

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, July 6, 2016 – 7:00 PM

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

**Board Members Absent:** David Foss, Secretary

**Zoning Inspector:** Dale Riggerbach

**Township Secretary:** Shelby Dieffenbaugher

### **Purpose: (One Case)**

**APPEAL #623** – Lorenz Adams of 5797 N. Nickelplate Ave. NE, Louisville, Ohio 44641, Parcel #33-09089, zoned R-1, Single Family Residential, is requesting a variance for an accessory building (storage), to be 25 feet high instead of the allowed 17 feet, and 2,880 sq. ft. instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

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

Chairman Aslanides opened tonight’s hearing at 7:00 PM introduced all board members in attendance, the zoning inspector, and the township secretary. 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 #623** – Lorenz Adams of 5797 N. Nickelplate Ave. NE, Louisville, Ohio 44641, Parcel #33-09089, zoned R-1, Single Family Residential, is requesting a variance for an accessory building (storage), to be 25 feet high instead of the allowed 17 feet, and 2,880 sq. ft. instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Lorenz Adams of 5797 N. Nickelplate** stepped to the podium to inform the Board that the building will be for storage for old cars, tractor, mower, and 4 wheelers. The smaller building will be dismantled for the new one.

Chairman Aslanides asked if the smaller building will be torn down. Mr. Adams said yes.

Chairman Aslanides asked if that will leave him with 2 28x40 buildings. Mr. Adams said yes.

Chairman Aslanides asked what he puts in the other buildings. Mr. Adams stated in the main garage are their cars now, their daily drivers. The new garage will hold their classic cars and that garage will hold their daily drivers. The other building was his wood workshop, which he doesn’t do anymore, so it holds tools.

Chairman Aslanides asked if the new building will have a cement floor, water, electric, and have a second story or loft. Mr. Adams stated the building will have a cement floor and electric. The building will not have water or a second story or loft.

Mr. Brahler asked Mr. Adams about the junk in the pictures the Board was provided. Mr. Adams stated that stuff was taken out of the little building so it can be torn down. This stuff will be put in the new building and taken for scrap.

Chairman Aslanides asked if all of the junk will be cleaned up and if this building was going to be used for personal or a business. Mr. Adams stated yes the property will be cleaned up and it will be used for personal. Mr. Adams stated he does not have a business.

Mr. Brahler asked if he will work on other people's cars. Mr. Adams stated no.

Mr. Ehlers asked for clarification on how many cars he owns and would they be for resale. Mr. Adams stated he has 2 old and 2 new cars, and his 1 son has 1 car and the other son has 2 cars. Mr. Adams stated that the cars are not for resale.

Mr. Ehlers asked why the building is so tall. Mr. Adams stated the building will have a car lift to work on their cars.

Mr. Ehlers asked about the location of the building and where he had the drawings done. Mr. Adams stated the drawings are from Home Depot and discussion was held about the location of the building.

Mr. Mucci asked if he would be building this building. Mr. Adams stated he would build some but his neighbor John Weisel will be doing most of the work.

Chairman Aslanides questioned the height because he wants a car lift. Mr. Adams stated yes.

Chairman Aslanides read a letter of someone opposed of the variance because Mr. Adams is running a business. Chairman Aslanides asked if he fixes anything. Mr. Adams stated no but it might be for a friend. He has never run a business.

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

Laura Andrejczik stepped to the podium and informed the Board that she owns the adjoining parcels and she is for this variance. The property sits high up so there would not be any obstructions of any views. As for the business, this is her brother and nephew, who work on the family's cars; they do not run a business.

Mr. Ehlers asked how many acres did Mr. Adams' own. Mr. Adams stated he owns a little over 10 acres. Much discussion was held regarding the property and of the location of the new building.

Chairman Aslanides asked if anyone in attendance to speak against the variance.

Dale Lantz of Nickelplate stepped to the podium and informed the Board that Mr. Adams is buying and selling cars. Discussion followed.

Chairman Aslanides asked Mr. Lantz if there is a lot of traffic or noise because of what Mr. Adams does. Mr. Lantz stated Mr. Adams doesn't like him sitting on his own front porch and he can hear the car engines.

Mr. Ehlers asked where Mr. Lantz' property is located. Discussion followed.

Chairman Aslanides explains to Mr. Lantz the process of the board. The board's concern is the building and the possible business.

Mr. Brahler asked Mr. Lantz if he sees a car sitting out for sale. Mr. Lantz stated yes but not anymore.

Chairman Aslanides asked what constitutes a business of working on and selling cars. Mr. Mucci stated that there are a number of cars residents are allowed to sell per year according to the state. Discussion followed.

Mr. Brahler asked Mr. Adams how many cars he sold last year. Mr. Adams stated he personally sold 1 car and his sons sold 3 cars.

Chairman Aslanides asked if Mr. Adams' sons lived with him. Mr. Adams stated that 1 son does live with him.

Zoning Inspector Dale Riggenbach recommends to the Board that they can choose to continue until the conditions are met regarding the junk on the property or the Board can vote on the variance with the added conditions. The Board held a discussion regarding the recommendations from Mr. Riggenbach.

Laura Andrejczik of Nickelplate stepped to the podium and informed the Board that she has never sold cars for her brother or nephews.

The Board held a discussion regarding the noise from Mr. Adams property and Mr. Lantz property.

Mr. Ehlers asked Ms. Andrejczik if she lives on the property she owns. Ms. Andrejczik stated that she lives in town but she did live on the property at one time because Mr. Adams' property was owned by their parents.

Dale Lantz of Nickelplate stepped to the podium and informed the Board of his concerns for his neighbors.

Chairman Aslanides explained to Mr. Lantz the purpose of the hearing was for the building Mr. Adams would like to build. Mr. Lantz stated the he does not care if they build the building; he just wants to be left alone. Much discussion followed.

After discussion, Chairman Aslanides asked for a motion to vote on appeal #623 with the added amendments.

***Motion:*** TONY MUCCI MOTIONED TO VOTE ON APPEAL #623 WITH ADMENMENTS, IF THIS VARAINCE IS APPROVED, WOULD HAVE TO MEET ALL ZONING REQUIREMENTS BEFORE MOVING FORWARD WITH THE BUILDING, SENCONDED BY GARY BRAHLER. **MOTION CARRIED.**

Roll call voting: Tom Davis -- 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 Aslanides asked for a motion for a ballot vote to approve or disapprove Appeal #623.

*GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #623 LORENZ ADAMS WITH ADDED AMENDMENTS SECONDED BY TONY MUCCI. The Board responded by saying 'I. MOTION CARRIED.*

Roll call voting: Tony Mucci -- Approve with added amendment  
Pan Aslanides -- Approve  
Tom Davis -- Approve  
Gary Brahler -- Approve  
Bill Ehlers -- Approve

Chairman Aslanides said **the request for Appeal #623** was **APPROVED WITH AMENDMENTS** and advised Mr. Adams 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.

***Tami White of 4269 Swallen*** stepped to the podium and informed the Board of her concerns for a variance passed in May 2015. Ms. White stated that at the time she spoke for the variance at 4315 Swallen, however she is now concerned. Ms. White complained to zoning at the end of April 2016 because the owner is not following the zoning laws.

Mr. Mucci asked Mr. Riggenbach if there is a time limit for this. Mr. Riggenbach informed the Board that building permits have a 1 year time limit and if they are not completed the resident has to go through the Stark County Building Department to have the permit extended.

The Board held a discussion with Mr. Riggenbach regarding stipulations on a variance and the tractor trailer on the property.

Chairman Aslanides explained to Ms. White that the Board had passed the variance so there is nothing the Board can do, this issue falls to zoning. Much discussion followed.

The Board asked Mr. Riggenbach for a copy of the letter that had been sent to the Prosecutor regarding this issue.

Chairman Aslanides asked Ms. White what the Board can do for her. Ms. White would like the zoning laws enforced. Chairman Aslanides explained to Ms. White that Mr. Riggenbach has to go through the Stark County Prosecutor to try and enforce the zoning laws. Much discussion followed.

Mr. Mucci explained to Ms. White that if the resident refuses to do what Mr. Riggenbach has asked, than Mr. Riggenbach has to go to the prosecutor.

Ms. White expressed her concern that she was informed there was no meeting for this month. Chairman Aslanides explained that the meeting Ms. White would like to speak of happened over a year ago and the Board cannot go back to change the decision. Mr. Riggenbach explained to Ms. White that there was no meeting for this property; this meeting was for another property. Much discussion followed.

**Old Business:** There was no old business to discuss.

**New Business:** Chairman Aslanides asked Zoning Inspector Dale Riggenbach if there will be anything for next month. Mr. Riggenbach stated no not at this time.

**Approval of Minutes:**

*GARY BRAHLER MOTIONED TO APPROVE THE MINUTES FOR MAY 4, 2016 AS WRITTEN SECONDED BY TONY MUCCI. The Board responded by saying ‘I’.* **MOTION CARRIED.**

Roll call voting:	Tom Davis	--	Approve
	Gary Brahler	--	Approve
	Bill Ehlers	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

**Adjournment:**

*TONY MUCCI MOTIONED TO ADJOURN AT 8:10 PM SECONDED BY GARY BRAHLER. The Board responded by saying ‘I’.* **MOTION CARRIED.**

Roll call voting:	Tom Davis	--	Approve
	Gray Brahler	--	Approve
	Bill Ehlers	--	Approve
	Pan Aslanides	--	Approve
	Tony Mucci	--	Approve

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Pan Aslanides, Chairman  
Nimishillen Township Board of Appeals

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Tony Mucci, Vice Chairman  
Nimishillen Township Board of Appeals

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