

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, December 7, 2016 – 7:00 PM

**Board Members Present:** Pan Aslanides, Chairman  
Anthony ‘Tony’ Mucci, Vice Chairman  
David Foss, Secretary  
Bill Ehlers, Member  
Gary Brahler, Member  
Tom Davis, Alternate

**Zoning Inspector:** Dale Riggerbach

**Township Secretary:** Shelby Dieffenbaugher

**Purpose: (Two Cases)**

**Appeal #0650** – Scott Sproul of 5959 Easton St. NE, Louisville, Ohio 44641, Parcel #33-01950, is requesting a variance for an accessory building (camper & storage) to be 22 ft. high instead of the allowed 17 ft. high and 1,728 sq. ft. (36’x48’) instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Appeal #0651** – Robert Nelson of 4740 Grapeland Ave. NE, Louisville, Ohio 44641 Parcel #33-02696, is requesting a variance for an accessory building (storage of vehicles) to be 20 ft. 6 inches high instead of the allowed 17 ft. high, and 1,664 sq. ft. (32’x52’) 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 Aslanides opened tonight’s hearing at 7:00 PM introduced all board members in attendance, the zoning inspector, and the township secretary. Chairman Aslanides 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”.

**Appeal #0650** – Scott Sproul of 5959 Easton St. NE, Louisville, Ohio 44641, Parcel #33-01950, is requesting a variance for an accessory building (camper & storage) to be 22 ft. high instead of the allowed 17 ft. high and 1,728 sq. ft. (36’x48’) instead of

the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Scott Sproul of 5959 Easton St.** stepped to the podium to inform the Board he would like to build a pole building for a trailer. The trailer is 40 ft. long; the building will have a 14 ft. door because the trailer is 13 ft. 6 inches tall. The building will be 22 ft. high because it has to be at least 16 ft. high because of the 14 ft. door.

Chairman Aslanides asked if the trailer is a camper. Mr. Sproul stated yes, it is a tow behind and the building has to be wide enough to house the camper and additional equipment that is stored at another building that's falling apart will be stored in the building as well.

Mr. Brahler asked how much land he has. Mr. Sproul stated he has 2.3 acres.

Mr. Brahler asks Zoning Inspector Dale Rigggenbach questions regarding pictures of the property provided by Mr. Rigggenbach. Mr. Rigggenbach asked Mr. Sproul if one of the older poles in the picture was used for horseshoes. Mr. Sproul stated yes. Mr. Rigggenbach stated that this picture shows the water sitting around the pole. The other pictures with the red poles show where the building will be.

Chairman Aslanides asked besides the camper, what else will be stored. Mr. Sproul stated another trailer and lawn equipment will be stored inside.

Mr. Mucci informed Mr. Sproul that the Board had received a letter from a concerned neighbor regarding rain runoff. Much discussion was held regarding rain runoff and diverting water from the building.

Mr. Brahler asked if the building would have electric or water. Mr. Sproul stated electric and no water.

Discussion was held regarding diverting water and a dam on the property that was put in by the previous owner.

Chairman Aslanides asked if anyone in attendance would like to speak for the variance.

**John Ruth of 6969 Pilot Knob Ave.** stepped to the podium. Chairman Aslanides swore in the resident since the resident was late coming in. Mr. Ruth informed the Board that he lives on the property next to where the building will be built. Mr. Ruth has no problems with the building.

Chairman Aslanides asked if anyone in attendance would like to speak against the variance. No one was in attendance who opposed the variance.

Chairman Aslanides asked if any phone calls other than the letter were received. Mr. Rigggenbach stated no.

Chairman Aslanides stated a letter was received from a neighbor that is concerned with the previously discussed water runoff. Mr. Mucci stated that the letter is not against the variance, just voicing their concern of the water.

Discussion was held regarding the dam and down spouts of the building.

***Motion for a Ballot Vote:*** With no other questions and/or discussion, Chairman Aslanides asked for a motion for a ballot vote to approve or disapprove Appeal #0650.

*GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0650 SECONDED BY DAVE FOSS. The Board responded by saying 'I'. MOTION CARRIED.*

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

Chairman Aslanides said **the request for Appeal #0650** was **APPROVED** and advised Mr. Sproul 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.

**Appeal #0651** – Robert Nelson of 4740 Grapeland Ave. NE, Louisville, Ohio 44641 Parcel #33-02696, is requesting a variance for an accessory building (storage of vehicles) to be 20 ft. 6 inches high instead of the allowed 17 ft. high, and 1,664 sq. ft. (32’x52’) instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Robert Nelson of 4740 Grapeland Ave.** stepped to the podium to inform the Board he is requesting a variance to build an accessory building 32x52 and 20.5 ft. high to store a camper, equipment and old cars.

Chairman Aslanides asked about the equipment. Mr. Nelson stated its mowers & a bucket truck. Chairman Aslanides asked if the bucket truck is a business. Mr. Nelson stated no.

Mr. Brahler asked how much land he has. Mr. Nelson stated his property is 127 by 292. Mr. Riggenbach stated its approximately .84 acres. Discussion of lot size followed.

Mr. Ehlers asked if he will access the building from the right side of the home. Mr. Nelson stated yes.

Mr. Mucci asked Mr. Riggenbach if it’s 8 ft. instead of 10 ft. from a property line. Mr. Riggenbach stated it is an 8 ft. minimum from the property line. Mr. Mucci asked that the driveway isn’t going to impede on that number. Mr. Nelson stated no.

Chairman Aslanides asked if anyone in attendance would like to speak for the variance.

**Dick Bower of 6161 Plum St.** stepped to the podium to inform the Board that he used to own this property and when sewer went through he sold it. Mr. Bower informed the Board he has no problem with the building because Mr. Nelson needs one.

Chairman Aslanides asked if anyone in attendance would like to speak against the variance. No one was in attendance who opposed the variance.

Chairman Aslanides asked Mr. Riggenbach if there were any calls. Mr. Riggenbach stated 2 people called the office just to ask what was going on.

Mr. Riggenbach reminded Mr. Nelson that any vehicle that is left out should be a running vehicle with current plates. Mr. Riggenbach informed Mr. Nelson that he would like to see in the future everything with plates and run, if not it needs to be stored in the accessory building.

**Motion for a Ballot Vote:** With no other questions and/or discussion, Chairman Aslanides asked for a motion for a ballot vote to approve or disapprove Appeal #0651.

*BILL EHLERS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0651 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.*

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

Chairman Aslanides said **the request for Appeal #0651** was **APPROVED** and advised Mr. Nelson 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.

Chairman Aslanides informed the Board and those in attendance, there was a continued variance for tonight's hearing, and however the Prosecutor's didn't get back with the information. This variance will be continued to the hearing on January 4<sup>th</sup>.

### **Old Business:**

The Board held a discussion what would happen if the Prosecutor's didn't get back to the Board by the January hearing.

The Board held a discussion regarding the terms of a Conditional Use Permit

**New Business:** Chairman Aslanides asked if anything is scheduled for January. Mr. Riggenbach stated not at this time, but if the Prosecutor's come back with the information, then yes.

Chairman Aslanides held a discussion with the Board about postponing the election of new officers in January.

### **Approval of Minutes:**

*GARY BRAHLER MOTIONED TO APPROVE THE MINUTES FOR NOVEMBER 2, 2016 AS WRITTEN SECONDED BY TONY MUCCI The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Dave Foss	-- No Vote
	Tom Davis	-- Approve
	Gary Brahler	-- Approve

Bill Ehlers -- Approve  
Tony Mucci -- Approve  
Pan Aslanides -- Approve

*TOM DAVIS MOTIONED TO APPROVE THE MINUTES FOR NOVEMBER 23, 2016 SPECIAL HEARING AS WRITTEN SECONDED BY GARY BRAHLER The Board responded by saying 'I'.*  
**MOTION CARRIED.**

Roll call voting: Dave Foss -- No Vote  
Tom Davis -- Approve  
Gary Brahler -- Approve  
Bill Ehlers -- Approve  
Tony Mucci -- Approve  
Pan Aslanides -- Approve

A resident in attendance asked the Board if he could speak against a variance. The Board asked him which variance he would like to speak against. The resident stated he was against the variance on Bentler Ave. Chairman Aslanides explained to the resident that the Board will not be discussing this variance tonight. If he would like to speak against the variance, the Board said that if the Prosecutor’s office comes back with the information, he will have to attend the continuance in January. Discussion followed.

Bob Kraus provides the Board with a letter and 5 pictures to be entered into evidence for the Davide’s variance. Chairman Aslanides enters pictures and a written letter from the Kraus’ into evidence for the January 4 hearing for Appeal #627/0653, Conditional Use Permit #754.

Mr. Riggerbach informs the Board that we will contact the Board regarding the continuation. It will still need to be advertised 10 days prior to the hearing. Discussion followed.

**Adjournment:**

*GARY BRAHLER MOTIONED TO ADJOURN AT 7:43 PM SECONDED BY DAVE FOSS. The Board responded by saying 'I'.* **MOTION CARRIED.**

Roll call voting: Dave Foss -- Approve  
Gray Brahler -- Approve  
Bill Ehlers -- Approve  
Tony Mucci -- Approve  
Pan Aslanides -- Approve

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Pan Aslanides, Chairman  
Nimishillen Township Board of Appeals

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Tony Mucci, Vice Chairman  
Nimishillen Township Board of Appeals

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