

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, June 7, 2017 – 7:00 PM

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

**Board Members Absent:** Gary Brahler, Secretary

**Zoning Inspector:** Dale Riggerbach

**Township Secretary:** Shelby Dieffenbaugher

### **Purpose: (Three Cases)**

**APPEAL #0660 & #0661** – Schalmo Builders of 464 Etheridge Blvd., Canal Fulton, Ohio is requesting a variance for 11,820 square feet for Parcel #33-09939 (Appeal #0661) and a variance for 11,082 square feet for Parcel #33-09941 (Appeal #0660) respectively, instead of the allowed 12,000 square feet as required in Section 702.3 of the Nimishillen Township Zoning Resolution. The properties are located on Willis St., Louisville, Ohio 44641, Zoned R-1 Single Family Residential.

**APPEAL #0664** – Vince DePasquale of 6054 Eastlawn St., Louisville, Ohio 44641. Parcel #33-09371, Zoned R1- Single Family Residential, is requesting a variance for a garage addition to be 7 ft. off the property line instead of the required 10 ft. side yard width, as in Section 702.3 of the Nimishillen Township Zoning Resolution.

### **CALL HEARING TO ORDER:**

Chairman Mucci opened tonight’s hearing at 7:00 PM introduced all board members in attendance, the zoning inspector, & the township secretary.

Chairman Mucci 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 #0660 & #0661** – Schalmo Builders of 464 Etheridge Blvd., Canal Fulton, Ohio is requesting a variance for 11,820 square feet for Parcel #33-09939 (Appeal #0661) and a variance for 11,082 square feet for Parcel #33-09941 (Appeal #0660) respectively, instead of the allowed 12,000 square feet as required in Section 702.3 of the Nimishillen Township Zoning Resolution. The properties are located on Willis St., Louisville, Ohio 44641, Zoned R-1 Single Family Residential.

Zoning Inspector Dale Riggerbach informed the Board that he has new information regarding this variance. Mr. Riggerbach stated that he found out this afternoon that Schalmo Builders has withdrawn their appeal. Mr. Riggerbach provided and read aloud a letter to the Board from the Prosecutors. (*Copy Attached*) Mr. Riggerbach stated that the Prosecutors believe there was no major changes to the property since the hearing held in 2007. The Prosecutors have been working with Schalmo Builders attorney and right now it is at a standstill.

Mr. Aslanides asked that by withdrawing, could they do anything in the future. Mr. Riggerbach stated that unless there are significant changes, it is a dead issue.

Chairman Mucci asked that joining the 2 to make 1 parcel would be okay. Mr. Riggerbach stated that the Board couldn't stop him from building a house if he joins the 2 parcels because the joined parcels would meet township requirements.

Discussion was held with the Board regarding the 2007 Hearing for the 2 parcels that was denied.

**APPEAL #0664** – Vince DePasquale of 6054 Eastlawn St., Louisville, Ohio 44641. Parcel #33-09371, Zoned R1- Single Family Residential, is requesting a variance for a garage addition to be 7 ft. off the property line instead of the required 10 ft. side yard width, as in Section 702.3 of the Nimishillen Township Zoning Resolution.

**Vince DePasquale of 6054 Eastlawn St.** stepped to the podium to explain to the Board that we would like to build a garage on the back of his home.

Chairman Mucci asked why the 7ft. Mr. DePasquale because it is a tight, narrow spot. He would like to be able to walk between the 2 garages and have access between the 2 from front to back. In order for that to happen, the building needs to move over to the right.

Mr. Aslanides asked if the 2 buildings will be separate. Mr. DePasquale stated they are separate but they will be attached at the top to comply with zoning.

Mr. Ehlers asked if the building will be coming off the main concrete driveway with more concrete to get back to the new garage. Mr. DePasquale stated yes.

Mr. Ehlers asked if the garage or the driveway is 7 ft. off the property line. Mr. DePasquale stated both. The garage's edge will be 7ft. off the property line. Discussion followed.

Mr. Ehlers asked if the roofline will be coming off the house to the new garage with a walkway in-between. Mr. DePasquale stated it will be a totally separate garage that will have an overhang where the trusses are to connect the 2 buildings. Mr. Riggerbach stated the roofline between the 2 buildings will be a walkway/breezeway. This will make it legal, if not he would have to maintain around 15 ft. from the other building.

Mr. Aslanides about the location of the new building. Mr. DePasquale will be in the back cattycorner, slightly to the right.

Chairman Mucci asked the reason he is tying the 2 buildings together is so he doesn't have to be far away. Mr. Riggerbach stated yes. Discussion followed.

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

**Merri Mathie of 6516 Pilot Knob Ave.** stepped to the podium to inform the Board that she is the neighbor that the building will touch. Ms. Mathie asked the Board if this would affect the resale value of her home, if they decide to sell. Chairman Mucci informed Ms. Mathie that is something the Board really can't answer. Chairman Mucci explained that if a survey is done, they can go back and see that a variance was applied for and it was approved or not. Much discussion followed.

Chairman Mucci asked if the building would be at the back of her property. Ms. Mathie stated yes, her house faces Pilot Knob.

Mr. Ehlers asked if her house was west of Mr. DePasquale’s property and if her home sits close to Pilot Knob. Ms. Mathie stated yes. Mr. Ehlers stated that there is a lot of distance from your home to the property line. Ms. Mathie stated yes. Discussion followed.

**Emril Dawson of 6039 Eastlawn St.** stepped to the podium to inform the Board that he is fine with it. He lives straight in front of them and it doesn’t bother him because he can’t see it.

Chairman Mucci asked if anyone in attendance would like to speak against the variance.

**Motion for a Ballot Vote:** With no other questions and/or discussion, Chairman Mucci asked for a motion for a ballot vote to approve or disapprove Appeal #0664

***DAVE FOSS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0664 SECONDED BY TONY MUCCI. The Board responded by saying ‘I’. MOTION CARRIED.***

Roll call voting:	Dave Foss	--	Approve
	Tom Davis	--	Approve
	Bill Ehlers	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

Chairman Mucci said **the request for Appeal #0664** was **APPROVED** and advised Mr. DePasquale 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:**

There was no old business to discuss.

### **New Business:**

Zoning Inspector Dale Riegenbach stated he has 2 or 3 looking into do some stuff. Discussion followed.

**Motion Reschedule the July Hearing:** Chairman Mucci asked for a motion to reschedule the July Hearing due to the 4<sup>th</sup> of July holiday and Township Secretary Shelby Dieffenbaugher will be on vacation.

***TOM DAVIS MOTIONED TO RESCHEDULE THE JULY 5, 2017 HEARING TO JULY 12, 2017 SECONDED BY PAN ASLANIDES. The Board responded by saying ‘I’. MOTION CARRIED.***

Roll call voting:	Dave Foss	--	Approve
	Tom Davis	--	Approve
	Bill Ehlers	--	Approve

Pan Aslanides -- Approve  
Tony Mucci -- Approve

**Approval of Minutes:**

*BILL EHLERS MOTIONED TO APPROVE THE MINUTES FOR MAY 3, 2017 AS WRITTEN SECONDED BY TOM DAVIS. The Board responded by saying 'I'. MOTION CARRIED.*

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

**Adjournment:**

*TOM DAVIS MOTIONED TO ADJOURN AT 7:26 PM SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting: Tom Davis -- Approve  
Gary Brahler -- Approve  
Bill Ehlers -- Approve  
Pan Aslanides -- Approve  
Tony Mucci -- Approve

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Anthony “Tony” Mucci, Chairman  
Nimishillen Township Board of Appeals

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David Foss, Vice-Chairman  
Nimishillen Township Board of Appeals

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