

# Minutes

## Nimishillen Township Board of Zoning Appeals

4422 Maplegrove NE, Louisville, OH 44641

Wednesday, July 12, 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 Dieffenbauger

### **Purpose: (Two Cases)**

**APPEAL #0665** – Ronald Vnuk & Dorothy Sheen of 4415 Swallen Ave., Louisville, Ohio, 44641, Parcel 33-06033, Zoned R1- Single Family Residential, is requesting a variance for an Accessory Building (storage of vehicles) to be 6,240 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 27 ft. instead of the allowed 17 ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**APPEAL #0666** – Ed Collins of 3988 Broadway Ave., Louisville, Ohio 44641, Parcel #33-02389, #33-00306, Zoned R1-Single Family Residential, is requesting a variance for an Accessory Building to be 2.5 feet off the north property line instead of the required 8-foot setback as permitted in Section 602.4 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 #0665** – Ronald Vnuk & Dorothy Sheen of 4415 Swallen Ave., Louisville, Ohio, 44641, Parcel 33-06033, Zoned R1- Single Family Residential, is requesting a variance for an Accessory Building (storage of vehicles) to be 6,240 sq. ft. instead of the allowed 1,280 sq. ft. and a height of 27 ft. instead of the allowed 17 ft. as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

**Ronald Vnuk of 4415 Swallen Ave.** stepped to the podium to explain to the Board that he is looking to build an accessory building for his vehicles that he owns. Mr. Vnuk shows the Board pictures of all the vehicles he owns. Mr. Vnuk informs the Board that he also has a motorhome, which is why the building would be so high, he would like to fit the motorhome with an enclosed trailer attached inside the building. Mr. Vnuk informed the Board that the color of the building will be a light/charcoal grey. Discussion was held regarding picture Mr. Vnuk provided the Board of a property on 153 with a building 6,000 sq. ft.

Chairman Mucci asked Mr. Vnuk that out of this list of things in the building, will he be rebuilding and storing things for personal use. Mr. Vnuk stated yes that everything that will be stored in the building is his stuff, he does have spare racing parts for his dragsters.

Mr. Aslanides asked Mr. Vnuk that he doesn't buy and sell cars, only collects them & if he fixes cars for anyone. Mr. Vnuk stated that he collects cars, which he has owned for many years and he doesn't fix cars for anyone. Mr. Aslanides asked Mr. Vnuk that all he does is buys, races, and collects cars for his own person use. Mr. Vnuk stated correct.

Mr. Brahler asked if his property is 6 acres. Mr. Vnuk stated yes, a little over 6 acres.

Mr. Ehlers asked if he still owns his race cars. Mr. Vnuk stated he owns both of the race cars in the pictures he provided to the Board. The one car was just repainted. Mr. Ehlers asked where the cars are currently being stored at and where is he working on them. Mr. Vnuk stated the dragster are currently in the enclosed trailer in his driveway at home. Another trailer holds the other cars. Mr. Ehlers asked if he still owns the 2 dragsters. Mr. Vnuk stated yes and he owns 1 more besides those 2. Mr. Ehlers asked where he is storing the other cars he owns. Mr. Vnuk stated they are being stored at another storage facility. The S10 Pickup Truck is currently at Swallen in the garage.

Mr. Foss asked why the building will be in the northwest corner of the property, according to the plot plan, and why not have the building closer to the home. Mr. Vnuk stated it's because of where the leech lines are located on the property and the property drops off. Discussion followed.

Mr. Ehlers asked where he works on the dragsters if he has damage to them because from what he has seen on TV, these kind of race cars can have some significant damage. Mr. Vnuk informed the Board that what Mr. Ehlers is referring to is the big guys with money, he doesn't do that type of racing. Mr. Vnuk stated he does bracket racing. The reason he repainted the 1 dragster is because the paint was old & cracked, not because of any damage. Discussion followed.

Mr. Brahler asked if there will be water and electric. Mr. Vnuk stated yes, the current little building next to it has water.

Discussion was held about the location of the leech lines and about possibly moving the building closer to the home. Mr. Vnuk stated that he would like the building at that location because of the length of the driveway. It would be difficult to back up a motorhome with a trailer down a driveway. Discussion followed.

Mr. Aslanides asked if he plans to work on the cars in the building. Mr. Vnuk stated he sometimes does work on them at home, but he normally doesn't do much to the cars. Mr. Aslanides stated that he is concerned for any loud noise. Mr. Vnuk stated it could be loud, but he normally doesn't start the cars at his home. There will be an occasion he might, unless it's frowned upon that he wouldn't do that. Discussion followed.

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

**Holly & David Mohn of 4476 & 4480 Midpine Ave.** stepped to the podium to explain to the Board that she is speaking on behalf of herself and her father, David Mohn, who is in attendance as well. They are both okay with it, they would rather have the stuff inside than sitting out.

**Richard Cosgrove of 4375 Swallen Ave.** stepped to the podium to explain to the Board he has no problem with the building and wouldn't care if he started the motors inside the building. Mr.

Cosgrove informed the Board that he is familiar with these kinds of cars, the motors are small scale

**Kelley Mohn of 4333 Swallen Ave.** stepped to the podium to explain to the Board she has no problem with the building, would rather see the stuff stored inside a building than outside, and has no issue with the cars being started.

**Jim Duplain of 4320 Swallen Ave.** stepped to the podium to explain to the Board he would rather see if stored inside that outside.

**Rick & Maureen Kugelman of 9580 Louisville St.** stepped to the podium to explain to the Board they have no problem with the building. They have no issues with anyone who wants to improve their property.

**Doug Miller of 4440 Swallen Ave.** stepped to the podium to explain to the Board that he has 1 concern that if the building would be moved for any reason, for instance in the front yard, would there be another hearing for that. Zoning Inspector Dale Rigggenbach informed Mr. Miller that the building can be moved in the back yard, Mr. Vnuk did not apply for a variance in the front yard, that is a separate variance. Mr. Miller is okay with it as long as it's not in the front yard.

Mr. Foss asked Mr. Rigggenbach if the location is changed significantly, would that be another variance. Mr. Rigggenbach stated that if Mr. Vnuk tries to put the building in the front yard, that would be another variance different from tonight's variance.

**Tim Roudebush of 4315 Swallen Ave.** stepped to the podium to explain to the Board that he has been before them for the same purpose. He would rather see the stuff inside a building than outside. Mr. Roudebush informed the Board that he has had drag cars and other race cars before and they are not really that loud if you keep that doors closed.

**Bryan Carl of 9474 Louisville St.** stepped to the podium to explain to the Board that we would prefer not seeing the stuff in the yard and it being a junk yard. He has no problem with it.

Chairman Mucci read aloud a notarized letter received from Geraldine Crum of 9464 Louisville St. (Copy attached)

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

**William Husarik of 4284 Swallen Ave.** stepped to the podium to asked the Board why does there need to be another large garage in the neighborhood. Discussion followed. Mr. Husarik stated that he is not for this building due to the size & height.

**Clarence & Victoria Givler of 9420 Louisville St.** stepped to the podium to explain to the Board they are concerned about the size of the building, specifically the 27-ft. height, because it will overshadow their garden and clothes line on their property. Ms. Givler is also concerned about the noise of the dragsters and the possibility of him working on other cars besides his own.

Discussion was held regarding the size of the motorhome, the size of the garage door needed for the building, and the percentage of his backyard the size of the building would occupy.

**Joe Schillig of 4141 Swallen Ave.** stepped to the podium to ask the Board why Mr. Vnuk didn't apply for a variance before purchasing the property. The Board explained to Mr. Schillig that you can't apply for a variance without owning the property. Mr. Schillig informed the Board that he is tired of seeing all the big buildings going up, seeing semis, and seeing people running a business in his neighborhood. Discussion followed.

**Jeff Vernier of 4130 Swallen Ave.** stepped to the podium to explain to the Board that he is concerned of the 27-ft. height of the building. Mr. Vernier explained to the Board that he has combines and the buildings he has for them are not that tall. The doors to his building are 25 ft. wide by 16-17 ft. tall. Discussion was held regarding the height of Mr. Vnuk's building and the noise of the dragsters.

**Tami White of 4269 Swallen Ave.** stepped to the podium to explain to the Board that she is against this variance because it is disturbing to the neighborhood by having all of these large buildings and it will decrease her property value. Much discussion followed.

Chairman Mucci read aloud a non-notarized letter from Dale & Gail Kandel of 4364 Swallen. Mr. & Mrs. Kandel are concerned with the size of the building. Zoning Inspector Dale Riggerbach informed the Board that he accepted this letter from Mrs. Kandel at the office.

**Ronald Vnuk of 4415 Swallen Ave.** stepped to the podium to show the Board a plot plan of the property and explains to them that he can't see Tami's property. Mr. Vnuk provides the Board a picture of the property from the street and he doubts anyone will be able to see it.

**Dorothy Sheen of 4415 Swallen Ave.** stepped to the podium to explain to the Board that she is Ron's wife and they bought the home to be closer to her family. Ms. Sheen informed the Board that she has lived in the township all her life. They currently live in Walton Hills now and they are moving back down here to be closer to family.

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

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

*PAN ASLANIDES MOTIONED TO ENTER INTO A QUASI JUDICIAL DELIBERATION TO DISCUSS APPEAL #0665 AT 8:03 P.M. SECONDED BY GARY BRAHLER. The Board responded by saying 'I'. 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:**

*PAN ASLANIDES MOTIONED TO RETURN FROM A QUASI JUDICIAL DELIBERATION AT 8:10 P.M. SECONDED BY TONY MUCCI. The Board responded by saying 'I'. 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 #0665

*GARY BRAHLER MOTIONED FOR A BALLOT VOTE FOR APPEAL #0665 SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.*

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

Chairman Mucci said **the request for Appeal #0665** was **DENIED**.

***Board member's reasons for denial:*** Section 602.4 in the Zoning Resolution

1. Dave Foss – Height & location; suggests different location & different design to reduce height
2. Gary Brahler – Too large for R1
3. Bill Ehlers – Too big
4. Pan Aslanides – 60x104x27 is too large for R1 Zoning
5. Tony Mucci – Too large for R1 Zoning area

**APPEAL #0666** – Ed Collins of 3988 Broadway Ave., Louisville, Ohio 44641, Parcel #33-02389, #33-00306, Zoned R1-Single Family Residential, is requesting a variance for an Accessory Building to be 2.5 feet off the north property line instead of the required 8-foot setback as permitted in Section 602.4 of the Nimishillen Township Zoning Resolution.

***Ed Collins of 3988 Broadway Ave.*** stepped to the podium to explain to the Board that he currently has 2 sheds on his property, 1 shed is metal and the other shed is wood. The wood shed needs replaced, so he is looking to update the property by getting rid of the 2 sheds and updating them with a brand-new shed that will match the garage. The new shed will be 20 x 20 and he needs the 2.5 ft. to put it on the property, it will be in the same place as the current sheds.

Chairman Mucci asked Mr. Collins if that is his swimming pool on the other parcel. Mr. Collins stated yes and the other parcel is not very big piece of land.

Mr. Brahler asked Mr. Collins the size of the new shed. Mr. Collins stated the new shed will be 20 x 20, but it has a 4ft. porch on the front. So, it's really a 16 x 20. Discussion was held regarding the picture provided of the shed.

Mr. Foss asked if the 2-current shed will be coming down. Mr. Collins stated yes, he already has the shed pulled off to the side, & he is trying to get rid of them now.

Mr. Aslanides asked if the new shed will be permanent once it's placed on the property. Mr. Collins stated that no it will be moveable.

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

Mr. Collins informed the Board that he has provided them a notarized letter from his neighbors. Chairman Mucci read aloud a letter, stating they have no problem with this upgrade, that was signed by:

Jason Lewis of 3999 Broadway Ave.  
Roxanne Mayle of 3989 Broadway Ave.  
Stephen Benson of 4000 Broadway Ave.

Zoning Inspector Dale Riggerbach informed the Board that he received 1 phone call from Dan Myers. Mr. Myers is okay with the proposed site of the accessory building.

Chairman Mucci stated that he is concerned with the 2.5 ft. Mr. Collins is asking for. Zoning Inspector Dale Riggerbach suggested to the Board that they can negotiate with Mr. Collins regarding the 2.5 ft. Mr. Collins informed the Board that he would like to put the shed there because the driveway in the back goes down. He is having a cement slab put down for that. Discussion followed.

The Board asked Mr. Collins if he would consider moving the shed to be in compliance with 4 ft. instead of the 2.5 ft. Mr. Collins stated that he could get really close to the 4 ft. if he needs too.

**Motion to change the footage:** After discussion, Chairman Mucci asked for a motion to change the 2.5 ft. to 4 ft.

***GARY BRAHLER MOTIONED CHANGE THE FOOTAGE FROM 2.5 FT. TO 4 FT. FOR APPEAL #0666 SECONDED BY DAVE FOSS. The Board responded by saying 'I'. 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 #0666

***PAN ASLANIDES MOTIONED FOR A BALLOT VOTE FOR APPEAL #0666 SECONDED BY TONY MUCCI. The Board responded by saying 'I'. MOTION CARRIED.***

Roll call voting:	Dave Foss	-- Approve – at 4 ft.
	Gary Brahler	-- Approve – at 4 ft.
	Bill Ehlers	-- Approve – at 4 ft.
	Pan Aslanides	-- Approve – at 4 ft.
	Tony Mucci	-- Approve – if changed to 4 ft. off north property line

Chairman Mucci said **the request for Appeal #0666** was **APPROVED** and advised Mr. Collins 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.

Discussion was held regarding the cement slab and if it would be moved as well as the shed to comply with the 4ft. Mr. Collins yes, he would move everything over.

**Tami White of 4269 Swallen Ave.** stepped to the podium to ask the Board if someone is building something and a variance is needed, is there any way to stop that construction. Discussion followed.

### **Old Business:**

There was no old business to discuss.

### **New Business:**

Zoning Inspector Dale Riggerbach informed the Board that they could have negotiated the size of the 1<sup>st</sup> case. Discussion followed.

Mr. Aslanides wanted to bring to the Board's attention that there is no policy regarding giving out their phone numbers to residents. After much discussion, the Board decided to table this topic for the next hearing.

### **Approval of Minutes:**

*BILL EHLERS MOTIONED TO APPROVE THE MINUTES FOR JUNE 7, 2017 AS WRITTEN SECONDED BY PAN ASLANIDES. The Board responded by saying 'I'. MOTION CARRIED.*

Roll call voting:	Dave Foss	-- Approve
	Gary Brahler	-- No Vote
	Tom Davis	-- Approve
	Bill Ehlers	-- Approve
	Pan Aslanides	-- Approve
	Tony Mucci	-- Approve

### **Adjournment:**

*GARY BRAHLER MOTIONED TO ADJOURN AT 8:43 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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Anthony “Tony” Mucci, Chairman  
Nimishillen Township Board of Appeals

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David Foss, Vice-Chairman  
Nimishillen Township Board of Appeals

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*Zoning Board of Appeals Minutes: 2017 – July 12; Two Cases; Accessory Building @ 4415 Swallen Ave.; Accessory Building @ 3988 Broadway Ave.*