

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

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

Zoning Inspector: Dale Riggerbach

Township Secretary: Sharon Shaub

Purpose: - **Appeal #604** – Aaron J. Garrott, 2850 Maplegrove Ave., NE, Louisville, Ohio, zoned R-R Rural Residential, Parcel #33-09069, is requesting a variance for an accessory building (storage of miscellaneous equipment) to be 1,350 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 18 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 7:00 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 were 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”.

Aaron J. Garrott of 2850 Maplegrove NE stepped to the podium and said he is requesting an accessory building to store miscellaneous equipment such as a farm tractor, brush hog and his kids’ 4-H projects.

Board member Brahler asked if there would be water or electric. Mr. Garrott said not at this time.

Board member Brahler commented to Mr. Garrott that he sits about 600’ from the roadway. Mr. Garrott said it’s more than 600’; it’s about 1,500’.

Chairman Ehlers said the building is not much bigger than what we require and Mr. Garrott is in a rural residential zone. Mr. Garrott then asked the Board what classifies a building agricultural or non-agricultural stating he has about 33 acres. Board member Mucci asked if he has 33 acres, can’t he get this as agricultural?

Zoning Inspector, Dale Riggerbach, explained it can be classified as agricultural at the Stark County Auditor's office but the reason he brought him before the BZA is for the 'use'. This way, he can use the building as agricultural but can also use it for storage of boats, cars, trucks, 4-wheelers, etc.

Board member Mucci made a comment that Mr. Garrott is not just locked into agricultural this way – Riggerbach said that's exactly right. That's why he's appearing before this Board. Riggerbach continued to say if he knew for sure the accessory building was going to be used strictly for agriculture, Mr. Garrott would not be here tonight. This way, he can use it however he deems in the future. Two or three years down the road, he might decide not to use it for agriculture. He would then need to go before the BZA again and get a new permit. There have been some in the past who said they were agricultural and two years down the road, they are no longer '*using*' the building as agricultural. They are now storing 4-wheelers, etc., which is not '*agricultural use*'. Riggerbach said that's why he looks into it a little harder when issuing permits.

Riggerbach said the definition for agricultural use is the '*use of land for agricultural purposes including farming*'. If he had AJ sign an affidavit for agricultural use, it would strictly have to be used as agricultural. This way he can use it for whatever he wants. This also alleviates problems for a future buyer if AJ sells his property in the future.

Ehlers asked Mr. Garrott if he farmed the land or if he leased it out. Mr. Garrott said it's farmed by another farmer – it's leased out.

Chairman Ehlers asked Mr. Garrott if he was happy with this process of appearing before the Board of Appeals. Mr. Garrott said if it saves him headaches in the future, then he's happy with the process of getting this permit.

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.

Residents 'In Favor' of variance:

- **Sherwood 'Woody' Johnson of 2838 Maplegrove** stepped to the podium and stated he lives on the south side of Mr. Garrott and has no problem with his request. He thinks it's the right road for Mr. Garrott to take because down the road, he thinks it probably would not be used as agricultural. This way, he can use the building for something other than that. Said he has 3 kids and to use it for 4H projects is good and if it doesn't work out that way, he could do something else such as do something commercial.

Board member Brahler said if the property is zoned R-R, he could run a business anyway. Riggerbach said if he runs a business away from his residence, the building could be used to park one or two trucks that he uses for the business.

Residents 'Opposed' to variance: No one in attendance was opposed.

Letters / Phone Calls: There were no letters or phones calls received at the township zoning office regarding this variance request.

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 #604 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. **MOTION CARRIED.***

Roll call voting:	Bill Ehlers	- Approve
	Pan Aslanides	- Approve
	Tony Mucci	- Approve
	Gary Brahler	- Approve
	David Foss	- Approve

Chairman Ehlers said the request for Appeal #604 was **APPROVED** and advised Mr. Garrott 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.

Old Business: The topic about Gunsmithing businesses in the township was discussed again. After discussion, Dale said he will find out if the business would transfer to the new owner if the property is sold.

New Business: There was no new business to discuss.

Approval of Minutes:

*PAN ASLANIDES MOTIONED TO APPROVE THE WRITTEN MINUTES AS PRESENTED FOR APRIL 2, 2014, APPEAL #603, SECONDED BY TONY MUCCI. The Board responded by saying 'I'. **MOTION CARRIED.***

Roll call voting:	Bill Ehlers	- Approve
	Pan Aslanides	- Approve
	Tony Mucci	- Approve
	Gary Brahler	- Approve
	David Foss	- Approve

2014, May 7 - BZA Hearing (cont.)
Sq. Ft. & Height for Access Bldg. @ 2850 Maplegrove

Adjournment: GARY BRAHLER MOTIONED TO ADJOURN AT 7:25 PM SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. **MOTION CARRIED.**

Roll call voting:

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

If warranted, the next Board of Zoning Appeals hearing will be held Wednesday, June 4, 2014 at 7 PM at the Township Hall located at 4422 Maplegrove.

Bill Ehlers, Chairman
Nimishillen Township Board of Appeals

Tony Mucci, Secretary
Nimishillen Township Board of Appeals

Zoning Board of Appeals Minutes: 2014, May 7 – BZA Minutes – Access Bldg for Sq. Ft. & Height @ 2850 Maplegrove.docx

/sls