

BOARD OF APPEALS PUBLIC HEARING – MARCH 19, 2015

PUBLIC HEARING
BOARD OF ZONING APPEALS
March 19, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, March 19, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2015-01-A- Hani Al-Halaybeh.

The following Board members were in attendance:

Mr. Robert Satterlee – Chairman
Mr. Michael Beaudis – Vice-Chairman
Mr. William Glaros
Mr. James Mahoney
Mr. Joe Koch

Chairman Satterlee opened the public hearing at 7:10 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Glaros to approve the minutes of the December 11, 2014 public hearings

Seconded by Mr. Beaudis.

Roll Call Vote: Koch – Abstain; Mr. Beaudis – Yes; Mr. Glaros – Yes; Mr. Mahoney – Yes; and Mr. Satterlee– Yes.

Motion by Mr. Glaros to nominate Mr. Satterlee as Chairman of the Board of Appeals for calendar year 2015.

Seconded by Mr. Mahoney.

Roll Call Vote: Koch – Yes; Mr. Beaudis – Yes; Mr. Glaros – Yes; Mr. Mahoney – Yes; and Mr. Satterlee– Yes.

Motion by Mr. Glaros to nominate Mr. Beaudis as Vice-Chairman of the Board of Appeals for calendar year 2015.

Seconded by Mr. Mahoney.

Roll Call Vote: Koch – Yes; Mr. Beaudis – Yes; Mr. Glaros – Yes; Mr. Mahoney – Yes; and Mr. Satterlee– Yes.

APPEAL CASE 2015-01-A

Hani Al-Halaybeh, 7165 Locust Avenue #10, Boardman, Ohio, 44512, on behalf of property owners William and Joann Shoaff, 4483 Little Johns Place, Boardman, Ohio, 44511, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph #7-Used Car Lot, of the Austintown Township Zoning Ordinance, as amended through November 25, 2015, to amend Conditional Use Permit 2012-25-A and allow for continued operation of the “Madaba Motor Sales” used car lot now operating as “Fast Auto Sales” located at 4502 Mahoning Avenue with an increase in total vehicular inventory from 10 automobiles to 35-40 automobiles. Said property is further described as Lot No. 1, Mahoning Heights Replat #2, is located on the northwest corner of the Mahoning Avenue-Rheims Avenue (unimproved right-of-way) intersection; and is zoned as Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Eric Harris, Sr. read the applicant’s letter dated January 27, 2015 into the case record, referenced the dealer’s license, an overhead view of the lot and cars, two letters of permission from the property and business owners allowing the case to move forward. Mr. Satterlee read into the case records a letter from the applicant dated January 27, 2015 and referenced the minutes from the meeting approving the original conditional use approval.

Chairman Satterlee stated the mailing list of those property owners notified for Case 2015-01-A would be incorporated into the case record.

Hani Al-Halaybeh, 7165 Locust Avenue #10, Boardman, Ohio, 44512, stated she is the manager of Fast Auto Sales and requests to display 35 to 40 cars. She did not realize the original limit was permanent and stated she thought the limit was a starting point. She stated Austintown has been very good place to do business.

Mr.Satterlee inquired about the name change. Ms. Al-Halaybeh stated the name was changed about six weeks ago and was done so customers can more easily remember the name. It was also difficult to pronounce the original name at auctions. It is the same corporation and tax identification number. They are the only licensed dealer at that location.

Mr. Beaudis inquired about on-site financing. She stated they do on-site financing with Credit Acceptance, which is a program with an appraiser. No licensed representative is needed for financing. Credit Acceptance is licensed to do their financing. They operate in 40 states.

Mr. Satterlee inquired about wholesaling. Ms. Al-Halaybeh stated they sell to customers, other dealerships, or they may take vehicles to auctions, but they do not wholesale at the property.

BOARD OF APPEALS PUBLIC HEARING – MARCH 19, 2015

Mr. Beaudis inquired about monthly sales. Ms. Al-Halaybeh stated on average the past three months is about 15 cars per month. Last year they sold between 100 and 150 vehicles. She stated she could provide an exact number if needed. The parking stalls around the building are for employee parking but the employees are her and her husband. Customer parking is at the front. She stated she does not use any abutting parking lots and her lot is sectioned off per Ohio Revised Code requirements.

Mr. Beaudis inquired about the fence at the east side of the property. Ms. Al-Halaybeh stated it would be repaired weather permitting.

Mr. Satterlee inquired about plowing snow with 35 to 40 vehicles. Ms. Al-Halaybeh stated they would plow it out but it's unlikely they would have that many cars on-site. Mr. Satterlee expressed concerns about safety services accessing the property with that number of proposed vehicles. Mr. Satterlee suggested a reduced number of cars due to safety service access. Ms. Al-Halaybeh stated they do not have a dumpster on the property. They use one trash can only.

Mr. Mahoney inquired about slow months. Ms. Al-Halaybeh stated the number requested is for tax season, otherwise, they would need 25 to 28 cars on a daily basis. There are currently ten cars on the lot.

Mr. Koch inquired about pricing. Ms. Al-Halaybeh stated prices range from \$4,000.00 to \$7,000.00.

Mr. Satterlee referenced the drawing and inquired about access for emergency vehicles. Mr. Beaudis suggested parallel parking to increase spacing to the building. Ms. Al-Halaybeh agreed parking differently can create more space and also stated people who cut thru have damaged cars and the access to Mahoning Avenue is in bad shape.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

The Board adjourned into executive session at 7:32P.M.

The Board reconvened at 7:41P.M.

2014-01-A- Ms. Al-Halaybeh: Motion by Mr. Koch to approve the request including all representations made during the hearing and with the stipulation that there will be no more than 30 vehicles displayed on the lot.

Seconded by Mr. Mahoney.

Roll Call Vote: Koch – Yes; Mr. Beaudis – Yes; Mr. Glaros – Yes; Mr. Mahoney – Yes; and Mr. Satterlee– Yes.

BOARD OF APPEALS PUBLIC HEARING – MARCH 19, 2015

Mr. Satterlee stated the appeal has been approved and no more than 30 cars are permitted on the lot. Ms. Al-Halaybeh stated the paper street is in need of maintenance.

There being nothing further to come before the Board, the meeting was adjourned at 7:42 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Eric Harris, Sr., Assistant Zoning Inspector, Austintown Township

APPROVED: _____
Robert Satterlee, Chairman

DATE: _____