

MINUTES
BOARD OF ZONING APPEALS
WEDNESDAY, FEBRUARY 1, 2012 – 7:00 PM

Board Members Present: Pan Aslanides, Secretary
David Foss, Member
Tony Mucci, Member
Art Smith, Alternate

Board Members Absent: **Gary Brahler, Chairman**
Bill Ehlers, Vice Chairman

Trustee(s) Present:

Interim Zoning Inspector: Dale Riggerbach

Township Secretary: Dotty Jackson (Sharon Shaub – Absent)

Purpose:

- Appeal #580 - James D. Ludwig, 8995 Louisville St., Louisville, Ohio, requesting a variance for an accessory building of 6,000 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 24 feet 10 inches instead of the allowed 17 feet as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

Secretary Pan Aslanides - opened the meeting at 7:00 P.M. and introduced the Board of Zoning Appeals, Zoning Inspector Dale Riggerbach, Secretary Dotty Jackson. Mr. Aslanides 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".

ORGANIZATIONAL MEETING: It was decided that the organizational meeting would be postponed until the next meeting when all the board members would be present.

FIRST CASE - APPEAL #580 James D. Ludwig:

James D. Ludwig of 8995 Louisville Street, Louisville stepped to the podium and stated he is requesting a variance for an accessory building of 6,000 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 24 feet 10 inches instead of the allowed 17 feet in Section 602.4 of the Nimishillen Township Zoning Resolution. He is requesting the accessory building so he can store wood he has collected from all over the world, vehicles, have a wood working area, a finishing area, equipment for wood working such as bench saws, air compressors, tables, a storage area for flammables, and a utility room, as well as, personal items that he rather not list publicly.

Board member Aslanides asked Mr. Ludwig how long he has lived at 8995 Louisville Street? Mr. Ludwig said he has lived there 25 years, but his wife was raised there, it was her family's home.

Board member Foss asked Mr. Ludwig how the specific use of building would impact his neighbors. Mr. Ludwig said his surrounding neighbors were here and they would comment for themselves.

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Board member Foss asked Mr. Ludwig would there be a paint booth? Mr. Ludwig said that would be part of the finishing room, not much paint more lacquers for the wood finishing.

Board member Foss asked Mr. Ludwig would there more flammables then he already has? Mr. Ludwig said there would not be an increase in the amount of flammables.

Board member Foss asked Mr. Ludwig about the electric phase. He is looking at Roto Phase which is 200 AMP – 3 phase system.

Board member Foss asked if Mr. Ludwig had made arrangements to store the saw dust? Mr. Ludwig said that he uses it for mulch around certain flowers and bushes, plus he has friends that have horses that use it for bedding. Mr. Foss asked if he will have a cyclone outside for dust collection? Mr. Ludwig said it will be inside, noise factor.

Board member Mucci asked could the land be sold without changing the way configured? Zoning Inspector Dale Riggerbach shared that it cannot be sold because it doesn't have the Township correct 100 ft. footage in front for a buildable lot without going to the Board of Appeals again.

Board member Mucci stated he could see the building becoming someone's automotive garage later on. Mr. Ludwig said that it won't be and that the building will be used strictly for storage.

Board member Aslanides said no business can be going out. Mr. Ludwig stated all personal hobbies.

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

RESIDENTS IN FAVOR:

David Augenstein 8949 Louisville St. stepped to the podium and said he has lived next door to Mr. Ludwig for 5 years. Mr. Augenstein said Mr. Ludwig and his sons keeps the property very nice Mr. Augenstein said that Mr. Ludwig needs the much greater building space to eliminate the smaller buildings and his view point is it will make the property look even better. Mr. Augenstein has no concerns, is happy about looking at the new building and listening to the saws at night.

Don Keefe 9020 Louisville St. stepped to the podium and said he lives across the street from Mr. Ludwig and his family and he is in favor for Mr. Ludwig's request for accessory building. Everything Mr. Ludwig and his family do is very classy and looks good. All the neighbors agree or they wouldn't be here to back up Mr. Ludwig. Mr. Keefe has no objections what so ever.

Patty Gero 9029 Louisville St. stepped to the podium and said she moved there 5 years ago and is blessed to have the Ludwig's as neighbors. She feels they are not going to build an eyesore, everything they're going to do will come out fine because everything they do has been done really well. They maintain their property well and has no doubt the accessory building will

not be a let down. Mr. Aslanides ask Mrs. Gero so I take it you're in favor? Mrs. Gero said yes she's in favor and so is her husband.

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With no one else in attendance to speak in favor of the variance, Secretary Aslanides asked if there was anyone who wanted to speak against the variance request.

Secretary Aslanides asked Zoning Inspector Dale Riggerbach is he had any calls or complaints. Mr. Riggerbach stated no complaints, that he had received a notarized letter which is required from Mozelle Justice who lives at 8964 Transit St. stating that she is in favor of Mr. Ludwig's accessory building and that she doesn't have any objections.

Board member Tony Mucci asked Zoning Inspector what is the rules on an accessory building on a lot without a residence? Mr. Riggerbach stated we've had some in the past, don't generally happen, some are going to come. Mr. Ludwig owns 3 parcels I don't foresee him getting rid of any of these parcels anytime soon. I don't have a concern the way he has it laid out it will be tough to sell the one piece by itself. Mr. Aslanides said he would have to come before us if he wants to sell it.

Mr. Riggerbach said he could sell it but when someone goes to build a house on there going to have an issue or if a realtor calls me for the Nimishillen requirements they're going to find out that it's nonbuildable the way it sits because it doesn't have the 100ft. building width.

Board member Mucci asked will approval of this appeal make for problems later on? Two years later someone else wants to do the same thing, might have a legal issue. Zoning Inspector Dale Riggerbach explained if we say no to anybody they can do an appeal through the court system. Mr. Aslanides said every case we do is changing a rule, so many similar things we say yes or no to, that's the point he's here because what he's doing is not within the rules so we're stretching the rules. Everyone denied has the right to go to court because we've approved something similar somewhere else.

Zoning Inspector Riggerbach asked Mr. Ludwig just for the record is the garage is for your personal purpose and not for commercial? Mr. Ludwig answered that's it's for his personal retirement hobby.

RESIDENTS OPPOSED:

No one was in attendance who was opposed to the variance request.

With no further discussion, Secretary Aslanides asked for a motion for a ballot vote. DAVID FOSS ASKED FOR A MOTION FOR A BALLOT VOTE SECONDED BY TONY MUCCI MOTION **CARRIED**. Voting went as follows:

Dave Foss - APPROVE
Art Smith - APPROVE
Tony Mucci - APPROVE
Pan Aslanides - APPROVE

Secretary Aslanides stated the request for the variance has been **APPROVED** and instructed Mr. Ludwig to contact the zoning inspector during normal business hours to get whatever paperwork and permits needed.

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OLD BUSINESS / NEW BUSINESS:

The Board Members approved to move the March 7th hearing to March 14th at 7:00 PM.

Dale stated they may need to have a March hearing due to a case pending that didn't get their paper work done in time for tonight's meeting.

APPROVAL OF MINUTES:

TONY MUCCI MOTIONED TO APPROVE THE WRITTEN MINUTES FOR DECEMBER 7TH, 2011 SECONDED BY ART SMITH. **ALL VOTED YES. MOTION CARRIED.**

ADJOURNMENT:

DAVID FOSS MOTIONED TO ADJOURN AT 8:27 PM SECONDED BY TONY MUCCI **ALL VOTED YES. MOTION CARRIED.**

Pan Aslanides, Secretary

David Foss, Member

Zoning Board of Appeals Minutes Folder: 2012 Feb. 1 BZA Minutes- J. Ludwig Access. Bldg. Louisville Street

Typed minutes are located in email in folder: 2012, Feb., 1 BZA Minutes