

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, March 6, 2019 – 7:00 PM

**Board Members Present:** Anthony ‘Tony’ Mucci, Chairman  
Pan Aslanides, Vice-Chairman  
Gary Brahler, Secretary  
Randy Donaldson, Member  
Jim Morris, Member  
Randy Lombardi, Alternate  
Kyle Fausnight, Alternate

**Zoning Inspector:** Jeff Shipman

**Township Secretary:** Shelby Dieffenbaugher

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

**Appeal #0677** – JSC Properties LLC of 6600 Atlantic Blvd NE, Louisville, Ohio 44641, Parcel #33-00833, Zoned I-1 Light Industrial, is requesting a variance for two commercial sign poles, which Section 801.7 Item 2 only allows one pole; and for the proposed signs be closer than ten (10) feet from the lot line, whereas Section 801.4 Item 2 requires all signs be no closer than ten (10) feet from the lot line; of the Nimishillen Township Zoning Resolution.

**Appeal #0678** – Scott Ackerman, of 5825 Broadway Ave. NE, Louisville, Ohio 44641, Parcel #33-04583, Zoned R-1 Single Family Residential, is requesting a variance for an Accessory Building to be 1,200 square feet. In Section 702.2, Part A-2, “Accessory uses or structures incidental to the principle use which do not include any activity conducted as a business” of the Nimishillen Township Zoning Resolution, accessory buildings are permitted in the district, however, the principle use is no longer on the property but there is an existing Accessory Building approx. 575 square feet in use.

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

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

### **ORGANIZATION OF THE BOARD OF ZONING APPEALS:**

Chairman Mucci stated this is the first hearing of the year so the Board has to selected new officers.

### **Election of Officers:**

GARY BRAHLER MOTIONED TO KEEP THE OFFICERS THE SAME AS LAST YEAR FOR 2019 SECONDED BY JIM MORRIS. With no further discussion, nominations were closed. **MOTION CARRIED**

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve

Tony Mucci -- Approve

**Set day and time for hearings:**

After discussion, the Board decided to keep the day and time the same, which is 1<sup>st</sup> Wednesday of each month at 7 P.M.

TONY MUCCI MOTIONED TO KEEP THE DAY AND TIME THE SAME FOR 2019, WHICH IS THE 1<sup>ST</sup> WEDNESDAY OF EACH MONTH AT 7P.M. SECONDED BY PAN ASLANIDES. Board members responded by saying ‘I do’. **MOTION CARRIED.**

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

**Appeal #0677** – JSC Properties LLC of 6600 Atlantic Blvd NE, Louisville, Ohio 44641, Parcel #33-00833, Zoned I-1 Light Industrial, is requesting a variance for two commercial sign poles, which Section 801.7 Item 2 only allows one pole; and for the proposed signs be closer than ten (10) feet from the lot line, whereas Section 801.4 Item 2 requires all signs be no closer than ten (10) feet from the lot line; of the Nimishillen Township Zoning Resolution.

**Amanda Carter of 315 Gougler Ave. & Craig Anton of 12798 Silica Rd.** stepped to the podium to explain their request to the Board. Ms. Carter stated she is with DS Architecture. Using the drawing, Ms. Carter explains to the Board that they were not permitted to have an entrance on California by Regional Planning, the only entrance will be off of Reno. Ms. Carter explains that most of the traffic coming from 62 and they want them to see the signage, which is the request for the 1<sup>st</sup> sign. The 2<sup>nd</sup> request is to help identify where the drive or entrance is on Reno.

Mr. Aslanides asked if both signs will be identical. Ms. Carter stated yes.

Chairman Mucci asked where the location of both signs will be. Ms. Carter and Mr. Anton explained that one sign will be in the corner and the other will be located by the entrance.

Mr. Aslanides asked where the location of the Dunkin Donuts will be. Chairman Mucci asked if the old TV Station will still be there. Mr. Anton stated yes, the TV Station will still be there. Discussion followed.

Mr. Brahler asked if the signs will be lit up. Mr. Anton stated yes.

Chairman Mucci asked if there were any intensions of adding a stop sign on California at Reno. Much discussion followed regarding this intersection and the traffic.

Mr. Aslanides asked if the entrance on Reno will be the only one. Mr. Anton stated yes. Discussion was held regarding the Reno & California intersection.

Mr. Lombardi asked if the entrance will be 300 ft. from the intersection. Mr. Anton stated he isn’t able to say that it is exactly, it is approximately 300 ft.

Chairman Mucci asked if both signs will be the same height or if the one by 62 will be taller. Mr. Anton stated he believes they are both the same height. Chairman Mucci asked if they are both 35 ft. tall. Ms. Carter stated yes. Discussion followed.

Mr. Aslanides asked if they are asking for a double variance, one sign closer than 10 ft. and for the 2. Mr. Anton stated he believes the 10 ft is not an issue and it's more about having the 2<sup>nd</sup> pole sign. Zoning Inspector Jeff Shipman stated he went off their original drawing and there's an arrow pointing in and out and that seemed to sit closer to the road than the pole sign is and the pole sign looked like it was 10 ft. so he went with what the drawing said. Discussion followed.

Discussion was held about the lighting of the signs.

Mr. Morris asked if the owner, JSC Properties, is from Pennsylvania. Mr. Lombardi stated yes, he did some research on the owner. Discussion followed.

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

Chairman Mucci asked if there were any calls or letters. Zoning Inspector Jeff Shipman stated he received a few calls. Discussion followed.

Chairman Mucci asked the Board if they had any other questions.

***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 #0677.

***GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0677 SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.***

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

Chairman Mucci said **the request for Appeal #0677** was **APPROVED** and advised Ms. Carter & Mr. Anton to contact Jeff during regular office hours to make arrangements to get whatever paperwork/permits are needed.

**Appeal #0678** – Scott Ackerman, of 5825 Broadway Ave. NE, Louisville, Ohio 44641, Parcel #33-04583, Zoned R-1 Single Family Residential, is requesting a variance for an Accessory Building to be 1,200 square feet. In Section 702.2, Part A-2, “Accessory uses or structures incidental to the principle use which do not include any activity conducted as a business” of the Nimishillen Township Zoning Resolution, accessory buildings are permitted in the district, however, the principle use is no longer on the property but there is an existing Accessory Building approx. 575 square feet in use.

**Scott Ackerman of 5825 Broadway Ave.** stepped to the podium and explained to the Board that there originally was a mobile home on the property with someone living in the residence. Mr. Ackerman stated the residence wasn't good looking and when the lease was up had the resident move out then tore it down. Mr. Ackerman stated there is still a cement pad there that is 32 ft. long

by 14.5 ft. wide and there is also an existing accessory garage there now that is like a 1 ½ car size. Mr. Ackerman stated he would like to put up a 30 by 40 metal building next to the existing garage, pave it, concrete in front and inside and he would park his vehicles in it. Mr. Ackerman explained that he is currently leasing another building; however, the owner sold the building and he will be losing the lease in May. Mr. Ackerman stated he would like to store his Sunday cars and a lawn mower inside.

Mr. Brahler asked if the building would be used for his business. Mr. Ackerman stated no.

Mr. Lombardi asked if there is currently a house on it. Mr. Ackerman stated there is no residence on the property.

Discussion was held regarding the other parcels in the area Mr. Ackerman also owns.

Chairman Mucci questioned how there can be an accessory building when there is no residence on the property. Zoning Inspector Jeff Shipman stated right now there is an accessory building on the property. Mr. Aslanides stated in the past they were told there needs to be a home on the property for there to be an accessory building; however, they could not find where it stated that in the book. Mr. Shipman informed the Board that Jackson Township does not allow it. Much discussion followed.

Mr. Brahler asked if the property was an acre in size. Mr. Ackerman stated the property is not even half an acre. Discussion was held about Mr. Ackerman having this parcel combined with the others that he owns; however, he would have to have the zoning for this parcel changed.

Mr. Aslanides explained to Mr. Ackerman that the Board doesn't want to deny him on something you could be allowed to do or to approve him if there is a conflict. Mr. Aslanides suggested contacting the Prosecutor to review this.

Mr. Ackerman asked the Board if he could just add on to the existing building on the property would that be okay. Chairman Mucci stated they aren't sure. Discussion followed.

The Board held a discussion about past variances.

Mr. Ackerman asked the Board if he would be allowed to build this building on one of his properties that is zoned commercial. Mr. Aslanides stated that before he considers moving the building, let's find out what the county says. Mr. Ackerman stated he is concerned about the time table because he will be losing his lease on the other building in May.

The Board held a discussion with Mr. Ackerman about if there was a small house on the property. The Board informed Mr. Ackerman if there is a home on the property, he wouldn't be here for a variance because the building is under the square footage the township allows. Discussion followed.

The Board informed Mr. Ackerman that if they decide to table this to the next hearing, it would be held on Wednesday, April 3.

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

**Cindy Petitti of 5824 Columbus Rd.** stepped to the podium and expressed to the Board that she is in favor. Ms. Petitti stated that she remembers the trailer on the property and that a building would

be much more pleasant. Ms. Petitti stated that if Mr. Ackerman has to build a small house on the property, she is okay with that too.

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

**Jeanne Pocza of 5806 Grenshaw** stepped to the podium and informed the Board that she has learned a lot by listening to the discussion and she has one question. Ms. Pocza asked if the building will be 1 or 2 story. Mr. Ackerman stated the building will be 1 story. Mr. Ackerman showed Ms. Pocza a picture of what the building will look like. Discussion was held about the picture and the size of the building.

Ms. Pocza stated she has lived there for over 20 years and that a garage would look better than the trailer that was there. Ms. Pocza stated that she is concerned about the water coming from the building into the creek and causing flooding. Discussion followed.

**James Pocza of 5806 Grenshaw** stepped to the podium and expressed his concern to the Board about the water draining into the creek and causing flooding. Discussion was held regarding the creek and the location of the building.

Ms. Pocza asked how much cement or pavement there will be. Mr. Ackerman stated just to the entrance up to the garage. Ms. Pocza expressed her concern to the Board about all the water and the possibility of flooding. Zoning Inspector Jeff Shipman informed the Board the County will be looking at that area and the culvert on Columbus Rd. After much discussion, Chairman Mucci stated that the possibility of flooding can't affect the Board decision, another entity handles the flooding issues.

Chairman Mucci asked if anyone had any more questions.

**Motion to Table:** With no other questions and/or discussion, Chairman Mucci asked for a motion to table Appeal #0678 to the next hearing.

***PAN ASLANIDES MOTIONED TO TABLE APPEAL #0678 TO RECEIVE CLARITY & POSTPONE TO APRIL 3, 2019 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.***

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

The Board held a discussion with Mr. Ackerman about having the parcels combined or about adding onto the existing accessory building.

### **Old Business:**

Mr. Morris asked the Board about the variance from the last meeting for the commercial property on Broadway and about the location of his building. Mr. Morris stated that the owner moved the building. Chairman Mucci stated that the owner put it where it was drawn on the map. Discussion followed.

Zoning Inspector Jeff Shipman informed the Board that the Zoning Commission has been working on updating the Zoning Book and that new books will be coming soon. Discussion followed.

**New Business:**

Township Secretary Shelby Dieffenbaugher informed the Board that the July hearing is on July 3, 2019, the day before the 4<sup>th</sup> of July. The Board held a discussion about rescheduling the hearing date now, if there is a hearing needed. After discussion, the Board decided to reschedule the July 3, 2019 hearing to Wednesday, July 10, 2019, if there is a hearing needed.

*TONY MUCCI MOTIONED TO MOVE THE HEARING FROM JULY 3, 2019 TENTATIVELY TO WEDNESDAY, JULY 10, 2019, IF NEEDED SECONDED BY RANDY DONALDSON. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

The Board held a discussion about the upcoming April hearing.

**Approval of Minutes:**

*GARY BRAHLER MOTIONED TO APPROVE THE MINUTES FOR NOVEMBER 7, 2018 AS WRITTEN SECONDED BY RANDY DONALDSON. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

**Adjournment:**

*RANDY DONALDSON MOTIONED TO ADJOURN AT 8:05 PM SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

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Tony Mucci, Chairman  
Nimishillen Township Board of Appeals

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Pan Aslanides, Vice-Chairman  
Nimishillen Township Board of Appeals

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*Zoning Board of Appeals Minutes: 2019 – March 6; Sign @ 6600 Atlantic Blvd.; Accessory Building @ 5825 Broadway Ave.*