

Minutes

Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, January 6, 2016 – 7:00 PM

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

Trustees Present: Mike Lynch, Vice President

Zoning Inspector: Dale Riggerbach

Township Secretary: Shelby Dieffenbaugher

Purpose: (One Case)

Appeal #616 – Bud’s Corner owner, Scott Ackerman, of 5750 Columbus Rd. NE, Louisville, Ohio 44641, is requesting a variance for expansion of the restaurant into the existing house for a billiards area and additional seating (28 new seats), and the expansion into the existing brick building for a cooler and storage. Regarding non-conforming uses, Section 1001.1 Regulations, Section A, Alterations and Enlargement

CALL HEARING TO ORDER:

Chairman Aslanides opened tonight’s hearing at 7:00 PM and introduced all board members, zoning inspector, township secretary, and Trustee Mike Lynch. 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”.

ORGANIZATION OF THE BOARD OF ZONING APPEALS:

Election of Officers:

BILL EHLERS MOTIONED TO RETAIN ALL OFFICERS FOR 2016 SECONDED BY GARY BRAHLER. With no further discussion, nominations were closed. **MOTION CARRIED**

Roll call voting:

David Foss	--	In Favor
Gary Brahler	--	In Favor
Bill Ehlers	--	In Favor
Tony Mucci	--	In Favor
Pan Aslanides	--	In Favor

Set day and time for hearings:

After discussion, the Board decided to keep the day and time the same, which is 1st Wednesday of each month at 7 P.M. Board members responded by saying ‘I do’. **MOTION CARRIED.**

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

CALL HEARING TO ORDER:

Appeal #616 – Bud’s Corner owner, Scott Ackerman, of 5750 Columbus Rd. NE, Louisville, Ohio 44641, is requesting a variance for expansion of the restaurant into the existing house for a billiards area and additional seating (28 new seats), and the expansion into the existing brick building for a cooler and storage. Regarding non-conforming uses, Section 1001.1 Regulations, Section A, Alterations and Enlargement

Scott Ackerman of 5750 Columbus Rd. stepped to the podium and notified the Board that he would like to expand the restaurant area into the existing house for 28 more seats and use the last building for a cooler and storage.

Mr. Brahler asked where the kitchen was located and if he will be expanding the kitchen area. Mr. Ackerman stated that they will not be expanding the kitchen at this time. The kitchen is located by the bar area.

Mr. Foss asked if parking meets the zoning requirement. Mr. Ackerman stated that yes there is adequate parking.

Mr. Brahler asked if the parking lot/green space next to the nursery his property. Mr. Ackerman stated that is not his property. He leases it from Cindy Petitti.

Mr. Ehlers asked if he plans to expand the green lot for more parking. Mr. Ackerman stated that since he leases the green space he has no plans to expand.

Mr. Foss asked why the 7 parking spaces on the drawing were removed. Mr. Riggenbach stated that those spots are in the road right of way for Broadway, so they can’t be designated as parking spots on the drawing. More discussion followed regarding parking.

Chairman Aslanides asked Zoning Inspector Dale Riggenbach if Petitti’s property Mr. Ackerman leases can be included in the number of parking spaces. Mr. Riggenbach stated that since Mr. Ackerman doesn’t own the property, it doesn’t count.

Mr. Ehlers asked if the seating will be going from 40 to 60 seats. Mr. Ackerman said yes. Once the wall is removed between the building, 8 seats will be lost and 28 new seats will be added.

Mr. Brahler asked why the plans stated Plain Township and not Nimishillen. The architect stated it was a mistake.

Mr. Ehlers questioned the lighting at Petitti’s parking lot. A discussion about lighting followed. It was determined that this parking lot does not affect the decision of the variance because Mr. Ackerman does not own this property.

Discussion was held regarding the property and culvert.

Mr. Brahler asked Zoning Inspector Dale Riggenbach how parking is determined. Mr. Riggenbach stated that parking is determined by the square footage of the building. Mr. Riggenbach based the parking requirements on a restaurant which is 1 parking spot for each 200 square feet. Mr. Riggenbach took into account the old duplex and the summer area. Mr. Mucci asked how many parking spots are needed. Mr. Riggenbach stated that Mr. Ackerman needs 24.1 parking spaces. Currently, there are 48 parking spaces.

Chairman Aslanides asked what does bottle water provided mean on the plans. The architect stated that code requires a drinking fountain unless you provide bottled water to everyone.

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

Jeff Barber of 1730 Glenmar Oval N. Canton stepped to the podium and notified the Board that he is the architect for the project. He was in attendance to answer any technical questions that the Board may have.

Cindy Petitti of 5824 Columbus Rd. stepped to the podium and notified the Board that she has no problem, it’s a great place, and they are great neighbors.

Josh Abraham of 5830 Broadway stepped to the podium and notified the Board that he is for it, sees how there is an issue with seating, and they are good neighbors.

Juergen Huhn of 5684 Columbus Rd. stepped to the podium and notified the Board that he has lived there for 10 years and has never had an issue. Mr. Ackerman is a good guy and he sees no issues with the expansion.

Gaile Laird of 5828 Broadway Ave. stepped to the podium to offer her support.

Chairman Aslanides read aloud 2 letters Zoning Inspector Dale Riggenbach had received regarding the variance. Gaile Laird of 5828 Broadway was not opposed to the variance. Karen Bremer of 5820 Broadway is opposed to the variance.

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

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 #616.

GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #616 BUD’S CORNER OWNER, SCOTT ACKERMAN SECONDED BY TONY MUCCI. MOTION CARRIED.

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

Chairman Aslanides said **the request for Appeal #616** was **APPROVED** and advised Mr. Ackerman 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:

David Foss complimented Zoning Inspector Dale Riegenbach on the information provided to the Board.

The Board held a discussion about Bud’s Corner.

Chairman Aslanides held a discussion with the Board about Quasi Judicial Deliberation.

New Business:

Chairman Aslanides asked Zoning Inspector Dale Riegenbach about the tabled variance. Discussion followed.

Approval of Minutes:

BILL EHLERS MOTIONED TO APPROVE THE MINUTES FOR SEPTEMBER 2, 2015 AS WRITTEN SECONDED BY TONY MUCCI. MOTION CARRIED.

Roll call voting:	Pan Aslanides	--	Approve
	Anthony Mucci	--	Approve
	David Foss	--	Approve
	Bill Ehlers	--	Approve
	Gary Brahler	--	Approve

Adjournment:

GARY BRAHLER MOTIONED TO ADJOURN AT 7:32 PM SECONDED BY TONY MUCCI. MOTION CARRIED.

Roll call voting:	Pan Aslanides	--	Approve
	Anthony Mucci	--	Approve
	David Foss	--	Approve
	Bill Ehlers	--	Approve
	Gary Brahler	--	Approve

Pan Aslanides, Chairman
Nimishillen Township Board of Appeals

Tony Mucci, Vice Chairman
Nimishillen Township Board of Appeals

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