

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

Board Members Present: Bill Ehlers, Chairman
Anthony ‘Tony’ Mucci, Secretary
Arthur ‘Art’ Smith, Alternate

Board Members Absent: Pan Aslanides, Vice Chairman
Gary Brahler, Member
David Foss, Member

Zoning Inspector: Dale Riggerbach

Township Secretary: Sharon Shaub

Note: For detailed information, a copy of the CD from tonight’s hearing can be purchased at the township office located at 4915 N. Nickelplate at a cost of \$1.00 per CD.

Purpose:

- **Appeal #598** – Terry McCue is requesting a variance for an accessory building addition located at 6404 Columbus Rd. NE – Parcel #33-09191 – zoned R1 Single Family Residential. The proposed addition of 960 sq. ft. will make the accessory building a total of 1,728 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 24 feet instead of the allowed 17 feet 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”.

Terry McCue of 45 Cherry Dr., N. Canton, Ohio stepped to the podium and said he is asking for an addition to his accessory building for a four (4) car garage to store their antique and collector cars. He is asking for the additional height for lifts for future storage if needed to store two cars – one on top of the other.

Mr. McCue said this is a rental property and they’ve had this property since 1980. They’ve been storing furniture in the current buildings that are there. The furniture is from different furnished apartments they own. The addition will allow them to open it up from the new part into the old part so they can get more cars into it.

Chairman Ehlers asked if the Board had any questions.

Tony Mucci asked who John P. is that's listed on the information on the Stark County Auditor's website. Mr. McCue said that's his brother stating that the three of them own the property; it's in a family trust. He said the court house lists the names alphabetically so it's listed as McCUE JOHN P. TRUSTEES ETAL.

Tony Mucci asked how this could be classified as apartments. Mr. McCue said there are two (2) houses on the property and they've been there since 1926. Bill Ehlers commented they're almost bigger than the house. Mr. McCue said one is smaller and one is bigger. Zoning Inspector, Dale Riggerbach, said it's been there since 1926 and in answer to the classification of 'apartments', it's grandfathered in stating it's like the old 'mom & pop' places used to be.

Bill Ehlers asked Mr. McCue to describe what the roof and exterior walls will look like on the new addition. Mr. McCue said the roof will be steel and the side walls will be steel siding – the same color as all the rest of the buildings. However, some of the buildings he has now have green on the roofs and the new one will match that color of green. He said he gets everything from Carter Lumber, and they still have all the same colors. It was noted the place is well-kept and looks very neat at all times.

When asked about spouting and water from the roof, Mr. McCue said there will be spouting and there will not be a problem with water from the roof. He said there's a big culvert ditch that goes down the middle of the property and goes over to a big culvert pipe in the woods next door that goes all the way over to California Avenue, then goes underneath California to a farm and into a big pond and eventually ends up in Nimishillen Creek. Mr. McCue said he actually gets all of Dale Marks' surface water during heavy rains and said it's never been a problem. The water always drains ok. There's an orchard there, too, but it has not operated as an orchard for 25 years. Someone lives there.

Letters / phone calls regarding the variance request: One phone call was received regarding the variance request, but she had no problem with it. No letters were received.

Residents in attendance: There were no residents in attendance to speak either for or against this variance request.

Motion for a ballot vote: With no further questions from the Board and no more discussion, Chairman Ehlers asked for a ballot vote.

TONY MUCCI MOTIONED FOR A BALLOT VOTE SECONDED BY ART SMITH. The Board responded by saying 'I'. MOTION CARRIED.

Ballot vote as follows:	Art Smith	APPROVE
	Tony Mucci	APPROVE
	Bill Ehlers	APPROVE

2013, August 7 BZA Hearing (cont.)

Chairman Ehlers said the **request for Appeal #598 for a variance for an addition to an accessory building** was **APPROVED** and advised Mr. McCue to contact Dale during regular office hours to make arrangements to pick up the proper permit for the addition.

OLD BUSINESS: There was no old business to discuss.

NEW BUSINESS: Dale Riggerbach asked that the December 4th hearing be changed to Dec. 11, 2013 because he will be out of the office during that time. *TONY MUCCI MOTIONED IF THERE ARE ANY CASES TO BE HEARD IN DECEMBER TO **CHANGE** THE REGULARLY SCHEDULED DEC. 4TH HEARING DATE **TO WEDNESDAY, DECEMBER 11, 2013**, SECONDED BY ART SMITH. The Board responded by saying 'I'. **MOTION CARRIED.***

APPROVAL OF MINUTES:

*TONY MUCCI MOTIONED TO APPROVE THE MARCH 6, 2013 MINUTES AS WRITTEN SECONDED BY ART SMITH. The Board responded by saying 'I'. **MOTION CARRIED.***

ADJOURNMENT:

*TONY MUCCI MOTIONED TO ADJOURN AT 7:15 PM SECONDED BY ART SMITH. The Board responded by saying 'I'. **MOTION CARRIED.***

Bill Ehlers, Chairman

Anthony Mucci, Secretary

BZA Minutes: 2013, August 7 BZA Hearing – 6404 Columbus Addition to Access Bldg.docx

/sls