

Minutes

Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, November 1, 2017 – 7:00 PM

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

Zoning Inspector: Dale Riggenbach

Absent Township Secretary: Shelby Dieffenbaugher

Purpose: (Two Cases)

APPEAL #0669 – Altercare of Louisville (Schroer Properties) of 7121 St. Francis St. NE, Louisville, Ohio, 44641, Parcel #33-08787, zoned R1-Single Family Residential, is requesting a variance for a setback of 61.9 ft. from the South Property Line instead of the 100-ft. setback required by Section 1102, paragraph 101 of the Nimishillen Township Zoning Resolution, for the construction of a Two-Story Assisted Living Addition.

APPEAL #0670 – Rodney Bordner of 6700 Joliat Ave. NE, Louisville, Ohio 44641, Parcel #33-09566, is requesting a variance for an Accessory Building (storage of antique tractors, lawn equipment, & misc.) to be 4,000 sq. ft. instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 and to be partially in the side yard instead of the rear yard as required in Section 602.3 of the Nimishillen Township Zoning Resolution.

CALL HEARING TO ORDER:

Chairman Mucci opened tonight’s hearing at 7:00 PM. And introduced all board members in attendance and the zoning inspector.

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 #0669 – Altercare of Louisville (Schroer Properties) of 7121 St. Francis St. NE, Louisville, Ohio, 44641, Parcel #33-08787, zoned R1-Single Family Residential, is requesting a variance for a setback of 61.9 ft. from the South Property Line instead of the 100-ft. setback required by Section 1102, paragraph 101 of the Nimishillen Township Zoning Resolution, for the construction of a Two-Story Assisted Living Addition.

Ron Gajoch of 5134 Blazer Parkway Dublin, Ohio. stepped to the podium and introduced himself to the Board and he is the architect for Altercare. Mr. Gajoch explained to the Board that Altercare has been approached many times for Assisted Living rooms at the facility and they do not have any. Market research was done and there is a need in the community. People are going out of the Township and Louisville to find assisted living accommodations. The aging population is healthier and they want to be more independent. Mr. Gajoch explained that business models show building a CCR, which stands for Continuing Care Retirement Community, that includes Independent Living, Assisted Living, and Skilled Nursing. Mr. Gajoch stated the property here doesn’t allow Independent Living because of the size. But because of the need for Assisted Living, Altercare took a look at the number of units the market survey said would be appropriate for them. Mr. Gajoch said that he spoke to Dale and Fire Chief Rich Peterson to make sure the Fire Dept. could

service the facility. Mr. Gajoch explained that Altercare has met with each neighbor to hear their concerns. Their main concern was storm water. Altercare has done through their storm water plan and are planning to add retention. The plan exceeds what is required by 50%. This plan has been submitted to Stark County Regional Planning and they are confident the plan exceeds what is required.

Chairman Mucci asked the Board if they had any questions for Mr. Gajoch.

Mr. Brahler asked how many total rooms there would be. Mr. Gajoch stated 36 rooms and the new building will not go back any farther than the existing garage on the property. The new building does come forward a little to screen in the back area.

Mr. Aslanides asked why the building will not be put off to the side more towards the open land. Mr. Gajoch stated the area dips downhill and the preliminary look at wetland studies state that portion, the NW corner, where the creek comes through is considered wetlands by the Ohio Wetlands Register. Altercare is trying to stay away from that area. Plus, the Waste Treatment Plant is back there. The new building will have to be a certain distance away from it as well. They have checked with the Ohio EPA and the Waste Treatment Plant has been metered and will not have to be modified. It has enough capacity. Discussion followed.

Mr. Aslanides asked that Altercare has met or exceed everything on the building end and everything else, the only thing shy of is the setback. Mr. Gajoch stated they don't exceed the height restrictions, exceed parking requirements, and everything necessary other than the setback. They didn't want to push the building forward toward St. Francis because the existing garage is already encroaching on the setback.

Mr. Brahler asked how much total land there is. Mr. Gajoch discussed the land of the property from the drawings the Board was provided.

Mr. Davis asked where the retention would be located at. Mr. Gajoch explained where the retention would be based on the drawings provided to the Board. Discussion followed.

Mr. Aslanides asks about the traffic and if there will be more employees needed for the facility. A representative from Altercare informed the Board that there is already a kitchen and laundry in the facility. Altercare is looking at maybe 5 more employees. Discussion about the number of visitors followed.

Sarah Sonego of 4836 Maclaren Ave. Massillon stepped to the podium informed the Board that she has been with Altercare for 2 years. Discussion was held regarding if there will be in an increase in the number of visitors to see the residents at the facility.

Mr. Brahler asked if the Assisted Living area will have a place for residents to fix their own meals. Ms. Sonego stated yes there is. The same kitchen will be used for the entire facility and a little kitchenette area in the Assisted Living area.

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

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

Sherry Brendle of 7172 St. Francis St. stepped to the podium informed the Board of her concerns of the increase in the amount of traffic in the neighborhood. There are a lot of small children in the area. Ms. Brendle also doesn't like the idea of the building being closer to their property because the property borders theirs. Ms. Brendle stated another concern is the building being 2 stories. People can see over into their property from the 2nd floor windows. Ms. Brendle asked the representative from Altercare about the size of the retention. The representative stated that he wasn't sure of the exact size, he would have to physically measure the size. All he knows is it is a requirement for Storm Water and it has been met and exceed. Ms. Brendle stated another concern she has is about flooding and the water problem in the area and she is concerned about the septic because it already currently smells. Ms. Brendle stated that she doesn't believe the septic doesn't need to be changed. Much discussion followed.

Karl L. Brendle of 7172 St. Francis St. stepped to the podium informed the Board that he did not know that the current barn on the property is already encroaching on the property line. Mr. Brendle stated that Altercare have been good neighbors, he is concerned with the building that high and being so close to his property that people can look into his windows of his home. Mr. Brendle is also concerned about the new road that will be around the new building. Mr. Brendle is concerned about the height of the new building, the new parking lot being so close to the property line, and the water issue. The Board informed him and the audience that the Board understands the residents concern for water however that is not a concern for this Board, it would be a concern for the County.

Zoning Inspector Dale Riggerbach informed Mr. Brendle and the Board that the blacktop for the parking lot is 11.9 ft. off the road right of way. The required footage is 2 ft. Mr. Riggerbach stated that Altercare will have 48 hours draw down time per the State of Ohio to empty the retention basins once they begin to fill. They have 48 hours to evacuate the water. Discussion followed.

Lanette McKimmie of 7475 St. Francis St. stepped to the podium informed the Board that she is a new resident to the Township. Ms. McKimmie moved to this area because of the 25-mph street because of her 2 small children. Ms. McKimmie stated that she is concerned with her children's safety because there are no sidewalks for her kids to ride their bikes, they have to ride them in the street. Ms. McKimmie stated that she is very concerned about the increase in traffic and the speed of the traffic. Chairman Mucci asked Ms. McKimmie how she feels about the setback of the building. Ms. McKimmie stated she doesn't care what they do to the building, she only cares about the increase in traffic. Chairman Mucci stated this hearing is to allow them to build a building closer to the road than zoning permits, it doesn't have to do with speed of traffic or water issues, which are all good concerns. Discussion followed.

Sherry Brendle of 7172 St. Francis St. stepped to the podium to ask the Board why Altercare is exempt from the R1-Single Family Residential zoning. Zoning Inspector Dale Riggerbach stated if they were before zoning they would be exempt. Zoning started in 1959. Ms. Brendle asked that it doesn't have anything to do with the amount of people in the building, it is the building itself. Zoning Inspector Dale Riggerbach stated that no, they are considered a Legal Non-Conforming because they were there before zoning. Discussion followed.

James Miller of 13097 Lake Ave. stepped to the podium to explained to the Board and the audience about the Conditional Permit Uses in the Zoning Resolution. Mr. Miller explained they are encroaching on the setback but they are still a substantial distance away from the closet

neighbor. Mr. Miller explained the water flow from the parking lot to the Board and how the retention basins will be let go in a controlled manner once they begin to fill.

Mr. Aslanides asked Mr. Miller without the setback the building could not be built. Mr. Miller stated correct. Discussion was held about the connection and flow of the building. Without the variance, they could not make the building functional.

Karl L. Brendle of 7172 St. Francis St. stepped to the podium informed the Board that his concerns are the encroachment of the building, the water issue, having a 2-story structure closer to his property will decrease his property's value in resale, and the traffic.

Chairman Mucci asked if any phone calls were received. Zoning Inspector Dale Riggenbach stated no.

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 #0669

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE FOR APPEAL #0669 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting:	David Foss	--	Denied
	Tom Davis	--	Approve
	Gary Brahler	--	Denied
	Pan Aslanides	--	Denied
	Tony Mucci	--	Approve

Chairman Mucci said **the request for Appeal #0669** was **DENIED** and advised Altercare to contact Dale during regular office hours (11:30 a.m. to 3:30 p.m. Monday thru Friday) for their next step.

Board member's reasons for denial/approval:

1. Dave Foss – Possible adverse effect to property owners due to aesthetics due to proposed setback & affect on property value
2. Gary Brahler – Not enough setback
3. Pan Aslanides – As per Section 1102 – Structure must be 100 ft. off property line
4. Tony Mucci – Understands issues – Out of the 7 letters sent, only 1 showed up at hearing

APPEAL #0670 – Rodney Bordner of 6700 Joliat Ave. NE, Louisville, Ohio 44641, Parcel #33-09566, is requesting a variance for an Accessory Building (storage of antique tractors, lawn equipment, & misc.) to be 4,000 sq. ft. instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 and to be partially in the side yard instead of the rear yard as required in Section 602.3 of the Nimishillen Township Zoning Resolution.

Rod Bordner of 6700 Joliat Ave. stepped to the podium to explain to the Board he would like to build a building for his antique tractors, miscellaneous yard equipment, for a small shop. Mr. Bordner explains that he does some work on the antique tractors for himself. Mr. Bordner provides the Board some drawings of the building. Mr. Bordner explained to the Board there are currently 2 red barns on the property. One is 32 x 34 2-story barn with a concrete floor and the 2nd is 24 x 48

with a dirt floor. Both are made of wood with asphalt shingles. There are 2 semi-trailers being used as storage on the property. Mr. Bordner informed the Board that this was his childhood home, his father built this home. His father passed away in January. After his father's passing, he purchased the home. Mr. Bordner explained he would like to build a 40-ft. x 100 ft. structure. He wants to remove the 2 red barns because they need too much work to repair them and he wants to remove the 2 semi-trailers from the property as well. The building will meet the 17-ft. height requirement. The ceilings will be 11 – 11.5 ft. high with a 12.3 pitch roof, with the peak being around 17 ft. or less. The building will be al steel siding and roof with concrete floor. Half of the building will be storage for tractors and other lawn equipment, the other half will be for a work shop. Mr. Bordner is concerned about the security of some of the equipment that is currently being stored outside, which is why he wants this large building to lock those items away.

Mr. Brahler asked how many acres his property is. Mr. Bordner stated 5 acres.

Mr. Davis asked as well as electric, would there will be water and sewer. Mr. Bordner stated no water or sewer. The septic lines are on the other, far south, end of the property. The building will be on the far north side. Discussion of the plot plans for the building.

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

Doug Miller of 9500 Joliat Ave. stepped to the podium to inform the Board he has been neighbors with Mr. Bordner for 50 years and he has no issues with the building.

Mike Norris of 6634 Joliat Ave. stepped to the podium to inform the Board he will be moving into the new construction on Joliat, he is looking forward to the new building, and he is 100% for it.

Terra Furbee of 6751 Joliat Ave. stepped to the podium to inform the Board that she lives directly across the street, she is 100% for it, and feels it's a great idea.

Ron Bordner of 3311 Westmoreland stepped to the podium to inform the Board he is Rod's older brother, and he will be using this building too because they do share some of the equipment.

Chairman Mucci stated the Board had received 1 letter from Sandra Burrier from 6441 Joliat. The letter stated Ms. Burrier is in favor of the variance.

Chairman Mucci wanted to inform Mr. Bordner that the semi-trailers are not allowed to remain on the property and must be removed. Discussion followed.

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 #0670

GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0670 SECONDED BY DAVE FOSS. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting:	Tom Davis	--	Approve
	Dave Foss	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

Chairman Mucci said **the request for Appeal #0670** was **APPROVED** and advised Mr. Bordner 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.

Board member’s reasons for denial/approval:

1. Tom Davis – With removal of existing barns and trailers
2. Gary Brahler – Call Dale when completed
3. Tony Mucci – Removal of existing buildings & trailers

Old Business:

There was no old business to discuss.

New Business:

Mr. Aslanides asked if there will be anything for next month. Mr. Riggenbach stated nothing at this time.

Approval of Minutes:

TOM DAVIS MOTIONED TO APPROVE THE MINUTES FOR SEPTEMBER 6, 2017 AS WRITTEN SECONDED BY GARY BRAHLER. The Board responded by saying ‘I’. **MOTION CARRIED.**

Roll call voting:	Tom Davis	--	Approve
	Dave Foss	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

Adjournment:

GARY BRAHLER MOTIONED TO ADJOURN AT 8:21 PM SECONDED BY PAN ASLANIDES. The Board responded by saying ‘I’. **MOTION CARRIED.**

Roll call voting:	Tom Davis	--	Approve
	Dave Foss	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

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

Pan Aslanides, Member
Nimishillen Township Board of Appeals

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