



Mrs. Kuzior: The next item of business is the election of the 2020 officers for the Board of Zoning Appeal.

Mrs. Bushey: **I'd like to nominate Mrs. Kuzior for our Chairperson of our committee.**

Mr. Schunk: **Second the motion.**

Mrs. Raber: Are there any other nominations?

All members present voted in favor. (5-0)

Mrs. Kuzior: **I'd like to make a motion to nominate Melanie Bushey as the Vice Chair for this committee.**

Mr. Victor: **Second.**

Mrs. Kuzior: Any other nominations?

All members present voted in favor. (5-0)

Mrs. Kuzior: Do we have any additions to the agenda?

Mayor Kline: We do not.

Mrs. Kuzior: Any correspondence and communication?

Mayor Kline: The only thing, you did receive an email today from Helene stating that the meeting next month is... no meeting due to no requests.

Mrs. Kuzior: Ok, the first item:

**Case No. 1035**

Michael F. Kalaman, applicant/owner  
**855 Jennifer Trail**

- Variance requested from Subsection 1154.08 (a) Minimum rear setback is 25'
- **Request variance of 20 ft to allow 5 ft rear setback**
- For review and determination

Michael Kalaman was sworn in.

Mr. Kalaman: I'm seeking the variance, mostly to try and help out the neighbor to our left side. I'm wanting to erect a 900 sq ft outbuilding, garage, in this corner over here. To help out this neighbor here, because they have a room on the back of it, if I was farther forward, I feel and they felt also, that the vision would be right out their windows and the farther back that I could have the building, the better it would be for them. Also, this neighbor over here, Maria, she also liked that it would have been back father in this corner so that the view for her also was hidden over here. I had talked with Jacob Stoltz, back here, and he also had no opposition to it and Mr. Charton over here has no opposition to it either. I do have a letter from Tom Lindhe next door that also had stated that he had no opposition to this, and I have like 4 copies I can pass out. My wife and I have lived here in Tallmadge, she's a lifelong resident, I

moved here in 89 and this would be our forever home that we're going to also build and I was going for the variance so that we could do the foundation and the building of the outbuilding at the same time that we could do that house. Cost is a little less if you could have the foundation people there doing everything all at once and the outbuilding is to store the boat in the garage so I wouldn't have it beside the neighbor's house. So, they're not looking out windows at stuff. I have a couple of classic cars that would go in that garage also. I do not work on the cars as far as mechanical work or anything like that. This would only be used for storage. I don't do any commercial work at all. Then, the back-right corner, there's also a little garage door to where I can use that as our shed to put the lawn mowers in and things like that, so I wouldn't have to go past the boat and the cars this way. Putting it back that far also would give up a more useable back yard and also line of site for use to have more use in our backyard. My primary concern still was, like I said, I wanted to keep it father away from this neighbor over here so that... this neighbor over here said that their back room wasn't looking right out at the building. I went to the added expense of doing a hip roof design so that the building wouldn't have a height... a look that would look higher. Because the side walls are 12' high so it has to have a 10' garage door to be able to put the boat in. If you would have had a gable roof, you would have that siding going all the way up to a peak and the building would look bigger and then with a hip roof design, obviously you have gutter going all the way around which, I'm going to direct all water and everything towards Jennifer Trail. Tom told me, 'I have no problem with things you're doing, I can already tell that... most people that have a lot, they probably wouldn't even mow it down or take care of it but you've been over here all summer long, you keep the weeds cut down, you take care of your property so I know anything you're doing would do a good job.'

Mrs. Kuzior: So, you are not running a business out of this building. Just because you're under oath, we have to ask.

Mr. Kalaman: No. I'm retired from UPS. I was there 42 years, and this is just to have to put our boat away, put the cars in it so that they're out of the weather and in storage. Currently the boat is out at Summit County Fairgrounds in the wintertime. They don't do any storage in summer so during the summer, the boat sits in the driveway and so it would be nice to have it undercover, out of the way and protected because, even in the summer time, sitting out in the driveway, it takes a beating. Any other questions?

Mrs. Kuzior: The outbuilding, it's going to match the house exactly?

Mr. Kalaman: Right. The outbuilding would be of the same general construction to match the home. The plans were drawn up by the same architect who also drew the plans for the home. I think in your packet you have the plans of the outbuilding that are up there on the screen. So, as you can see, I think I also put a picture in of what the house is going to look like in with the packet and so it would go along with the design of the house also.

Mrs. Kuzior: Same color siding? Same color roof?

Mr. Kalaman: Same color siding, yes. In fact, if I do some brick work on the outbuilding too, it's going to match the house also. The reason for having it on that left side is because, as you can see, the driveway is on the left side, actually the cut out is already in the curbing, I had that done when Perrin put the street in so that I can back off the street and just go straight back in the driveway back backing the boat down the driveway.

Mrs. Kuzior: So, there will be a cement drive from the front to the back?

Mr. Kalaman: Correct.

Mrs. Bushey: When did you buy your lot?

Mr. Kalaman: When Mr. Hederson came here for approval to put the street through, which was... I can't remember what year that was. I think 2016, I think that's when... he had to sell off 3 lots to be able to have the money to put the street through and so we ended up purchasing the lot the same time that Charton's did and JD Podrasky also. I also had talked to JD Podrasky, who's down in Florida during the winter, and also told me he had no problem with me going for my variance.

Mrs. Kuzior: Do we have any more questions from the Board? Looks pretty straight forward. You gave up a lot of information, so thank you for that.

Mr. Schunk: Immediately to the north of your property, are there any structures on that property that have less than the 25?

Mr. Kalaman: There was a little structure right here that I believe was for pool equipment and Jake told me that he's going to be tearing it down because there's so many holes in it already, it's rotting away. It's just right there. The closest that the building would be to their house is a little over 140 feet, going by what... when I get on GIS and did the measurement of where 5 foot in would be to going to where Jakes house is.

Mr. Schunk: So, that little shed is almost on the property line, isn't it?

Mr. Kalaman: No, actually the property line, this fence is off the property line. It actually comes all the way out to here. It got cut in, I don't know for what reason, when the Lamper's owned it and did it, but Jake is going to redo this back fence and it will go all the way across back towards the property line.

Mrs. Kuzior: Isn't he also going to fill in the pool?

Mr. Kalaman: He did it already, this past fall. He already demo-ed the pool and filled it in. He already got dump trucks in there and filled the dirt in. I had offered that if he couldn't come up from Martindale, that, while we hadn't built yet, that he could go right through this way to fill in the pool.

Mr. Schunk: Again, what is the justification for only 5 feet for a setback on the north side of your property?

Mr. Kalaman: Justification would be trying to get it farther away. Tom next door felt that he would like to have it as far away from his back room that sticks out over here because there's windows all on this room and he said it would be nicer if it was farther away from him so that he didn't have a view right in his face.

Mrs. Kuzior: Any other questions from the Board? Is there anyone in the audience who would like to speak in favor of or against this request?

Mayor Kline: This photo that you see up there is April 18<sup>th</sup>, 2019 from the GIS.

Katie Kuzior Lindhe was sworn in.

Mrs. Lindhe: I'm Tom's wife and we're fine with it.

Mrs. Kuzior: Thank you.

Mr. Gregg: I move to approve the variance request for applicant Michael Kalamán for the property located at 855 Jennifer Tr, Tallmadge OH, for the variance requested from variance requested from Subsection 1154.08 (a) 25' rear yard setback; seeking a 5' based on the plans and applications submitted and dated January 10, 2020 and the evidence presented that:

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the 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 a 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.

Mrs. Bushey: **Second.**

All members present voted in favor. (5-0)

Mrs. Kuzior: Your variance has been approved. Next item:

**Case No. 1036**

Brett W. Wilkinson, applicant/owner  
**1061 Hillcrest Drive**

- Variance requested from Subsection 1181.04(a) Fences in front yard setback shall not exceed 3 ½ ft in height.
- **Request variance of 2 ½ ft to allow 4 ft & 6 ft high fence panels in front setback**
- For review and determination

Brett Wilkinson was sworn in.

Mr. Wilkinson: To get permission to use the taller fencing panels on a property line fence I have. If you look at the original Site Plan on the first page of the packet, it gives you an idea of what I was looking at. Well, first, I apologize for being here to beg forgiveness instead of asking permission. I'll proceed as if I'm here asking for permission.

Mrs. Kuzior: I was there and that was my next question, isn't the fence already there?

Mr. Wilkinson: Yes it is and I found out I needed a permit from a very nice Code Enforcement man that stopped at my house one day and was looking at my fence and I'm trying to decided why this man would be looking at my fence and I asked and found out so, again, I want to apologize for being here doing something I told my kids they should never do. I purchased the house in 2008 from a neighborhood legend. The house was built in 1952 and the bushes seemed to be installed sometime not long after that. When we moved into the home in 2008, we had plans to do some external and interior remodeling. Part of that plan had not included this work being done but just work on the outside. Business went bad in 2008 so I've had to wait some time. In 2019, the situation changed somewhat, so we embarked on a complete exterior remodel. You can see pictures in there. Roofs, doors, windows, siding on the front and also to our garage in the back. One of the things I was facing is I had all of these yews on the property line an surrounding my house and they had grown to the point where, as you can see in this picture, they'd

actually come up beyond the pole here. They had become outrageously expensive to maintain every year and we were getting dead spots in them and they were getting to be old enough now until we were experiencing dead spots up here in the back. So, we made a decision that those needed to go. And I decided in my singleness that I would go ahead and put a fence in there. So, the idea behind the fence was that, in removing those bushes, it exposed the neighbor below us. We're kind of unique in this part of the neighborhood in that my neighbor's home actually sits down below mine. The difference between my driveway and the grade of their driveway is just a shade over 3 feet. So, one of the things I noticed when I had the bushes removed is every time I was turning into the driveway, I was blasting their house with headlights. Driving up the driveway I was blasting their house. If you look in the D section, behind our house, our driveway goes up to behind the house and both garages enter back there. So, anytime we moved anything or did anything in the back, we were also then exposing the back of the neighbor's house to the same headlights. I have 5 children. At any given point in time, one of them has rubber banded back to my basement so that means that's them and their friends are always over there and 99% of the time, people turning into my driveway are coming down Hillcrest, not going up it. So, any house day or night, these people's house is just getting blasted and I didn't think that was a way to be a good neighbor. So, the idea behind the fence was to mitigate that as much as possible. And also, to give us some of that same privacy and the noise abatement. The other thing that is strange about our homes is our driveways are next to each other. The rest of the homes on our street are all driveway opposite on the lawn. So, anytime they're out working, we hear it and anytime I'm out working, they hear it in the back of their house. So, my idea was this fence would mitigate that and that's where we are now, I'm here talking to you folks. You know, this is an excellent picture to show what I'm talking about is that, when you come down and turn into here, right away headlights are across the front of the house so the entire time going up my driveway without anything there, again the people's home is exposed to constant headlights in and out. Same thing in the back here. I have a garage in the back that I have a toy I work on, a 47 International pickup, I've been working on it for about 15 years now, but I'm in and out of there a lot. My children are in and out a lot. Our garage enters from the back so it's the same situation. We had all these bushes, 180 plus bushes removed from the front of the house all around the side from the front here and all of those so it looks very very different. I did talk with my neighbors the whole time we were doing the work on the house just to give them an idea of why there were people out in front of their house at 6 in the morning tearing my house apart. The only person I had on the street that had anything to say about making the change to the fence was a woman down the street and she just misses the greenery of the bushes. She didn't have any issue with the fence, just she hated to see the bushes go after so many years. Any questions I can answer?

Mr. Victor: First a comment, I think what you did is an improvement. Aesthetically it's very nice. We appreciate that. To the house and to the fence. We're only talking about the 46 feet in front of the 50' setback so anything beyond that, your fence can stay. You're fine with us as far as a zoning variance request. Our problem that puts us in a unique situation is site lines. While it's admirable that you don't want to blast your neighbor with the headlights, the site line up and down the street is affected somewhat by it, especially with the 6 foot panels and that's why the code is there in the first place, so you can have clear lines of sight for traffic. I know you mentioned that somewhere in your narrative, but it still does it and we've been pretty consistent on that not allowing the 6' fence within a right-of-way. That's my comment. So, it's a unique situation. Also, even the 4 foot violates by 1/2 foot. The grade of the street itself actually contributes even more to that because I think there's about a foot or 2 feet from your driveway down to the neighbors, just the natural slope of the land, is that correct?

Mr. Wilkinson: In this front area, yes, it's less of a slope because the lot does grade down to the road. Actually, previous to my removing that and putting this up, all of this up to this point would have been blocked by the bushes. So, I thought we improved that site line.

Mr. Victor: Yea, I'm not in disagreement over that, just in what the code says, the fence is higher than their driveway so it's 4' plus it does go down a little bit to their driveway so in essence, if you're coming up the street, it's going to appear a little higher, correct?

Mr. Wilkinson: Yes, it does. I agree with that.

Mr. Schunk: What was the height of the row of yews before you cut them down?

Mr. Wilkinson: About here on me, so about 5'10". I'm 6'2" and I could see over if I stood on my tiptoes.

Mr. Schunk: So, the proposed fence is slightly...

Mr. Wilkinson: It's shorter than the bushes were, yes.

Mr. Schunk: Yea, I backed in and out of your driveway and I didn't have any problems with site distances.

Mr. Wilkinson: Right and the FedEx delivery person and the UPS delivery person and the pizza delivery person and even the paper guy all commented to the same that they actually thought it was an improvement over what was there.

Mrs. Bushey: Was one of the reasons that you put this type of fence up was that you now have a gated driveway?

Mr. Wilkinson: Yes, it is. I've got my last puppy and one of the things that was important to us was to be able to block the backyard off. I put up a cattle pen in the back, fencing, inside in the back inside my existing split rail to close it off so the dog couldn't get out and we wanted to put a gate in the front so when she's out in the back yard, we can close that gate. Its not something that would normally be closed. The gate is very very light weight. All the fencing is light weight. As I said in here, its all made from recycled palmer. The stone is a look, its not stone.

Mrs. Kuzior: So, is it your intention then to put a gate across the front?

Mr. Wilkinson: No, there is a gate where the house is at the line at the front of the house, which would be back significantly behind the setback. But no, we would not put a gate in the front of the driveway.

Mrs. Kuzior: Ok. I drove in the driveway and looked at it, but I didn't get out so, I didn't see that part.

Mr. Wilkinson: The gate is right here. I may move it but for the time being it's right here so it blocks the back out and it blocks the rest of the yard so my dog can roam freely.

Mr. Victor: How many 6' panels are within that 46 feet? I know you have it staggered so it starts with a 4 foot...

Mr. Wilkinson: There's 2 4' panels before we hit the first 6 so there would be, I believe 4. This would be close to the 50 foot so 4... maybe a fifth but it would be right up at that line.

Mr. Gregg: What was the reason with going with some 6 and some 4?

Mr. Wilkinson: More of the look than anything. It's tough to explain a lot of things I did with the house but more than for anything it was the look. All the top panels going up the driveway have a solar lights on them so at night the panels all light up.

Mr. Wilkinson explains other updates done on property.

Mr. Wilkinson: I have a couple letters... I haven't had anything negative said about it. Well... Other than I didn't get a permit for it.

Mr. Gregg: You did a very nice job on your presentation.

Mr. Wilkinson: Thank you very much.

Mr. Wilkinson talks about his job.

Mr. Schunk: That fence is the same on both sides... it's not an ugly side and...

Mr. Wilkinson: No sir, I wouldn't do that. And if there was a good side, I would always point it towards my neighbor. But no, it's identical on both sides.

Mrs. Kuzior: Ok, thank you. Do we have any other questions?

Mrs. Raber: If you maybe just want to read that letter into the record?

Mrs. Kuzior: This is from Kathy and Jim Harris.

*To Whom It May Concern at the Zoning Board,  
We live at 1073 Hillcrest and our neighbors Brett and Elizabeth Wilkinson who live at 1061 Hillcrest have made many major improvements to their home in the past year. We are under the understanding that there are concerns about the new fence that runs along the side of their property. We like the fence and feel it adds curb appeal and privacy. The previous bushes that were there were just unsightly. We also do not have any obstruction of our view when we are pulling in and out of our driveway. We would like the fence to stay as is. We will be out of town when this meeting is held on February 11, 2020 and wanted to express our positive views about the fence. Thank you for hearing our positive views. Jim and Kathy Harris.*

Mrs. Kuzior: Are the Harris's the people that would have been directly affected by the headlights?

Mr. Wilkinson: No, that would be the people down below me. I was hoping Gloria would be able to come with me tonight, but I couldn't get in touch with her.

Mr. Wilkinson explains the updates on his house.

Mrs. Kuzior: Where do the Harris's live reference to you?

Mr. Wilkinson: The Harris's live on the other side of me. And then there was a second letter in there, I believe from across the street.

Mrs. Kuzior: I don't think we have another letter here. We have one from Kathy and Jim Harris. I think you gave us 2 copies of that letter.

No second letter was received.

Mrs. Kuzior: Do we have anybody in the audience who would like to speak in favor of or against this request? I'll entertain a motion.



Mr. Victor: I move to approve the variance request for applicant Brett W. Wilkinson for the property located at 1061 Hillcrest Dr, Tallmadge OH, for the variance requested from Subsection 1181.04(a) Fences and wall erected within the minimum front yard setback shall not exceed 3 ½ ft in height; 2 ½ ft variance requested to allow staggered 4 ft & 6 ft high fence panels in front setback on the plans and applications submitted and dated January 15, 2020 and the evidence presented that:

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Code.
2. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development or the property that do not apply generally to other properties or uses in the same zoning district or neighborhood;
3. The granting of such a 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.

Mrs. Kuzior: **Second.** Do we have any discussion? I think it's an improvement from... I didn't see the shrubs obviously the way they used to be but if they were that high, they were probably unsightly and hard to see around so I think it's an improvement to the property myself.

All members present voted in favor. (5-0)

Mrs. Kuzior: Your variance has been approved. **Motion to adjourn.**

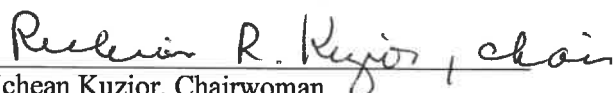
Mrs. Bushey: **Second.**

All members present voted in favor. (5-0)

Meeting adjourned at 7:39pm.

Respectfully submitted,

  
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Kelli Funk, Secretary

  
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Richean Kuzior, Chairwoman