

Minutes

Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, December 12, 2012 – 7:00 PM

Board Members Present: Gary Brahler, Chairman
Bill Ehlers, Vice Chairman
Pan Aslanides, Secretary
David Foss, Member
Anthony 'Tony' Mucci, Member
Arthur 'Art' Smith, Alternate

Zoning Inspector: Dale Riggerbach

Township Secretary: Sharon Shaub

Purpose (3 cases):

- **APPEAL #594** – Timothy Z. and Nancy L. Whitehouse, **6254 Shilling NE, Louisville, OH 44641**, parcel no. 33-09998, zoned R-1, are requesting a variance to install an outdoor wood burning furnace to heat their home per Section 603.8 Wood-Burning Furnaces as stated in the Nimishillen Township Zoning Resolution.
- **APPEAL #595** – Nickolas Perez, **6010 Grover Dr. NE, Louisville, OH 44641**, parcel no. 33-06689, zoned R-1 Single Family Residential, is requesting a variance for an addition with a setback of 25' rather than the required 40' from the front yard depth subject to Section 702.3 Minimum Lot and Yard Requirements as stated in the Nimishillen Township Zoning Resolution.
- **APPEAL #596** – Steven and Sandra Sylvester, 417 Adena St. NE, Canton, OH 44720, are requesting a variance for a **new residence located at 8225 Parks Ave. NE, Alliance, OH 44601**, parcel no. 33-09628, zoned R-R Rural Residential, with a setback of 40' rather than the required 60' for front yard depth subject to Section 701.3 Minimum Lot and Yard Requirement of the Nimishillen Township Zoning Resolution.

Call Hearing to Order:

Chairman Brahler opened tonight's hearing at 7:00 PM and introduced the board, zoning inspector and township secretary. Brahler swore in everyone in attendance by asking them to

swear that the information they were about to present, either in oral or written form, is true and accurate to the best of their knowledge. The people responded by stating, "I do".

2012, Dec. 12 BZA Hearing (cont.)

CASE #1 – APPEAL #594: Timothy Z. Whitehouse, 6254 Shilling NE, Louisville, OH 44641, stepped to the podium and said he’s applying for a variance to install an outdoor wood burning furnace to heat his home. Mr. Whitehouse said he has about 10.38 acres.

Mr. Whitehouse was questioned about the wood burner and whether or not he started to install it yet. Mr. Whitehouse said the unit is there but it’s not connected.

Letters / phone calls regarding the variance request:

Zoning Inspector, Dale Riggerbach, said he received no letters and only **one phone call**. The caller did not leave his name but was **in favor** of Mr. Whitehouse installing the outdoor wood burning furnace.

Residents in attendance ‘IN FAVOR’ of the request:

With no further questions from the Board, Chairman Brahler asked if there was anyone in attendance to speak in favor of the variance.

- **Gordon Miller, 6251 Shilling**, stepped to the podium and said he lives across the road from Mr. Whitehouse and thinks it’s stupid Mr. Whitehouse has to apply for a variance – said he sees nothing wrong with what he wants to do.

Residents in attendance ‘OPPOSED’ to the request:

Chairman Brahler asked if there was anyone in attendance opposed to Mr. Whitehouse’s request. There was not.

With no more questions or discussion, Chairman Brahler asked for a motion for a ballot vote.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE TO EITHER APPROVE OR DENY THE VARIANCE REQUEST TO INSTALL AN OUTDOOR WOOD BURNING FURNACE SECONDED BY TONY MUCCI.
MOTION CARRIED.

Ballot vote as follows:	Gary Brahler	APPROVE
	Bill Ehlers	APPROVE
	Pan Aslanides	APPROVE
	David Foss	APPROVE
	Tony Mucci	APPROVE

Chairman Brahler said the request for Appeal #594 for an outdoor wood burning furnace is **APPROVED** and advised Mr. Whitehouse to contact Dale during regular office hours to make arrangements to pick up the proper permit for the furnace.

BZA Minutes: 2012, December 12- BZA-3 Hearings-6254 Shilling, 6010 Grover & 8225 Parks .docx

2012, Dec. 12 BZA Hearing (cont.)

CASE #2 – APPEAL #595: **Nickolas Perez, 6010 Grover Dr. NE**, stepped to the podium and said he’s applying for a variance for footage for an addition stating it should be 40’ to the roadway. He said there’s an easement for a road but there’s no road there yet. Mr. Perez said he has a little over five (5) acres but the septic and leach bed is on the opposite side, the well is in the way and this is the only location he has to add on to his house.

Pan Aslanides asked if the addition was already built since a permit had been issued by Mr. Riggerbach. Mr. Perez said the frame is up and the electric was put in just this evening. Mr. Riggerbach explained that he wrote a permit for the addition but after checking into it further, he decided he should go to the site and measure. Upon measuring, Mr. Perez was informed he needed to go before the Board of Appeals to request a variance.

Bill Ehlers asked about the new road. Mr. Perez said there’s an easement that dead ends at his property but it will most likely never be made into a road.

Discussion was held as to who takes care of Grover. The issue went before the court and the township was ordered to maintain it.

Letters, phone calls or residents in attendance to speak either for or against the variance:

With no further questions from the Board, no correspondence or phone calls received at the township office and no one in attendance to speak either for or against Mr. Perez’s request for a variance for an addition with a setback of 25’ rather than the required 40’ from the front yard depth, Chairman Brahler asked for a motion for a ballot vote.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE TO APPROVE OR DENY THE VARIANCE REQUEST FOR AN ADDITION SECONDED BY DAVID FOSS. **MOTION CARRIED.**

Ballot vote as follows:	Gary Brahler	APPROVE
	Bill Ehlers	APPROVE
	Pan Aslanides	APPROVE
	David Foss	APPROVE
	Tony Mucci	APPROVE

Chairman Brahler said the request for Appeal #595 for an addition is **APPROVED** and advised Mr. Perez to contact Dale during regular office hours to make arrangements to pick up the proper permit for the addition.

BZA Minutes: 2012, December 12- BZA-3 Hearings-6254 Shilling, 6010 Grover & 8225 Parks .docx

2012, Dec. 12 BZA Hearing (cont.)

CASE #3 – APPEAL #596: Steven Sylvester, 417 Adena St. NE, N. Canton, stepped to the podium and said he’s applying for a variance to **build a house on property located at 8225 Parks Ave. NE, Alliance, OH 44601**. The problem is there’s a wet area directly behind where he wants to build so he needs to move the house up to clear the wet area. When he bought the property, it was dry - there had been no rain.

Mr. Sylvester has a little over five (5) acres. When asked about leach lines and septic, Mr. Sylvester said the leach line is off to the north and the septic has been approved by the Stark County Health Department.

Letters, phone calls or residents in attendance to speak either for or against the variance:

With no further questions from the Board, no correspondence or phone calls received at the township office and no one in attendance to speak either for or against Mr. Sylvester’s request for a variance for a residence with a setback of 40’ rather than the required 60’ for front yard depth, Chairman Brahler asked for a motion for a ballot vote.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE TO APPROVE OR DENY THE VARIANCE REQUEST FOR A NEW RESIDENCE SECONDED BY BILL EHLERS. **MOTION CARRIED.**

Ballot vote as follows:	Gary Brahler	APPROVE
	Bill Ehlers	APPROVE
	Pan Aslanides	APPROVE
	David Foss	APPROVE
	Tony Mucci	APPROVE

Chairman Brahler said the request for Appeal #596 for a setback of 40’ rather than the required 60’ for front yard depth for a new residence is **APPROVED** and advised Mr. Sylvester to contact Dale during regular office hours to make arrangements to pick up the proper permit.

2012, Dec. 12 BZA Hearing (cont.)

Old Business / New Business: There was no old or new business to discuss.

Approval of Minutes: Chairman Brahler asked the Board for a motion to approve the November 7, 2012 minutes.

BILL EHLERS MOTIONED TO APPROVE THE NOVEMBER 7, 2012 MINUTES AS WRITTEN SECONDED BY TONY MUCCI. **ALL VOTED YES. MOTION CARRIED.**

Adjournment: Chairman Brahler asked the Board for a motion to adjourn.

PAN ASLANIDES MOTIONED TO ADJOURN AT 7:30 PM SECONDED BY DAVE FOSS. **ALL VOTED YES. MOTION CARRIED.**

Gary Brahler, Chairman

Pan Aslanides, Secretary