

Minutes
Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, September 4, 2013 – 7:00 PM

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

Zoning Inspector: Dale Riggerbach

Township Secretary: Sharon Shaub

Note: The CD from tonight's hearing did not turn out. Upon finalization of the CD, message read: Bad Disk – Error.

Purpose:

APPEAL #599 – Raymond Greene is requesting a variance for the existing addition to his accessory building located at 4863 Broadway Ave. NE, parcel #33-07608 zoned R-1Single Family Residential. With the addition of 384 sq. ft., the accessory building is now a total of 1,344 sq. ft. instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

CALL HEARING TO ORDER:

Chairman Ehlers opened tonight's hearing at 7:01 PM and introduced all board members, zoning inspector and township secretary. Ehlers 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".

Chairman Ehlers said the original accessory building was 32' x 30' (960 sq.ft.). Mr. Greene hired a contractor to add an addition to his existing accessory building adding 384 sq. ft. (12' x 32') totaling 1,344 sq.ft. The contractor is from Carroll County where permits are not needed; therefore, no permits were pulled at Nimishillen Township or at the Stark County Building Department.

Chairman Ehlers said Zoning Inspector, Dale Riggerbach, contacted Stark County Prosecutor, Mike Bickis, and his advice was to have Mr. Greene apply for a variance for the size (square footage) and then pull a permit for the existing addition to the accessory building which would then correct the zoning violation. However, since the addition is over one year old, the Stark County Bldg. Dept. does not require a permit.

Raymond Greene of 4863 Broadway NE stepped to the podium and said he added an addition on to his accessory building but he wasn't aware any permits were needed. He said he did ask his contractor about a permit, but the contractor said he'd take of it. Mr. Greene said if he knew he needed a permit, he would have gotten one.

The Board thanked Mr. Greene for being up front and honest. Chairman Ehlers asked the Board if they had any questions.

Board member David Foss asked about the setback from the rear of the building to the property line. Mr. Greene said it's probably about 250-300 feet. Inspector Riggerbach said Mr. Greene has more than 30' to the rear.

Vice Chairman Pan Aslanides asked Mr. Greene how he found out he needed a permit. Mr. Greene said he knew he needed a permit for the pool and when he went to the zoning office to get his pool permit, he was told then that he needed a permit for the existing addition to his accessory building.

Board member Gary Brahler asked if the addition was the same color. Mr. Greene said it was.

LETTERS/PHONE CALLS: Mr. Riggerbach said he received a couple phone calls regarding the variance request, but the callers were just 'curious' and had no problem with the addition. No letters were received at the township zoning office.

RESIDENTS FOR OR AGAINST REQUEST: There were no residents in attendance at tonight's hearing to speak either for or against this variance request.

MOTION FOR A BALLOT VOTE: With no further questions and/or discussion, Chairman Ehlers asked the Board for a ballot vote.

GARY BRAHLER MOTIONED FOR A BALLOT VOTE TO EITHER APPROVE OR DENY THE REQUEST FOR THE EXISTING ADDITION TO THE ACCESSORY BUILDING SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.

Ballot vote as follows:

- Pan Aslanides - Approve
- Gary Brahler - Approve
- Bill Ehlers - Approve
- David Foss - Approve
- Tony Mucci - Approve

Chairman Ehlers said the **request for Appeal #599 for a variance for the existing addition to an accessory building** was **APPROVED** and advised Mr. Greene to contact Dale during regular office hours (11:30 a.m. to 3:30 p.m. Monday thru Friday) to make arrangements to pick up the proper permit for the addition.

OLD BUSINESS: Mr. Brahler said he received a list of home businesses in the township and asked why they were not billed the yearly \$50.00 fee for their permit. Dale Riggerbach and Sharon Shaub explained for the past 3 years, the Board of Trustees waived the yearly \$50 fee due to the economy. However, businesses other than 'home businesses' still pay the yearly \$50 fee. Mr. Foss wanted to know what the process would have been if Mr. Greene's variance request was denied. It was explained it would then become a civil case and go before the courts.

NEW BUSINESS: There was no new business to discuss.

APPROVAL OF MINUTES:

*PAN ASLANIDES MOTIONED TO APPROVE THE WRITTEN MINUTES FOR AUGUST 7, 2013 SECONDED BY DAVID FOSS. The Board responded by saying 'I'. **MOTION CARRIED.***

ADJOURNMENT:

*GARY BRAHLER MOTIONED TO ADJOURN AT 7:20 PM SECONDED BY TONY MUCCI. The Board responded by saying 'I'. **MOTION CARRIED.***

Bill Ehlers, Chairman

Anthony Mucci, Secretary