**(5) The exceptional circumstances are not self-created.** The exceptional circumstances on the south property line, namely the two shed encroachments of 5.7 feet and 7.8 feet onto the Applicant's parcel, were created by the south neighbor and pre-date the Applicant's ownership by many years (Ottawa County GIS imagery confirms their presence since at least 2004). The Applicant did not create, and cannot unilaterally remedy, these encroachments. None of the exceptional circumstances supporting the requested waiver were self-created.

## 5. SCOPE OF WAIVER AND MITIGATION

To assist the Board, the Applicant summarizes the precise scope of relief and what will remain in place:

- **Waiver scope:** The entire south property line of Parcel 70-10-01-400-036.
- **North line:** Existing six-foot wood privacy fence (Phase 1), unchanged. Not part of this request.
- **West line:** Existing permanent six-foot chain-link fence with opaque hurricane screening slats, as approved by the Planning Commission, unchanged. Not part of this request. (Abutting use is a commercial fabric business.)
- **East line:** Existing Phase 1 fencing, unchanged. Not part of this request.
- **South line voluntary mitigation:** 2022-approved landscape plantings near the residence on Parcel 70-10-01-400-017 (per Sheet L-101) will be installed as voluntary mitigation honoring the 2022 site plan commitment.

## 6. CONCLUSION

For the reasons set forth above, the Applicant respectfully requests that the Zoning Board of Appeals grant the requested waiver under Section 3.17(c)3 along the entire south property line of Parcel 70-10-01-400-036. The Applicant will install the 2022-approved south-line landscape plantings (Sheet L-101) as voluntary mitigation.

## ATTACHMENTS

- Tallmadge Charter Township ZBA Application Form (signed)
- Site Plan Set, HEI Project No. 21-03-072 Phase 2, dated 03/09/2026:
  - Sheet G-100: Cover Sheet
  - Sheet V-101: Existing Conditions (depicts encroaching sheds & 36" tree)
  - Sheet CD-101: Civil Demolition Plan (depicts shed encroachments at 5.7' and 7.8')
  - Sheet C-101: Site Layout Plan (depicts Building 8 location, 30' setback)
  - Sheet L-101: Landscape Planting Plan (depicts 2022-approved south-line landscape plantings)
- Legal description of Parcel 70-10-01-400-036 (per recorded survey, Liber 5 Certified Survey Maps of Ottawa County, Page 714)