

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, September 6, 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

**Township Secretary:** Shelby Dieffenbaugher

### **Purpose: (Two Cases)**

**APPEAL #0667** – Jason & Heather McPhail of 2703 Miday Ave. NE, Louisville, Ohio 44641, Parcel 33-09799, Zoned R-1 Single Family Residential, is requesting a variance for an Accessory Building (Storage of camper, miscellaneous) to be 1,944 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 23 ft. instead of the allowed 17 ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**APPEAL #0668** – Joseph & Linda McElroy of 10822 Beech St. NE, Alliance, Ohio 44601, Parcel #10009172, Zoned RR Rural-Residential, is requesting a variance for an Accessory Building to be in the front 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. Chairman Mucci informed the audience that the Board had lost one of their members, Bill Ehlers. Bill was a great person for the community and a graduated from Louisville High School. Bill was on the Board of Zoning Appeals for 7 years, on the Board of Zoning Commission for 3 years, and was a former Trustee for 12 years. Chairman Mucci stated this is a great loss for the Board, as well as for the community. Chairman Mucci asked for a moment of silence to honor Bill Ehlers.

Chairman Mucci 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 #0667** – Jason & Heather McPhail of 2703 Miday Ave. NE, Louisville, Ohio 44641, Parcel 33-09799, Zoned R-1 Single Family Residential, is requesting a variance for an Accessory Building (Storage of camper, miscellaneous) to be 1,944 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 23 ft. instead of the allowed 17 ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Jason McPhail of 2703 Miday Ave.** stepped to the podium to explain to the Board the building would be for extra storage to store stuff in so it’s not out in the yard.

Mr. Brahler asked how much land he has. Mr. McPhail stated there is 5.25 acres.

Mr. Brahler asked the Zoning Inspector Dale Riggenbach about the phone calls he received. Mr. Riggenbach stated he received some phone calls and everyone was okay with it.

Mr. Riggenbach asked Mr. McPhail if he would be storing a camper in the building. Mr. McPhail stated possibly a camper, lawn mower, boats, and other miscellaneous items.

Mr. Brahler asked if there would be water and electric. Mr. McPhail stated eventually electric but not at this time and no water. It will just be a concrete floor and the building.

Chairman Mucci asked if he will be driving over the septic to get to this building. Mr. McPhail stated no it was in front of it, about 150 ft.

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

Chairman Mucci read aloud 3 phone calls Zoning Inspector received regarding this variance. One phone call received was from Dustin Bartlett of 2849 Miday Ave. has no issues with the accessory building and 2 other phone calls, neither had any concerns.

**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 #0667

***GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0667 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

Chairman Mucci said **the request for Appeal #0667** was **APPROVED** and advised Mr. McPhail 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 #0668** – Joseph & Linda McElroy of 10822 Beech St. NE, Alliance, Ohio 44601, Parcel #10009172, Zoned RR Rural-Residential, is requesting a variance for an Accessory Building to be in the front yard instead of the rear yard as required in Section 602.3 of the Nimishillen Township Zoning Resolution.

**Linda McElroy of 10822 Beech St.** stepped to the podium to explain to the Board that her and her husband are putting a new home in with an attached garage they will be able to drive into and there will be a turnaround about for the unattached garage. The unattached garage will be for her husband's boat and he wants to be able to pull forward onto Beech St. and not have to back up the driveway.

Mr. Brahler asked how far back from the road will the house and garage be. Mrs. McElroy stated the contractor is here and he said it's 193 ft.

Mr. Aslanides stated that everything else about the building meets code, they are just asking for it to be in the side yard. Mrs. McElroy stated right. The septic is in the back yard and they have to be careful on where to put it in the back yard.

Mr. Davis asked if there will be water and electric in the building. Mrs. McElroy stated there will be electric and a faucet for a hose.

Mrs. McElroy provides the Board a notarized letter from their neighbor across the street. Chairman Mucci enters Exhibit A into the evidence.

Discussion was held with the Board regarding their where their neighbors live.

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

***Rich Linder of 10870 Beech St.*** stepped to the podium informed the Board the he is the contractor and their neighbor. Mr. Linder explains to the Board the original setback before the septic was approved was 170 ft. from the rear. He moved the house back 30 ft. because they approved it in the rear before it was in the front, so he moved the home back that distance because it made the elevation higher, gives it more down flow, and it will look nicer this way. Mr. Linder stated that they building will have the same siding and windows as the house.

Mr. Riggenschach stated he received 1 phone call. The person was curious what was going in and they were okay with it. The call left no name.

***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 #0668

***DAVE FOSS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0668 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

Chairman Mucci said **the request for Appeal #0668** was **APPROVED** and advised Mr. McElroy 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:**

Discussion was held regarding an appeal from the last hearing on Swallen Ave. Mr. Brahler stated that of all the years he has been on the Board, he has never received a Thank you letter. Discussion followed.

Discussion was held regarding the first appeal from tonight's hearing. Chairman Mucci asked Mr. Riggenschach if the house needed to be built first before the building. Mr. Riggenschach stated

yes, a home is needed on the property before a building can be built. They will be building them at the same time to help save money. Discussion followed.

**New Business:**

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

Mr. Foss informed the Board that he will not be seeking renewal for his term, which is up at the end of the year. Mr. Foss will be moving out of the township after the 1<sup>st</sup> of the year or maybe before.

**Approval of Minutes:**

*PAN ASLANIDES MOTIONED TO APPROVE THE MINUTES FOR JULY 12, 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:**

*PAN ASLANIDES MOTIONED TO ADJOURN AT 7:22 PM SECONDED BY TOM DAVIS. 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

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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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