

Minutes

Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, April 5, 2017 – 7:00 PM

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

Zoning Inspector: Dale Riggerbach

Township Secretary: Shelby Dieffenbaugher

Purpose: (Three Cases)

APPEAL #0657 – At the request of Dan Locke of 754 Menlo Park St., Hartville, Ohio 44632, owner of parcels #33-02141, #33-03911, Zoned R-1 Single Family Residential is requesting a variance of 9,680 sq. ft. (combined) instead of the allowed 12,000 sq. ft. yard requirement as required in Section 702.3 of the Nimishillen Township Zoning Resolution. Parcels are located on Sunnyside Ave., Louisville, Ohio.

APPEAL #0658/CZC #756 – Matt Dieffenbaugher of 5770 Noel St. NE, Louisville, Ohio 44641, Parcel #33-02807, Zoned R-1 Single Family Residential, is requesting a Conditional Zoning Certificate for a home occupation (General Contractor, Residential Repair) to do billing & related paperwork subject to Section 702.2 B, Item 3, Subsection 115 A through G of the Nimishillen Township Zoning Resolution.

APPEAL #0659 – Stanley Hillensbeck of 5524 Columbus Rd. NE, Louisville, Ohio 44641, Parcel #33-06103, Zoned R-1, Single Family Residential, is requesting a variance for an Accessory Building to be 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 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 #0657 – At the request of Dan Locke of 754 Menlo Park St., Hartville, Ohio 44632, owner of parcels #33-02141, #33-03911, Zoned R-1 Single Family Residential is requesting a variance of 9,680 sq. ft. (combined) instead of the allowed 12,000 sq. ft. yard requirement as required in Section 702.3 of the Nimishillen Township Zoning Resolution. Parcels are located on Sunnyside Ave., Louisville, Ohio.

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

Marian Locke of 754 Menlo Park St. Hartville stepped to the podium to inform the Board that she is for this variance. They would like to build a small home on the lot in the future.

Chairman Mucci asked if there are 2 parcels. Ms. Locke stated yes and they would have to have them surveyed into 1. Chairman Mucci asked if they have already had the survey completed. Ms. Locke stated no, they wanted to wait to make sure it was approved or not by the Board.

Chairman Mucci wanted clarification that it is less than the requirement. Mr. Riggenschach that when there is county sewer, the township requires 12,000 square feet. If these 2 parcels are combined, which they would have to do eventually, if approved by the Board. This was the most economical way, to do this first before the survey. The lot will be smaller and it meets all of the township's setback requirements. Chairman Mucci asked if the property has sewer. Mr. Riggenschach stated yes.

Mr. Braehler asked if they own other properties there. Mr. Riggenschach stated yes, they own the home at 4266 Sunnyside, just north of the 2 parcels.

Mr. Braehler asked if that is where they live or if it's a rental. Ms. Locke stated no, there daughter lives there.

Mr. Aslanides asked if they own all 3 parcels. Ms. Locke stated yes.

Mr. Braehler asked how big will the house be. Mr. Riggenschach stated it will be small. They have 3,000 sq. ft. remaining, meeting all of the setbacks, which is 40 ft. for the right of way in the front, 10 ft. on each side, and 31 ft. in the rear.

Mr. Aslanides asked if they get approval from the Board, then they have a survey done. Mr. Riggenschach stated yes, that's a requirement. If approved, they will have to combined the parcels before any zoning o building permit is issued. They can't build across parcel lines. Discussion followed.

Mr. Ehlers asked at this time what type of building will they build. Ms. Locke stated they haven't gotten that far. This was their 1st step.

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

David Beadnell of 4242 Sunnyside Ave. stepped to the podium to inform the Board that he is opposed of this variance. He is concerned about the idea of being house to house, his home would be in real close proximity to the house, and reducing his property value.

Mr. Aslanides asked if Mr. Beadnell has a double lot. Mr. Beadnell stated yes. Discussion followed regarding the location of his lots and the lots for the variance.

Mr. Braehler asked the size of his lots. Mr. Beadnell stated is approximately 150 front and 250 back, however he can't remember.

Mr. Aslanides asked Mr. Beadnell if he feels having empty lots are better for his property value than having a new home. Mr. Beadnell stated yes. Mr. Aslanides asked if he didn't think that having a new home would make his property value higher. Mr. Beadnell stated not when he looks out his window & see directly into their window.

Joe Mogus of 4285 Fargo Ave. stepped to the podium to inform the Board that he is concerned about the property size, may set a precedence in the neighborhood, and concerned about water & drainage issues.

Mr. Brahler asked if his property is north of the old Kageys auto shop. Mr. Mogus stated yes.

Mr. Foss asked if Mr. Mogus home or garage was the furthest building. Mr. Mogus stated the garage. He has 3 lots. One lot has the home and garage, the 2nd lot is empty, and the 3rd lot has a garage.

Chad Turcsak of 4251 Fargo Ave. stepped to the podium to inform the Board that he is concerned of putting houses on top of houses and the drainage issues.

Mr. Brahler asked Mr. Turcsak if he property is located directly behind the parcels. Mr. Turcsak stated yes.

Mr. Aslanides asked if this area is naturally wet. Mr. Turcsak stated yes. Discussion followed regarding the water and properties.

The Board discussed having a Quasi-Judicial Deliberation to discuss this appeal. The Board all agreed.

Motion for a Quasi-Judicial Deliberation:

Chairman Mucci asked for a motion to enter into a Quasi-Judicial Deliberation.

DAVE FOSS MOTIONED TO ENTER INTO A QUASI JUDICIAL DELIBERATION TO DISCUSS APPEAL #0657 AT 7:17 P.M. SECONDED BY GARY BRAHLER. The Board responded by saying 'Y'. MOTION CARRIED.

Roll call voting:	Dave Foss	--	Yes
	Gary Brahler	--	Yes
	Bill Ehlers	--	Yes
	Pan Aslanides	--	Yes
	Tony Mucci	--	Yes

Motion to Return from Quasi-Judicial Deliberation:

BILL EHLERS MOTIONED TO RETURN FROM A QUASI JUDICIAL DELIBERATION AT 7:27 P.M. SECONDED BY GARY BRAHLER. The Board responded by saying 'Y'. MOTION CARRIED.

Roll call voting:	Dave Foss	--	Yes
	Gary Brahler	--	Yes
	Bill Ehlers	--	Yes
	Pan Aslanides	--	Yes
	Tony Mucci	--	Yes

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 #0657.

GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0657 SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.

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

Chairman Mucci said **the request for Appeal #0657 was DENIED.**

Board member's reasons for denial:

1. Dave Foss – Adjacent neighbors' opposition & limited lot space for aesthetics
2. Gary Brahler – Water problems, neighbors against zoning
3. Bill Ehlers – No plans on what will be build, doesn't fit into the neighborhood setting
4. Pan Aslanides – Not enough land square footage; water concern, set precedent in neighborhood
5. Tony Mucci – Too small total square footage for neighborhood

APPEAL #0658/CZC #756 – Matt Dieffenbaugher of 5770 Noel St. NE, Louisville, Ohio 44641, Parcel #33-02807, Zoned R-1 Single Family Residential, is requesting a Conditional Zoning Certificate for a home occupation (General Contractor, Residential Repair) to do billing & related paperwork subject to Section 702.2 B, Item 3, Subsection 115 A through G of the Nimishillen Township Zoning Resolution.

Matt Dieffenbaugher of 5770 Noel St. stepped to the podium to inform the Board that he is for this variance because it's him.

Chairman Mucci asked Mr. Dieffenbaugher to clarify to the Board what he would like to do. Mr. Dieffenbaugher stated that this would be for a General Contractor. After someone sells their home, following the home inspection, anything cited on the home inspection for repair, he would be doing or he has a group of licensed sub-contractors. This would just be for the small stuff, not any additions or houses.

Mr. Aslanides asked if people would be coming to the house with blueprints. Mr. Dieffenbaugher stated no.

Mr. Brahler asked if he will be storing anything like railings or plumbing equipment at the home. Mr. Dieffenbaugher stated no, and as far as plumbing, heating & cooling, you have to be licensed and he doesn't have that license.

Mr. Brahler asked if he inspects the place then calls someone to do the work. Mr. Dieffenbaugher stated yes.

Mr. Brahler asked if he is doing some of that now. Mr. Dieffenbaugher stated no but he would like to get started.

Mr. Aslanides asked if he will have a sign or anything in the yard. Mr. Dieffenbaugher stated no.

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.

Mr. Aslanides asked Mr. Riggerbach if there was only 1 letter. Mr. Riggerbach stated yes and it was a phone call.

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 #0658/CZC#756.

BILL EHLERS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0658/CZC#756 SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.

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

Chairman Mucci said **the request for Appeal #0658/CZC#756** was **APPROVED** and advised Mr. Dieffenbaugher 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 #0659 – Stanley Hillensbeck of 5524 Columbus Rd. NE, Louisville, Ohio 44641, Parcel #33-06103, Zoned R-1, Single Family Residential, is requesting a variance for an Accessory Building to be in the side yard instead of the rear yard as required in Section 602.3 of the Nimishillen Township Zoning Resolution.

Toni Hillensbeck of 5524 Columbus Rd. stepped to the podium to inform the Board that she is the co-owner and she would like to see the building in the location they chose because of the septic and leech lines in the back. Also, the building would look better, security purposes would be better, and there is a lot of water in the back yard.

Mr. Aslanides asked if the property was wet over on the side where they want the building. Ms. Hillensbeck stated that further in the back had been built up and now all the water flows into their backyard.

Chairman Mucci questioned the location of the building because the 2 drawings had different locations. Discussion followed regarding the building location and the flood plain.

Mr. Brahler asked how many total acres they have. Ms. Hillensbeck stated just under 3 acres, around 2.91. Discussion of the land followed.

Mr. Ehlers asked if the 4 white stakes on the property is where the proposed building will be. Ms. Hillensbeck stated yes, just off the driveway behind the barn. Chairman Mucci asked if he was going to park his truck there in the future. Ms. Hillensbeck stated no, the building won't be tall enough. It's just for her husband's John Deer and man cave.

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

Renee Weiss of 5541 Columbus Rd. stepped to the podium to inform the Board that she has no problem, it would look better there than in the back yard, understands why for security reasons, and they have no other option because of the water in the backyard.

George Bush of 5808 Shallow Creek stepped to the podium to ask the Board where the building location is. The Board provided Mr. Bush a picture of the location. Mr. Bush stated that he would like to see the building farther up towards the driveway and they move the smaller building behind it. The Board asked Mr. Bush if he was for or against the building. Mr. Bush stated that the more forward the building, the more he is for it. Discussion followed.

Toni Hillensbeck of 5524 Columbus Rd. stepped to the podium to explain to the Board that Mr. Bush wants them to move the utility building where the white barn is, however that would not be cost effective for them. Discussion followed.

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

Thomas Sack of 5790 Shallow Creek stepped to the podium to inform the Board his only concern is about the possibility of more water. Discussion of water and the flood plain 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 #0659.

GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0659 SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.

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

Chairman Mucci said **the request for Appeal #0659** was **APPROVED** and advised Mr. Hillensbeck 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: There was no old business to discuss.

New Business:

Mr. Aslanides asked if anything new for next month. Mr. Riggenbach stated possibly 1, he has an inquire for an accessory building in the front yard.

Mr. Riggenbach gave an update to the Board regarding the case on Bentler Ave.

Approval of Minutes:

GARY BRAHLER MOTIONED TO APPROVE THE MINUTES FOR MARCH 1, 2017 AS WRITTEN SECONDED BY DAVE FOSS. The Board responded by saying ‘I’. MOTION CARRIED.

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

Adjournment:

BILL EHLERS MOTIONED TO ADJOURN AT 7:56 PM SECONDED BY PAN ASLANIDES. The Board responded by saying ‘I’. MOTION CARRIED.

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

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

Gray Brahler, Secretary
Nimishillen Township Board of Appeals

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