

Minutes
Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, August 6, 2014 – 7:00 PM

Board Members Present: Bill Ehlers, Chairman
Tony Mucci, Secretary
David Foss, Member

Board Members Absent: Pan Aslanides, Vice Chairman
Gary Brahler, Member
Art Smith, Alternate (resigned eff. 7/31/2014)

Zoning Inspector: Dale Riggerbach

Township Secretary: Sharon Shaub

Purpose: (Two Cases)

Appeal #605 – Terry Giauque of 5150 Peach St. NE, zoned R-1 Single Family Residential, parcel #33-02136, is requesting a variance for an addition to his existing garage with a 7 ½’ side yard setback on the east side instead of a 10’ setback as permitted in Section 702.3 of the Nimishillen Township Zoning Resolution.

Appeal #606 - Verizon Wireless and their agent, Amanda Wegrzyn, NTP Wireless, are requesting a Conditional Zoning Certificate for a telecommunications tower site in an area zoned R-R Rural Residential located at the center of the property located at 7074 State St. NE, Louisville, Ohio in Nimishillen Township – parcel #33-07661.

Call Hearing to Order:

Chairman Ehlers opened tonight’s hearing at 7:00 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 are about to present, either in oral or written form, is true and accurate to the best of their knowledge. The people responded by saying, “I do”.

Chairman Ehlers explained the Board of Zoning Appeals has five (5) members and one (1) alternate. Alternate Art Smith resigned effective July 31, 2014 and members Pan Aslanides and Gary Brahler are absent from tonight’s hearing due to vacation. Chairman Ehlers made note the Township Board of Trustees is seeking applicants for one position to fill the unexpired term for alternate that will expire Dec. 31, 2015. Anyone interested should send a letter of interest to Nimishillen Township, P. O. Box 181, Louisville, OH 44641 or send an email to office@nimishillentownship.com.

1st CASE – APPEAL #605:

Terry Giaque of 5150 Peach St. NE stepped to the podium and explained he has a small garage and is requesting a variance for an addition to his existing garage. He can't go longer because the kitchen is at the end. He wants to go 12' towards the east. It will be a regular cement pad foundation with doors on each end so he can get to his back yard. The way it is now, he has to go on his neighbor's property to get around his house. The garage will be 12 x 26 or 28 – whatever the drawing shows.

Chairman Ehlers read two (2) letters that were received at the township zoning office. One was from Donald Stauffer of 5148 Peach Street and the other was from Dennis Sapp of 5155 Peach Street. Mr. Stauffer and Mr. Sapp said they have no objection whatsoever to Mr. Giaque's request.

Chairman Ehlers asked the Board if they had any questions for Mr. Giaque.

Board member David Foss – asked about one (1) house grade. Mr. Giaque said the house has (2) two – the floor level will be the same. Mr. Foss suggested to maybe dropping the grade to even it out. Mr. Giaque said he's hoping it will even out. He'll be able to take some of the dirt off the top by the flower bed and move it out and the contractor will bring in fill dirt.

A Board member wanted to know if he would be tearing down the old garage. Mr. Giaque said no – he's adding on.

Board member Tony Mucci asked if a retaining wall would be necessary to level it out. Mr. Giaque said CC Construction has it figured out and will do what he has to do. Mr. Giaque said he wants the best and strongest way to do it and wants it done right. It won't be a pole structure.

Chairman Bill Ehlers asked if there would be electric added and a drain. Mr. Giaque said yes. When asked about the roof, he said the roof will continue in one line.

With no further questions from the Board, Chairman Ehlers asked if there was anyone in attendance in favor or anyone in attendance opposed to Mr. Garrott's request. No one was opposed.

Residents In Favor:

Pat Hemphill of 5164 Peach St. stepped to the podium and said he's on the east side of Terry's property and stated he has no problem at all with Mr. Giaque's request – no opposition at all.

Motion for a Ballot Vote: With no further questions and/or discussion, Chairman Ehlers asked the Board for a ballot vote.

DAVID FOSS MOTIONED FOR A BALLOT VOTE FOR NOTICE OF APPEAL #605 SECONDED BY TONY MUCCI. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting: Bill Ehlers - Approve
 Tony Mucci - Approve
 David Foss - Approve

DAVID FOSS MOTIONED FOR A BALLOT VOTE FOR NOTICE OF APPEAL #605 SECONDED BY TONY MUCCI. The Board responded by saying 'I'. **MOTION CARRIED.**

Roll call voting: Bill Ehlers - Approve
Tony Mucci - Approve
David Foss - Approve

Chairman Ehlers said the **request for Appeal #605** was **APPROVED** and advised Mr. Giauque to contact Dale during regular office hours (11:30 a.m. to 3:30 p.m. Monday thru Friday) to make arrangements to get whatever paperwork/permits are needed.

2nd CASE – APPEAL #606:

Verizon Wireless representative Amanda Wegrzyn with NTP Wireless of 4619 N. Ravenswood Ave., Chicago, IL stepped to the podium and said they are requesting a Conditional Zoning Certificate for a telecommunications tower site in an area zoned R-R Rural Residential. They will be placing a 190' monopole on parcel 33-07661 located at 7074 State St. NE in Nimishillen Township, Louisville, Ohio. This includes a 100' x 100' lease area. The actual compound itself will be a little bit smaller.

Ms. Wegrzyn said they only build out as much space as they need initially and that provides space for three (3) additional colocators (companies that will place their own antenna on an already constructed cell phone tower) for future needs. This is an 8' fence with three strands of barb wire on top. She said there's an existing access drive that leads to Mr. Krabill's oil wells so they will not be building an access drive.

Chairman Ehlers wanted to know what a normal tower height is stating that this one will be 190'. Ms. Wegrzyn said it varies depending on township regulations as well as what their radio frequency engineer's state they need for the area. This area is lacking service for Verizon so they assess whether or not they need to go higher and what type of tower they need. Nimishillen Township's requirement says anything less than 300' so they went with 190'. Also anything over 200' requires the tower to be lit. A lot of people don't like lit towers so they compromised with the landlord for a 190' tower.

Chairman Ehlers asked about the acreage where the tower is going and how long the road/driveway would be.

Board member Tony Mucci said they are not adding more driveway – they are using the existing one.

Ms. Wegrzyn said they have an easement they obtained from the landlord in order to use the existing access drive to avoid putting in a new one. It will be Verizon's responsibility to maintain this access drive.

2014, Aug. 6 – BZA Hearing - 2 Cases: 1) Setback -Garage Addition @ 5150 Peach St; 2) Verizon Tower @ 7074 State St. (cont.)

Chairman Ehlers asked about putting up one (1) tower and being able to put up three (3) more towers and asked if this tower would be a 4G tower.

Ms. Wegrzyn said it would be a 4G tower. She then talked about the space Verizon has within the compound; if a different carrier is interested in improving their service in this area, they'll have the option to building an existing tower as opposed to building out more towers.

Ms. Wegrzyn said one of the nice things about this property is that it's wide so they have a lot of space in terms of setbacks. It's a minimum of 332' to the nearest 5 and the code calls for ½ of the height of the tower.

Chairman Ehlers asked Ms. Wegrzyn the timeframe of when this project might start.

Ms. Wegrzyn said she believes the construction plan is for this year but they still need to go through the whole government approval process of obtaining the zoning certificate as well as building permits and completing the leasing for the project. She wouldn't say within this season but definitely towards the end of the year. It all depends on planning and construction as well as their completion with the project on their side.

With no further questions from the Board, Chairman Ehlers asked if there was anyone in attendance in favor or anyone in attendance opposed to Verizon's request for a Conditional Zoning Certificate.

No one was in attendance to speak for or against this request.

Motion for a Ballot Vote: With no further questions and/or discussion, Chairman Ehlers asked the Board for a ballot vote.

TONY MUCCI MOTIONED FOR A BALLOT VOTE FOR NOTICE OF APPEAL #606 SECONDED BY DAVID FOSS. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting:	Bill Ehlers	- Approve
	Tony Mucci	- Approve
	David Foss	- Approve

Chairman Ehlers said the **request for Appeal #606** was **APPROVED**. At the close of tonight's hearings, Ms. Wegrzyn paid for and received a copy of Conditional Zoning Certificate #752 and Zoning Permit #3460 for the building to house the cell tower equipment.

Old Business: The topic about Gunsmithing businesses in the township was discussed again. If a variance is granted, it stays with that property for two years. In other words, it's only good for the current owner and not a new owner of the property. So can the township specify what the property is used for if the property sold? Would zoning approval be discontinued? After discussion, Dale said he will call the prosecutor and find out.

2014, Aug. 6 – BZA Hearing - 2 Cases: 1) Setback -Garage Addition @ 5150 Peach St; 2) Verizon Tower @ 7074 State St. (cont.)

New Business: Zoning Inspector Riggenbach said there will be two cases for September 3rd if they get their paperwork to the zoning office by the deadline of August 15th.

Approval of Minutes:

*DAVID FOSS MOTIONED TO APPROVE THE MINUTES FOR MAY 7, 2014, APPEAL #604, AS WRITTEN, SECONDED BY TONY MUCCI. The Board responded by saying 'I'. **MOTION CARRIED.***

Roll call voting: Bill Ehlers - Approve
 Tony Mucci - Approve
 David Foss - Approve

Adjournment:

*BILL EHLERS MOTIONED TO ADJOURN AT 7:30 PM SECONDED BY TONY MUCCI. The Board responded by saying 'I'. **MOTION CARRIED.***

Roll call voting: Bill Ehlers - Approve
 Tony Mucci - Approve
 David Foss - Approve

If warranted, the next Board of Zoning Appeals hearing will be held Wednesday, September 3, 2014 at 7 PM at the Township Hall (Fire Station #2) located at 4422 Maplegrove.

Signature on file

Bill Ehlers, Chairman
Nimishillen Township Board of Appeals

Signature on file

Tony Mucci, Secretary
Nimishillen Township Board of Appeals

/sls

Zoning Board of Appeals Minutes: 2014, August 6 – BZA Minutes – Side Yard Setbacks for addition @ 5150 Peach St. and Conditional Zoning Certificate for Verizon Telecommunications Tower @ 7074 State St.docx