

Minutes
Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, September 4, 2019 – 7:00 PM

Board Members Present: Pan Aslanides, Vice-Chairman
Gary Brahler, Secretary
Randy Donaldson, Member
Jim Morris, Member
Randy Lombardi, Alternate

Board Members Absent: Anthony ‘Tony’ Mucci, Chairman
Kyle Fausnight, Alternate

Zoning Inspector: Jeff Shipman

Township Secretary: Shelby Dieffenbaugher

Purpose: (Two Cases)

Appeal #0680 – David Speaker of 120 W. 2nd St. Suite 706 Dayton, Ohio 45402, is requesting a variance to place an additional pole sign onto Parcel 33-05282, address 7512 Columbus Rd., Louisville, Ohio 44641, Zoned B3 – General Business; which has an existing pole-type sign. Whereas, Article VIII - Sign Regulations of the Nimishillen Township Resolution; Section 801.7 Signs Permitted Only In Business And Industrial Districts Upon Application And Issuance A Zoning Certificate, Part 2 and 3, allows one pole-type business sign, and no billboards and outdoor advertising signs shall be located closer than fifty (50) feet from any building, respectfully.

Appeal #0681 – John & Brittany Dostal of 10819 Beech St., Alliance, Ohio, 44601, Parcel #33-09480, Zoned “R-R Rural Residential”, is requesting a variance for an Accessory Building that is overall three thousand and two hundred (3,200) square feet area dimension, additionally, with over-hang. Whereas, Nimishillen Township Zoning Resolution, Section 602.4, Accessory Buildings, Structures and Uses limits an Accessory Building maximum area to one thousand eight hundred and sixty feet (1860) square feet.

CALL HEARING TO ORDER:

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

Vice-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”.

Appeal #0680 – David Speaker of 120 W. 2nd St. Suite 706 Dayton, Ohio 45402, is requesting a variance to place an additional pole sign onto Parcel 33-05282, address 7512 Columbus Rd., Louisville, Ohio 44641, Zoned B3 – General Business; which has an existing pole-type sign. Whereas, Article VIII - Sign Regulations of the Nimishillen Township Resolution; Section 801.7 Signs Permitted Only In Business And Industrial Districts Upon Application And Issuance A

Zoning Certificate, Part 2 and 3, allows one pole-type business sign, and no billboards and outdoor advertising signs shall be located closer than fifty (50) feet from any building, respectfully.

David Speaker of 120 W. 2nd St., Dayton, Ohio stepped to the podium and informed the Board there is a small lot at the corner of Columbus and Ravenna where they would like to put in an off-premise sign, also known as a billboard, right next to the building. Mr. Speaker stated he had some questions regarding the zoning code for the variance regarding the one pole sign. Mr. Speaker said he believes the code states it's specifically for an on-premise sign and that it is referring to an on-premise sign advertising services on the premises. Mr. Speaker believes it doesn't deal with off-premise advertising. Mr. Lombardi asked which section of the zoning code he is referring to. Mr. Speaker stated section 807.2. Discussion followed.

Vice-Chairman Aslanides asked if the sign on the corner is the sign for the bar. Mr. Speaker stated yes. Vice-Chairman Aslanides asked Mr. Speaker what he is doing is not advertising for the bar and it is just a billboard. Mr. Speaker stated yes, our advertisements are for local businesses in the area.

Vice-Chairman Aslanides asked if the billboard will be digital. Mr. Speaker stated no, it will be vinyl, regular static boards. Vice-Chairman Aslanides asked if they are renting the property from the owner. Mr. Speaker explained to the Board that there is an agreement with the owner and they pay him a quarterly fee, which is based on the amount they get paid.

Mr. Lombardi asked if they will be leasing the billboard to local businesses. Mr. Speaker stated yes. Mr. Speaker stated the company has specific rules, they will not advertise drugs or alcohol or anything like that.

Mr. Lombardi stated he had some questions about the drawings. Mr. Lombardi asked if the billboards are back to back or is there one lower. Mr. Speaker stated it is one on top of another in a V-shape for visibility.

Mr. Brahler asked if the backs are facing the 44 side or Columbus Rd. Mr. Speaker stated the billboards will be facing north and south bound traffic. Discussion followed.

Vice-Chairman Aslanides asked if there will be 4 different advertisements and how far above the building would the signs be. Mr. Speaker stated yes there will be 4 different advertisements and from the ground to the bottom of the first sign is 15 ft. Vice-Chairman Aslanides asked if it will be directly on the north wall. Mr. Speaker stated yes.

Mr. Morris asked how the signs will it be lit. Mr. Speaker stated they connect to the closet transformer and will have 2 light bulbs on either side that will face up towards the billboard. Mr. Speaker stated the lights will not interfere with traffic.

Mr. Donaldson asked if the signs will be 8 ft. from the building. Mr. Speaker stated yes.

Discussion was held regarding the current signs on the property advertising the business.

Mr. Morris asked Zoning Inspector Jeff Shipman if the sign being close to the building would cause a problem for the Fire Dept. Mr. Shipman stated he contacted the County and the County asked about what is in our code; however, it is up to the township. Discussion followed.

Mr. Morris asked if they had an architect to design the billboard, Mr. Speaker stated his name is Steve Simmons, who is an Ohio registered engineer.

Discussion was held regarding the zoning code.

Mr. Morris asked who will maintain the appearance of the billboard if there are 2 advertisements and the other 2 spaces are blank. Mr. Speaker stated they have “advertise here sign” for it and that their billboards are never blank.

Vice-Chairman Aslanides asked how many billboards the company has currently. Mr. Speaker stated about 800 faces, it is a small company in Dayton, Ohio. Mr. Speaker stated is it a local business that wants to advertise for other local businesses.

Mr. Lombardi asked if they have had any issues keeping their signs full of advertisements and why they chose this location. Mr. Speaker said they have not had any issues with keeping the signs full, it depends of the demand in the area. Mr. Speaker stated they pick the location based on the traffic count and the legality of the location. Mr. Speaker informed the Board about 7,000 drive by this area.

Mr. Lombardi asked what is the recourse if they do not maintain the sign. Zoning Inspector Jeff Shipman stated they are required by law to have their name on it so we can do after them. Mr. Speaker stated it’s in our contract with the land owner and we will have 30-60 days to respond or the owner can cancel the contract.

Mr. Lombardi asked if the contract with the owner is for 1 year. Mr. Speaker stated he doesn’t know how long it is for; however, generally they do 10-15-year contracts.

The Board held a discussion about having the permit contingent on how long the contract is for. Mr. Speaker stated the Township has the right to contact them to tell them if the billboard doesn’t look good. Discussion followed.

Mr. Lombardi asked how long the company has been in business. Mr. Speaker stated the company began in 2009.

Vice-Chairman Aslanides asked if anyone would like to speak for or against the variance. Vice-Chairman Aslanides asked if there were any phone calls. Zoning Inspector Jeff Shipman stated no.

Motion for a Ballot Vote: With no other questions and/or discussion, Vice-Chairman Aslanides asked for a motion for a ballot vote to approve or disapprove Appeal #0680.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE FOR APPEAL #0680 SECONDED BY RANDY DONALDSON. The Board responded by saying ‘I’. MOTION CARRIED.

Roll call voting:	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Gary Brahler	--	Denied – don’t think good location
	Pan Aslanides	--	Approve
	Randy Lombardi	--	Approve

Vice-Chairman Aslanides said **the request for Appeal #0680** was **APPROVED** and advised Mr. Speaker to contact Jeff during regular office hours to make arrangements to get whatever paperwork/permits are needed.

Appeal #0681 – John & Brittany Dostal of 10819 Beech St., Alliance, Ohio, 44601, Parcel #33-09480, Zoned “R-R Rural Residential”, is requesting a variance for an Accessory Building that is overall three thousand and two hundred (3,200) square feet area dimension, additionally, with over-hang. Whereas, Nimishillen Township Zoning Resolution, Section 602.4, Accessory Buildings, Structures and Uses limits an Accessory Building maximum area to one thousand eight hundred and sixty feet (1860) square feet.

Brittany Dostal of 10819 Beech St. stepped to the podium and informed the Board her and her husband would like to build a building for storage, they have bobcats with different attachments, tools, and outdoor toys (ATV, Gators). Mrs. Dostal stated they would like to get a horse, meat cows, and they already have goats that are currently at her parents.

Mr. Brahler asked how many acres and how far will the building be from the property line in the back. Mrs. Dostal stated they have 23 acres and the property butts up to 62 and you won’t be able to see it because of the woods.

Mr. Donaldson stated the building will not be on the lot with the house, it will be on the lot next door. Mrs. Dostal stated it is on the lot next door because it already has a driveway that they are planning to use for the building. Mrs. Dostal informed the Board they have had people out working on merging the parcels together. Mrs. Dostal stated they are turning the 23 acres into 1 lot. Mrs. Dostal stated once they get the barn done, they are planning to pasture the front and side of the property. Discussion followed.

Mr. Lombardi asked if they filed for a farm exemption with the state. Mrs. Dostal stated they have not, but they would like to make the building agricultural.

Vice-Chairman Aslanides asked if the bobcats and stuff are for personal use or a business. Mrs. Dostal stated no, none of it is for business. Mrs. Dostal explained to the Board that her husband bought the bobcat to maintain the lots. Discussion followed.

Mr. Lombardi asked Zoning Inspector Jeff Shipman if there is any zoning for agricultural accessory buildings or just for accessory buildings. Mr. Shipman stated just for accessory buildings. Discussion followed.

Mrs. Dostal explained to the Board the location of the building and where the woods are the butt up against 62.

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

Vice-Chairman Aslanides asked if there were any phone calls. Zoning Inspector Jeff Shipman stated someone came into the office and after discussing it, the resident was okay with it.

Discussion was held regarding the properties on Parks Ave.

Motion for a Ballot Vote: With no other questions and/or discussion, Vice-Chairman Aslanides asked for a motion for a ballot vote to approve or disapprove Appeal #0681.

GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0681 SECONDED BY JIM MORRIS. The Board responded by saying 'I'. MOTION CARRIED.

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

Vice-Chairman Aslanides said **the request for Appeal #0681** was **APPROVED** and advised Mrs. Dostal to contact Jeff during regular office hours to make arrangements to get whatever paperwork/permits are needed.

Old Business: There was no old business for the Board to discuss.

New Business:

Township Secretary Shelby Dieffenbaugher informed the Board that the January 2020 hearing is on January 1, 2020. The Board decided to reschedule the January 1, 2020 hearing to Wednesday, January 8, 2020, if there is a hearing needed.

JIM MORRIS MOTIONED TO MOVE THE HEARING FROM JANUARY 1, 2020 TO WEDNESDAY, JANUARY 8, 2020 IF NEEDED 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
	Randy Lombardi	--	Approve

Zoning Inspector Jeff Shipman informed the Board about the decision from the Board of Commission regarding Airbnb. Mr. Shipman said the Board of Commission decided not to eliminate Airbnb in the township. Mr. Shipman informed the Board there were some people for the Airbnb and some against it. The Commission has already written something up that has been sent to the Prosecutors for review. Mr. Shipman informed the Board that the Commission changed lodgers and boarders to tourist dwellings and now it will be up to them on a case by case basis through a variance to allow an Airbnb. Discussion followed.

Township Secretary Shelby Dieffenbaugher reminded Zoning Inspector Jeff Shipman about the Jackson Township Workshop for BZA & BZC members. Mr. Shipman stated Jackson Township will be having a workshop for training for the zoning boards and that he can make it a requirement for the members to attend. Ms. Dieffenbaugher stated the Trustees have made this a requirement and will pay for the members to attend. Mr. Shipman stated the workshop will be sometime in November.

Approval of Minutes:

RANDY LOMBARDI MOTIONED TO APPROVE THE MINUTES FOR MAY 1, 2019 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	--	No Vote
	Pan Aslanides	--	Approve
	Randy Lombardi	--	Approve

Adjournment:

GARY BRAHLER MOTIONED TO ADJOURN AT 7:46 PM SECONDED BY RANDY LOMBARDI. The Board responded by saying 'I'. MOTION CARRIED.

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

Gary Brahler, Secretary
Nimishillen Township Board of Appeals

Randy Donaldson, Member
Nimishillen Township Board of Appeals

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