

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, February 1, 2017 – 7:00 PM

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

**Zoning Inspector:** Dale Riggerbach

**Township Secretary:** Shelby Dieffenbaugher

### **Purpose: (Three Cases)**

**APPEAL #627/0653** – A continuation of hearing from November 23, 2016; Joseph & Sherri Davide of 7540 Bentler Ave. NE, Canton, Ohio 44721, Parcel #33-07829, Conditional Zoning Certificate #754, a home occupation for Cement Contractor, regarding billing, storing equipment in an accessory building. Zoned RR-Rural Residential, subject to Section 702.2 (B) (3), Conditional Uses Subsections 115, A through G of the Nimishillen Township Zoning Resolution.

**APPEAL #0652/CZC #755** – At the request of Brandon Evans of 9306 Beech St. NE, Louisville, Ohio 44641, Parcel #33-01544, Zoned R-1 Single Family Residential, is requesting a variance for a Conditional Zoning Certificate #755 for a home business, Accounting, subject to Section 702.2, B-3, subsection 115, A through G of the Nimishillen Township Zoning Resolution.

**APPEAL #0655** – Thomas Barnes of 7620 Nickelplate Ave. NE, Louisville, Ohio 44641, Zoned R1-Single Family Residential, Parcel #33-08818, is requesting a variance for an Accessory Building (storage, wood workshop) to be 27 ft. high instead of the allowed 17 ft. high and 3,304 sq. ft. (28 ft. x 60 ft. with 1,624 sq. f.t loft) 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, the township secretary, and the Stark County Prosecutors.

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”.

Chairman Aslanides explains to the audience the that the Stark County Prosecutors are here to discuss in a Quasi-Judicial Deliberation, a closed-door session, the case of 7540 Bentler.

**APPEAL #627/0653** – A continuation of hearing from November 23, 2016; Joseph & Sherri Davide of 7540 Bentler Ave. NE, Canton, Ohio 44721, Parcel #33-07829, Conditional Zoning Certificate #754, a home occupation for Cement Contractor, regarding billing, storing equipment in an accessory building. Zoned RR-Rural Residential, subject to Section 702.2 (B) (3), Conditional Uses Subsections 115, A through G of the Nimishillen Township Zoning Resolution.

**Motion for a Quasi-Judicial Deliberation:**

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

*BILL EHLERS MOTIONED TO ENTER INTO A QUASI JUDICIAL DELIBERATION TO DISCUSS APPEAL #627/0653/CONDITIONAL ZONING CERTIFICATE #754 AT 7:04 P.M. SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.*

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

**Motion to Return from Quasi-Judicial Deliberation:**

*TOM DAVIS MOTIONED TO RETURN FROM A QUASI JUDICIAL DELIBERATION TO DISCUSS APPEAL #627/0653/CONDITIONAL ZONING CERTIFICATE #754 AT 7:32 P.M. SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.*

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

Chairman Aslanides entered into evidence Exhibit A, February 1, 2017, a legal brief provided by the attorney for the Davide's.

Chairman Aslanides explains to the audience that he will ask the Board for a motion to vote. The Board will not allow anyone to speak unless there is new information to be brought up that hasn't or if anyone who hasn't spoken to the Board and wants to speak. Chairman Aslanides stated that he feels the Board has heard everything they need but if someone has something new the Board is willing to hear it or if someone wants to speak for or against it, you are more than welcome to. If there is no new information and no one new wants to speak, the Board will go ahead and vote.

A resident in the audience informed Chairman Aslanides he would like to speak. Chairman Aslanides asked if he has something new the Board hasn't heard. The resident stated some of the information is new. Chairman Aslanides stated he is more than willing to let him speak but the Board doesn't want to go back and forth all night between the 2 parties. The resident decided to pass.

**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 #627/0653.

*GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #627/0653 AS LONG AS ZONING RULES & REGULATIONS ARE IN COMPLIANCE SECONDED BY TOM DAVIS. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Tony Mucci	-- Approve, as long as all zoning rules & regulations are in compliance
	Tom Davis	-- Approve
	Gary Brahler	-- Approve
	Bill Ehlers	-- Approve
	Pan Aslanides	-- Approve

Chairman Aslanides said **the request for Appeal #627/0653** was **APPROVED** and advised Mr. Davide 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.

The Board held a discussion with a resident regarding what rules and regulations the Davides' need to follow. The Board informed the resident to contact Dale at the office for a zoning book or a copy of the zoning book is on the website.

**APPEAL #0652/CZC #755** – At the request of Brandon Evans of 9306 Beech St. NE, Louisville, Ohio 44641, Parcel #33-01544, Zoned R-1 Single Family Residential, is requesting a variance for a Conditional Zoning Certificate #755 for a home business, Accounting, subject to Section 702.2, B-3, subsection 115, A through G of the Nimishillen Township Zoning Resolution.

**Brandon Evans of 9306 Beech St.** stepped to the podium and explained to the Board that he would like to run a small accounting business out of his home. He already has a full-time job. There will not be much traffic, just some traffic during tax season.

Chairman Aslanides asked Mr. Evans if people come to his house and drop off stuff. Mr. Evans stated yes.

Mr. Brahler asked if he does tax work and if it's done during the evenings. Mr. Evans stated yes, taxes and book-keeping after his regular full-time job.

Chairman Aslanides asked Mr. Evans if he will be putting up a sign. Mr. Evans stated he would like to put up a small sign to make it easier for people to find the property.

Mr. Brahler asked Zoning Inspector Dale Riggenschach if a small sign would be permitted. Mr. Riggenschach stated that yes, it is.

Mr. Ehlers asked Mr. Riggenschach the size requirement for the sign. Mr. Riggenschach stated the requirements a 1 by 3. Discussion followed.

Mr. Brahler asked if the township received any phone calls. Mr. Riggenschach received 1 call asking if the land was being changed to a business instead of R1. Mr. Riggenschach informed the caller that this is just for a home business. The caller is neutral.

Chairman Aslanides asked if anyone in attendance 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 #0652/CZC#755.

***BILL EHLERS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0652/CZC#755 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.***

Roll call voting:	Tony Mucci	--	Approve
	Pan Aslanides	--	Approve
	Dave Foss	--	Approve
	Gray Brahler	--	Approve
	Bill Ehlers	--	Approve

Chairman Aslanides said **the request for Appeal #0652/CZC#755** was **APPROVED** and advised Mr. Evans 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 #0655** – Thomas Barnes of 7620 Nickelplate Ave. NE, Louisville, Ohio 44641, Zoned R1-Single Family Residential, Parcel #33-08818, is requesting a variance for an Accessory Building (storage, wood workshop) to be 27 ft. high instead of the allowed 17 ft. high and 3,304 sq. ft. (28 ft. x 60 ft. with 1,624 sq. f.t loft) instead of the allowed 1,280 sq. ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Joe Evans of 7620 Nickelplate Ave.** stepped to the podium and explained to the Board that he is Thomas's father, his son is at work, and he is having the building built. Mr. Barnes would like to build a workshop for his wood working hobby. He has been working the in basement of the home for 40 years, he is getting close to retirement and would like to have a building to further his wood working hobby. He will be using savings to build the building so there has to be some space for his wife upstairs to do crafts.

Mr. Mucci asked Mr. Riegenbach if the soil tests fail, the Health Dept. won't let him put in a septic but he can still have the building. Mr. Barnes stated that he would like to put in a small bathroom because the building is some ways away from the house. Discussion followed.

Chairman Aslanides asked why the building would be so high. Mr. Barnes stated it's for the loft. He raised the walls 4 ft. for the loft.

Mr. Brahler asked if he owns the woods and why the building is so far from the house. Mr. Barnes stated the he does own the woods and he doesn't want to tare out the woods. The area where he wants to put the building is the most level.

Mr. Brahler asked Mr. Riegenbach if he received any phone calls. Mr. Riegenbach stated no.

**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 #0655.

***DAVE FOSS MOTIONED FOR A BALLOT VOTE FOR APPEAL #0655 SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. MOTION CARRIED.***

Roll call voting:	Dave Foss	--	Approve
	Gary Brahler	--	Approve

Bill Ehlers -- Approve  
Tony Mucci -- Approve  
Pan Aslanides -- Approve

Chairman Aslanides said **the request for Appeal #0655** was **APPROVED** and advised Mr. Barnes 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:**

Chairman Aslanides asked if there is anything for next month. Mr. Riggenbach stated nothing currently. Discussion was held regarding the election of officers. Due to advertisement needed, the Board decided to hold election of officers at the next hearing.

**Approval of Minutes:**

*GARY BRAHLER MOTIONED TO APPROVE THE MINUTES FOR JANUARY 4, 2017 AS WRITTEN SECONDED BY TONY MUCCI. The Board responded by saying 'I'. MOTION CARRIED.*

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

**Adjournment:**

*BILL EHLERS MOTIONED TO ADJOURN AT 7:50 PM SECONDED BY DAVE FOSS. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting: Dave Foss -- Approve  
Gary 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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David Foss, Secretary  
Nimishillen Township Board of Appeals

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