

Minutes
Nimishillen Township Board of Zoning Appeals
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, May 1, 2019 – 7:00 PM

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

Board Members Absent: Gary Brahler, Secretary

Zoning Inspector: Jeff Shipman

Township Secretary: Shelby Dieffenbaugher

Purpose: (One Case)

Appeal #0679/CZC #759 – K.W. Cages.com (Dan Saunier, owner) of future address 5960 Cassidy Ave., Louisville, Ohio, 44641, Parcel #33-04922 is requesting for a variance to establish a business use on said property. The lot is zoned R-2 Residential and does not permit a business. It is the right of the Nimishillen Township Board of Appeals to question the business use of any township parcel; under Section 703.2 of the Nimishillen Township Zoning Resolution, Conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution; so as to issue a Conditional Zoning permit.

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”.

Appeal #0679/CZC #759 – K.W. Cages.com (Dan Saunier, owner) of future address 5960 Cassidy Ave., Louisville, Ohio, 44641, Parcel #33-04922 is requesting for a variance to establish a business use on said property. The lot is zoned R-2 Residential and does not permit a business. It is the right of the Nimishillen Township Board of Appeals to question the business use of any township parcel; under Section 703.2 of the Nimishillen Township Zoning Resolution, Conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution; so as to issue a Conditional Zoning permit.

Dan Saunier of 5960 Cassidy stepped to the podium and asked the Board that since he is applying for this to be a business and that it is zoned R2 and since the business there is changing, it is not grandfathered in? Chairman Mucci stated the Board discussed this situation at the last meeting and since the business is changing, the Board wanted to give all the neighbors and others involved an opportunity to give a comment on the new business going in. Chairman Mucci explained to Mr.

Saunier that the Board will be going his going forward with all others applying for a business. After discussion, Chairman Mucci wanted to make Mr. Saunier aware that if the Board approves this, it will under the condition that if he moves, you can't give it to someone else. Discussion followed.

Mr. Saunier explains to the Board he would like to have KW Cages located at this property. Mr. Saunier explains that KW Cages makes rabbit cages and other accessories. Mr. Saunier expressed that he will not be selling animals at this property.

Chairman Mucci stated that Mr. Saunier is talking like this business is somewhere else. Mr. Saunier stated KW Cages is based out of California. All of the equipment and machinery, everything is out there. Mr. Saunier stated this is currently being done in Florida. The products get shipped there and sold in the area. Mr. Saunier stated this would be the same thing, just a little bigger and there will be a store front where people can come. Mr. Saunier stated he hopes to sell some rabbit feed in the future. Mr. Saunier stated most of their sales will be based at rabbit shows. Mr. Saunier explained that everything is cut, shipped, and then assembled at the property. Mr. Saunier stated the noise may include an air compressor and maybe a forklift.

Mr. Donaldson questioned if he would be fabricating & building them from scratch. Mr. Saunier stated it's more of assembly than fabricating. Discussion followed.

Mr. Aslanides asked if there would be any welding. Mr. Saunier stated he would be surprised if they did any welding.

Chairman Mucci asked if he plans to have any signage for the business. Mr. Saunier he is planning to take over the Dyers Body Shop signs if he is able too. Zoning Inspector Jeff Shipman stated as long as it is within zoning. Discussion followed.

Discussion was held regarding the different sizes cages.

Mr. Aslanides asked if he would be selling feed and accessories. Mr. Saunier stated yes, there's a big online market for it. Mr. Saunier stated its more out of San Diego and shipping can be expensive. The feed is more for walk-in traffic. Discussion followed.

Mr. Aslanides asked if this would be just for rabbits and it won't turn into chicken cages. Mr. Saunier stated they do some chicken cages in California; however, there is no plan to do that here.

Mr. Aslanides asked if it just cages and he wouldn't be selling animals. Mr. Saunier stated it's just the materials, no animals.

Mr. Morris asked how he receives the materials. Mr. Saunier state right now they have been receiving the materials through semi. Mr. Saunier stated he knows the Board may be worried about the semi being in that area, so he would use a different road to park the semi and unload it or have it delivered to a completely different location. Discussion followed.

Mr. Morris asked if he purchased the property knowing it is in a residential area. Mr. Saunier stated no; he knew it was in a residential area but the listing of the property said the building was industrial. Mr. Donaldson asked Zoning Inspector Jeff Shipman what the Auditor says. Mr. Shipman stated he doesn't use the Auditor's website; he uses the township zoning map. Discussion followed.

Discussion was held regarding the properties Mr. Saunier is purchasing. Mr. Saunier explained he is purchasing all 3 of the properties and plans to live in the house. Zoning Inspector Jeff Shipman explains to the Board is on a separate lot from the house. Discussion followed.

Mr. Donaldson asked if he sees this as a long-term investment. Mr. Saunier is hoping this building is big enough so he doesn't have to get another building for a good while.

Mr. Lombardi informed Mr. Saunier that if he decides to sell in the future, he can't sell the property as a business. Mr. Saunier stated yes.

Mr. Fausnight asked about his landscaping business. Mr. Saunier stated he has a different facility for the landscaping equipment and no lawn equipment will be there, it is strictly for KW Cages.

Mr. Aslanides asked if he will be getting the deliveries through semi. Mr. Saunier stated there is one street that is wide enough and he doesn't see a problem with running a forklift up and down the street. Mr. Saunier stated that worst case scenario, he has another place to receive and unload it, then transport to this property.

Mr. Donaldson asked how often he receives a shipment. Mr. Saunier stated in the beginning a few to stock up on the inventory and once we get going, maybe once a month. Mr. Saunier stated the winter and summer time months are usually slower. Discussion followed.

Mr. Aslanides asked if he will have any employees. Mr. Saunier stated it would be him and maybe 2 part time employees in the future. Discussion followed.

Zoning Inspector Jeff Shipman stated that he is coming here for a use permit and asked the Board how he would write up the permit. Chairman Mucci stated it would be non-transferable. Discussion followed.

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

Byron Stavrou stepped to the podium and informed the Board he is the realtor for the property. Mr. Stavrou informed the Board that he called the township office when he was listing the property and was told by someone the property was zoned I2. Discussion followed.

Marcia Dyer stepped to the podium and informed the Board she is the current owner of the property. Mrs. Dyer stated she has lived there with her husband Fred for 45 years. Mrs. Dyer stated that if the Board is concerned about the semis, there are semis using Beck Rd. to get to the business that is back there. Discussion followed.

Chairman Mucci asked if there were any letters or phone calls received. Zoning Inspector Jeff Shipman stated he received one phone call and it was good. Discussion followed.

Beth Jones stepped to the podium and informed the Board and Mr. Saunier that she is concerned that the property will be kept up and still look as nice as it does now. Mr. Saunier assured her the property will be kept up.

Ms. Jones stated she is concerned about the semis and doesn't want it to be this big retail store with a lot of people coming and going. Chairman Mucci stated the he will be reevaluated each year and if he starts doing something else like a lawn mower business, the Board can take away his permit. Mr. Saunier expressed that main company in California doesn't have much walk-in traffic and this is what he is basing everything for this location on. Discussion followed.

Mr. Morris asked if the products are distributed via UPS. Mr. Saunier stated he is not sure about how it is shipped in California; he believes it via UPS. Discussion followed.

Mr. Donaldson asked how many sales will be online. Mr. Saunier stated that is kind of unknown, there is a big online base in California.

Mr. Aslanides asked if the is a franchise. Mr. Saunier stated the owner is working on that, he is more of a distributor.

The Board held a discussion with Mr. Saunier to make sure he understands if the business is approved, it will be non-transferable if he decides to sell the property in the future.

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 #0679/CZC #759.

PAN ASLANIDES MOTIONED FOR A BALLOT VOTE FOR APPEAL #0679/CZC #759 SECONDED BY JIM MORRIS. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting:	Randy Lombardi	--	Approve
	Jim Morris	--	Approve
	Randy Donaldson	--	Approve
	Pan Aslanides	--	Approve – non-transferable
	Tony Mucci	--	Approve – non-transferable

Chairman Mucci said **the request for Appeal #0679/CZC #759** was **APPROVED** and advised Mr. Saunier to contact Jeff during regular office hours to make arrangements to get whatever paperwork/permits are needed.

Old Business:

The Board held a discussion about this variance and past variances.

New Business:

Zoning Inspector Jeff Shipman informed the Board about a possible Airbnb in the township. Much discussion followed.

Approval of Minutes:

PAN ASLANIDES MOTIONED TO APPROVE THE MINUTES FOR APRIL 3, 2019 AS WRITTEN SECONDED BY RANDY DONALDSON. The Board responded by saying 'I'. MOTION CARRIED.

Roll call voting: Randy Lombardi -- Approve
 Randy Donaldson -- Approve
 Pan Aslanides -- Approve
 Tony Mucci -- Approve

The Board held a discussion regarding property of sale off of Crock St.

Adjournment:

*TONY MUCCI MOTIONED TO ADJOURN AT 7:59 PM SECONDED BY RANDY LOMBARDI.
The Board responded by saying 'I'. MOTION CARRIED.*

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

Pan Aslanides, Vice-Chairman
Nimishillen Township Board of Appeals

Randy Donaldson, Member
Nimishillen Township Board of Appeals

/sd

Zoning Board of Appeals Minutes: 2019 – May 1; Rabbit Cage Business @ 5825 5960 Cassidy