

Minutes
Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, November 7, 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- One Case:

- **Notice of Appeal #593** – Gary D. Pritt of 5025 Maplegrove Ave. NE, Louisville, OH 44641, zoned R-1 Single Family Residential, Parcel No. 33-05937, is applying for a variance for a garage addition with a setback of 20' rather than the required 30' from the rear yard depth and a setback of 7' instead of the required 10' from the side yard width subject to Section 702.3 Minimum Lot and Yard Requirements 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".

Gary Pritt, 5025 Maplegrove Ave. NE, Louisville, OH stepped to the podium and said he is applying for a variance for a garage addition which will be attached to his house. He said he chose this location so it wouldn't block the view from their kitchen window.

Gary Brahler asked how many acres he had and if there was another way to do this so he wouldn't have to apply for a variance. Mr. Pritt said he could turn the garage long-ways but that only gives him enough room for two (2) garage doors instead of the three (3) doors he is hoping for.

David Foss asked if the garage doors would be facing the barn - could the garage addition be slid to the north or would that interfere with windows and doors. Mr. Pritt said it would interfere with his kitchen window.

Because the size of the garage addition, which is 40' x 30', (1,120 sq. ft.) is within zoning regulations, Chairman Brahler asked Mr. Pritt if he could put the garage addition anyplace else so he wouldn't have to apply for a variance - the only reason he applied for a variance is for setbacks. Mr. Pritt said yes, but they use the lane facing the barn.

Gary Brahler asked Mr. Pritt if there was a right-of-way to get in next to his land. Mr. Pritt said yes, but there needs to be 50' road frontage and that's what the right-of-way is. Whoever lives in the house has lifetime use of the lane. If he sells the house, it would transfer to the new owner.

Bill Ehlers said there are a lot of issues with this and asked Mr. Pritt how long he's lived there. Mr. Pritt said since 1993.

Bill Ehlers asked what Mr. Pritt uses for a garage now and if the new garage would be bigger than his house. Mr. Pritt said he never had a garage and said it would be pretty close to the size of his house but never really thought about it.

Bill Ehlers explained that the Board of Appeals is here to try to keep everyone as happy as possible. The size of the addition is within the zoning limit and Mr. Pritt is only going for a variance for setbacks.

Mr. Pritt said the purpose for asking for the setbacks is so he would be able to fit three (3) vehicles in the garage. He's a carpenter, has thousands of dollars worth of equipment and would like to have it all in one place so he can use it and not have it scattered all over.

Mr. Pritt said there has always been something there since the 1900's (a summer cottage) and he wants to build the garage addition where the old summer cottage was.

Bill Ehlers asked about the barn, farmer's use of the barn and if the addition would cause problems getting farm equipment into the barn...has this been a problem since you've lived there? Mr. Pritt said he doesn't see how because as far as he knows, when the house was built, the summer cottage was built at the same time. Mr. Pritt said he's only going 14' to the south (longer) towards the barn.

Pan Aslanides said he's having trouble visualizing the turns to get into the barn. *(At this time, Mr. Pritt and the BZA had discussion while looking at Mr. Pritt's drawings as to where everything is located)*

David Foss asked if the new garage would extend further to the west than the summer cottage did. Mr. Pritt said it will be 14' longer - it's an odd shaped lot. The property line is at an angle.

David Foss mentioned 7' at the back corner and the front is 13'. Mr. Pritt said it's plenty big enough at the front corner. Mr. Foss said it averages 10' but it's longer.

Bill Ehlers asked Mr. Pritt if he parks his vehicles on the cement pad where the summer cottage was. Mr. Pritt said there's no cement pad and they've been parking in the driveway since 1993.

David Foss asked Mr. Pritt is he had a **Plan B**? Mr. Pritt – Yes. Turn the garage the other way but doing that would only allow for two (2) garage doors instead of the three (3) doors he wants and it would also block their kitchen window. When asked if it would still be attached to the house, Mr. Pritt said yes.

Letters / phone calls regarding the variance request:

Zoning Inspector, Dale Riggerbach, said he received two phone calls and one email from Mr. & Mrs. Gorrell. Dale said if Mr. Pritt changed the position of his garage, he would meet zoning requirements and wouldn't need approval from the BZA. It would meet the side and rear setbacks. Mr. Riggerbach said there are two options:

- 1) Move the garage addition back; or
- 2) Put the accessory building (garage addition) in a different area.

Residents in attendance 'IN FAVOR' of the variance request:

With no further questions from the Board, Chairman Brahler asked if there was anyone in attendance in favor of Mr. Pritt's request. There was not.

Residents in attendance 'OPPOSED' to the variance request:

Chairman Brahler then asked if there was anyone in attendance opposed to the variance request.

Arlene & William Gorrell of 5145 Maplegrove stepped to the podium. Mrs. Gorrell stated she opposes the variance because:

1. Gary Pritt and family park in the drive and at times it poses a problem trying to get around their vehicles;
2. Placement of the structure will make accessibility to the entrance of their barn more difficult because the length is closer which will make it difficult to make the turns due to all of their different farm equipment - she wondered if the structure could be somewhere else on their property;
3. The area between the garage doors and property line will not be deep enough to allow a vehicle to be parked without a portion being on their property. The lane Mr. & Mrs. Pritt use is the Gorrell's property, which allows only the entrance and exit of vehicles – not the parking of vehicles;
4. If this structure was moved to the south of the property line, there would be room for the vehicles to be parked on the Pritt property. There are no well or septic issues to prevent the change in placement of this structure because the well and septic are to the north of the house. Mrs. Gorrell said realtor Mr. Kiko

believes this could be detrimental to the selling of their property in the future or selling off pieces of their farmland for other homes to be built;

5. When asked who maintains the lane, Mrs. Gorrell said the oil company and whoever lives in the house; and,
6. Mr. Gorrell said he has concerns about the use of the farmer's lane, which they both use (the Gorrell's and the Pritt's). There is room at this time to make the turns as long as there are no vehicles sitting in the drive.

Mrs. Gorrell said she understands Mr. & Mrs. Pritt not wanting to block their kitchen window. Mrs. Gorrell said the only other option would be they (the Pritt's) would have to build a drive to it from her drive. She also has to look out for their barn and their future. Mrs. Gorrell said the addition would totally eliminate the option of being able to maneuver vehicles – they could use the land before (if necessary) but now there will be a building.

When asked who owns the land, Mrs. Gorrell said she owns all of the land. It used to be her dad's property.

Bill Ehlers wanted to know if Mrs. Gorrell had a problem with the setback in the back. Mrs. Gorrell said no but George Kiko does due to the possibility of selling off parcels of land in the future.

The Board called Mr. Pritt back to the podium and asked what's on the other side of the house. He said his kitchen. The front of his house faces the barn. He needed to go before the Board of Appeals for the rear setback – everything else is ok. Tony Mucci asked if it would be possible to turn the garage around and if it stayed the same size – would that work. Mr. Pritt said yes. The garage doors would be to the west.

Bill Ehlers said he doesn't want to put a hardship on the Gorrell's but understands that Mr. Pritt wants the building the way he wants it. Mr. Pritt said he's been waiting since 1993 to be able to do this. Mr. Aslanides said it all seems valid to him. There's not room for the Gorrell's farm equipment to turn if the request for the garage addition is granted, which creates a problem for Mr. Pritt.

Mr. Pritt said the summer house has always been there and there was no problem but the Board said there's no wall there now and with the addition, there will be a wall/building that will prevent Mr. Gorrell having room to turn his farm equipment. More discussion followed....

Cheryl Pritt stepped to the podium again and said:

1. Not only is her husband talking about not wanting to block their kitchen window, they also own the 2nd floor and there's a bay window that sticks out so they have to watch the roof when figuring it out, and;

2. The other issue is when one enters the driveway - Mr. Gorrell wants to come out and around. Depending on the size of the equipment when they, the Gorrell's, come up and around - not only is she talking about her property - when they swing around, they are going onto their (the Pritt's) front grass so it's a 'catch' no matter which way you look at it.

Discussion was then held about changing the size of the garage and what would fit zoning criteria.

because the township wouldn't be able to do anything about it. **Bill Gorrell** stepped to the podium and said he's the one who operates the farm machinery. It's tight but he can make it. The problem is Mr. & Mrs. Pritt's (showing pictures of the Pritt's lane and barn to the Board) property going up to the barn from their drive where he (Gorrell) has to get out with a 30' loaded hay wagon and a haybine behind it - it's really tight. The garage will interfere because he won't be able to get in and won't be able to open the barn doors. He said this creates a problem.

While looking at Mr. Pritt's drawings, Mrs. Gorrell said Mr. Kiko said they could build a fence. The Board said that would change everything. Dale said the Gorrell's could put up a fence, but if they put a fence on the north side between the barn and the proposed garage addition, it could cause a problem between the Pritt's and Gorrell's and they could possibly end up in civil court.

With no more questions and/or discussion, Chairman Brahler asked for a motion for a ballot vote to either approve or deny the variance request.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE SECONDED BY BILL EHLERS.

MOTION CARRIED

Ballot vote as follows:	Pan Aslanides	<u>DENY</u>
	Gary Brahler	<u>DENY</u>
	Bill Ehlers	<u>DENY</u>
	David Foss	<u>DENY</u>
	Tony Mucci	<u>DENY</u>

Board members reasons for denial:

1. Gary Brahler - Not enough room
2. Bill Ehlers - Too tight - problems now & more if ownership changes by both sides
3. Pan Aslanides - Does not allow access to barn
4. David Foss - North side setback should meet zoning requirement of 10' to avoid present or future issues of ingress-egress to barn
5. Tony Mucci - Does not allow access to neighbor's barn

2012, Nov. 7: Variance-Garage Addition Setbacks @ 5025 Maplegrove (Cont.)

Chairman Brahler said the request for Appeal #593 for setbacks for a garage addition is **DENIED**. He advised Mr. Pritt to contact Dale during office hours to discuss other options for the garage addition.

Old Business:

There was no old business to discuss.

New Business:

Dale reminded to the Board the next BZA hearing is scheduled for Wednesday, Dec. 12, 2012 at 7:00 PM. As of this date, there is one hearing scheduled for an outdoor wood-burning furnace in a residential district.

Approval of Minutes:

PAN ASLANIDES MOTIONED TO APPROVE THE MINUTES FOR OCTOBER 10, 2012 AS WRITTEN SECONDED BY DAVID FOSS. **ALL VOTED YES. MOTION CARRIED.**

Adjournment:

PAN ASLANIDES MOTIONED TO ADJOURN AT 8:00 PM SECONDED BY DAVID FOSS. **ALL VOTED YES. MOTION CARRIED.**

Gary Brahler, Chairman

Pan Aslanides, Secretary

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