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Exhibit  
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BEFORE THE NIMISHILLEN TOWNSHIP BOARD OF ZONING APPEALS

LOUISVILLE, STARK COUNTY, OHIO

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	:	
In Re:	:	REQUEST FOR ZONING "AREA" VARIANCE
	:	
Shawn Fimple and Jennifer Fimple,	:	Board File No. 00563
	:	
Petitioners for Variance	:	PETITIONERS' REQUEST TO AMEND MINUTES OF BZA HEARING, 1 JUNE 2010

REAL PROPERTY AT ISSUE:

4900 Eshelman Avenue NE  
Nimishillen Township, Stark County, Ohio  
Louisville, OH 44641 (mailing address)  
Stark County Auditor's Parcel Number: 33-01826

Request to Correct and Amend Minutes


This matter came on for hearing before the township BZA on June 1<sup>st</sup>, 2010.

Petitioners-Fimple requested that the Minutes of that hearing be amended before approval by the Board as follows:

- (1) The Minutes show the attorney for First American Title Company to be "Tom Harden." His name should read "Thomas E. Hartrnett of Day-Ketterer, Attorneys; Canton, Ohio"; and,
- (2) The Minutes should be amended to reflect the principal testimony of abutting landowner, Mr. Daniel J. Duplain whose testimony may be summarized as follows: (a) Mr. Duplain objects to the granting of Petitioners' area variance since this would put the south side of the offending structure only inches from Mr. Duplain's Parcel Co. 33-09114. (b) Such

proximity would require trespass upon Duplain land during any maintenance work on the south side of Petitioners' garage; (c) Mr. Duplain intends to graze horses and/or cattle on the wedge of his Parcel 33-09114 which abuts the south side of Petitioners' Parcel 33-01826. The proximity of the south side of Petitioners' offending garage to any future fence erected on abutting Duplain land on or near the property line would be so close that Duplain livestock could easily reach over or through the fence to do damage to Petitioners' offending garage and would expose Mr. Duplain to civil liability for any damage his livestock might cause to the wall of the offending garage not more than two feet from the fence; and, (d) The Duplains paid fair and proper consideration for the abutting Parcel 33-09114. As such, they are entitled to the quiet enjoyment of their land and they are under no legal or moral obligation to sell a portion of that land to Petitioners nor to grant an easement to Petitioners nor to agree to the requested area variance in that they are properly and legally seised in absolute, fee simple title to their Parcel No. 33-09114.

Respectfully submitted,



Douglas Savage