

BOARD OF APPEALS PUBLIC HEARING – APRIL 30, 2015

PUBLIC HEARING
BOARD OF ZONING APPEALS
April 30, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, April 30, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-04-A-Valantine
APPEAL CASE 2015-05-A-Wrona; and
APPEAL CASE 2015-06-A-Board of Appeals review of Steve Grayson Motors.

The following Board members were in attendance:

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

Chairman Satterlee opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2015-04-A

Edward & Karen Valantine, 2928 Whispering Pines Drive, Canfield, Ohio, 44406, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article VI-Residence R-1 District, Section 603-General Requirements: “Front Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of an attached garage addition measuring 12’ x 22’ to be placed approximately 42 feet from the front property line. The minimum front setback requirement is fifty (50) feet. Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter into the case record, referenced four pages of drawings, a satellite photograph of the property, 14 color photographs, the case mailing list, and three plat maps prepared by the zoning office. Zoning Inspector Crivelli stated the established setback is 60 feet.

Mr. Satterlee stated the mailing list for case 2015-04-A will be incorporated into the case record.

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Edward Valantine, 2928 Whispering Pines Drive, Canfield, Ohio, 44406, testified he has a truck he cannot park in the garage as it is not deep enough and the door is not high enough. The solution is to bring the garage out 12 feet which will set it 52 feet from the front property line. Construction of an eight foot door and reverse gable will allow the truck be parked within the garage. The addition would also allow for a larger laundry room. He stated the addition will provide continuity for the neighborhood. The neighbor to the north is looking at the truck parked in the driveway way. The addition will improve their view. The reverse gable will give the appearance that the addition has always s been there and it will be nicely landscaped. The addition will not be intrusive as it will only be one foot past the open porch. The setbacks on the street range from 50 feet to 100 feet and there are a lot of garages attached 25 feet from the houses. This is the look of the neighborhood as the houses are all different. Mr. Valantine stated the addition will not hurt the neighborhood and will help him out.

Mr. Satterlee inquired about the setback. Zoning Inspector Crivelli advised the developer set the homes at 60 feet and the road bends.

Mr. Satterlee inquired about removing the front of the garage. Mr. Valantine stated he will remove the front of the garage, place a new header to support the roof, a reverse gable, and lower the floor about one foot. The new garage floor will be 36 feet.

Mr. Koch inquired about lowering the garage floor. Mr. Valantine stated he is going to tear the garage out and lower the floor as his driveway sloops down. He will install an eight foot garage door approximately 19 feet wide for better access. The original concrete is scaling and busted up inside the garage. A part of the driveway will have to be torn out than replaced. The garage sits back four feet from the front of the house. The garage addition will be twelve feet which is eight feet from the front of the house. The front porch projects out seven feet from the house. Mr. Valantine stated the addition will not be intrusive. The garage across the street is 25 feet long and sets out 50 feet where this addition will setback 52 feet so it is consistent with what is already in the neighborhood. A contractor will be hired for the masonry work and he will do the construction work. There was discussion of extending the laundry room into the garage. There was discussion of the roofing to prevent a water problem, fitting an eight foot door, and the ceiling height. Mr. Valantine stated the project will be constructed to meet requirements of the building code. Mr. Koch offered to give him some advice regarding the project.

Nick Abdldayem, 2929 Whispering Pines Drive, spoke in favor of the request and stated the applicant takes pride in his home and is a good neighbor. The addition will add value to the neighborhood.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2015-04-A- Valentine: Motion by Mr. Beaudis to approve an eight foot variance to allow for the construction of a 12' x 22' attached garage addition on the front of the house directly in front of the existing garage and including all testimony presented by the applicant.

Seconded by Mr. Koch.

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

APPEAL CASE 2015-05-A

Tim and Julie Wrona, 3941 Cannon Road, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article VI-Residence R-1 District, Section 604-Private Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a 20' x 24" addition to the existing 20' x 24' detached garage for an overall total of 960 square feet. The maximum permitted area for a detached garage is six hundred seventy-two (672) square feet. Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter into the case record, referenced a hand-drawn site plan, two pages of hand-drawn construction drawings, three color photographs of the existing garage, a satellite photograph of the property, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the case mailing list for Appeal Case 2015-05-A will be incorporated into the case record.

Tim Wrona, 3941 Cannon Road, Austintown, Ohio, requested an addition to his existing garage to allow for more storage room.

Mr. Satterlee observed that a car cannot be park in the garage and the house is well maintained. Mr. Wrona stated the addition will not be for a car. It will be used for a four-wheeler and other items. There will be no driveway leading to the garage. Mr. Satterlee observed with the addition there will be a lot of garage for the backyard. There was mention of the previous 20% rear yard coverage ration rule no longer in effect. Zoning Inspector Crivelli estimated the coverage ratio and stated the current garage could be a maximum of 630 sq. ft. under the old code allowing a 20% rear yard coverage ratio. The applicant approached the Board and there was discussion of how close the addition would be to the rear patio.

Mr. Basista inquired as to the size of the addition. Mr. Wrona stated the size was estimated based on his need for the space. There was discussion of how he would park his three vehicles.

Mr. Satterlee asked how much room he actually needed. Mr. Wrona stated that 14 to 16 feet would really help out his storage needs. Mr. Koch observed that there is not much rear yard and an addition would change the character of the neighborhood.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:35P.M.

The Board reconvened from executive session at 7:43P.M.

2015-05-A-Wrona: Motion by Mr. Koch to approve a variance up to 12 feet to the west for the building with the same asked for depth of 24 feet all contiguous with the existing building.

Seconded by Mr. Mr. Glaros.

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

APPEAL CASE 2015-06-A

The Austintown Township Board of Appeals, 82 Ohltown Road, Austintown, Ohio, 44515, will conduct a review of Appeal Case 2011-14-A under the terms of Article XVI-Conditional Uses, 1606-Review Of All Conditional Use Permits, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, permitting the operation of the “Steve Grayson Motors” used car lot as a conditional use located at 5202 Mahoning Avenue. The Board of Appeals will take under consideration the reissuance of the conditional use permit and may modify the requirements for the continued operation of the use as a prerequisite for the reissuance of the conditional use permit.

Zoning Inspector Crivelli referenced the confirmation letter dated July 15, 2011 from the hearing approving the used car lot, Zoning Permit 2011-193 issued for the sign, the minutes of the July 14, 2011 public hearing, two letters of violation that the business owner corrected, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the case mailing list for Appeal Case 2015-06-A will be incorporated into the case record.

Zoning Inspector Crivelli advised the applicant that conditional use permit has a time limit of three years.

Mr. Grayson stated he is 77 years old and would like to stay with the business as long as he can. His grandson runs the business but just became a father. They are planning on

changing the name of the business. He stated the business license is in his grandson name.

Mr. Beaudis asked who is “Cars, LLC”. Mr. Grayson stated they have made application with the State so they can back his grandson out of the business. He is confident his application will be approved. He sells approximately 20 cars a month in a price range of \$3,500.00 and under. He did not know off-hand how many cars he sells per year.

Mr. Satterlee stated the original conditional use permit was approved with the stipulation the cars would be nicer and in better condition. Mr. Grayson stated things have changed to the 2006 and 2007 inventory. He stated he just received five cars of Greenwood today and seven cars of Spitzer last week. They are doing mechanical work on-site.

There was discussion of a limit of 15 to 20 cars approved for Mr. Berencsi, the former operator at this location. Mr. Grayson stated Mr. Berencsi has no relationship with his business and Berencsi has turned in his license to sell cars. The minutes from the February 17, 2011 were reviewed and it was determined that when Mr. Grayson was approved there was no limit to the number of vehicles he could sell.

Mr. Beaudis stated he counted 34 vehicles. Mr. Satterlee observed the low end cars on the lot. Mr. Grayson stated it makes more sense to buy a \$1,000.00 car and sell it for \$1,500.00 than buy a \$5,000.00 car and sell it for \$5,200.00. Mr. Satterlee advised a condition of the permit was the lot would not look like a junk yard or be over-crowded. Mr. Grayson said it was a rough winter but he has made some changes and improvements including getting rid of 10 to 12 cars taken to the shredder.

Mr. Beaudis asked if he owned the eight cars on the Sunoco lot. Mr. Grayson stated his cars were removed from that lot today. He said he had the Sunoco owner’s permission to park cars there. Mr. Satterlee stated the conditional use permit does not allow cars to be parked on another property. Mr. Grayson apologized. Mr. Satterlee observed that cars going to the crusher are a violation of the conditional use permit. Mr. Grayson apologized again.

Mr. Koch inquired about his grandson. Mr. Grayson will take over his grandson’s role in the business. He is there every morning at 8:00 A.M. He owns clear title to every car on the lot.

Mr. Beaudis recalled the used car business was started for the benefit of his grandson. Mr. Grayson stated the grandson is considering leaving the business. He is 32 and has been with the same job for 12 years. He is a good kid.

Mr. Satterlee observed this is no investment back into the building to make it look better. Mr. Grayson stated he does not own the building. He is leasing with a gentlemen’s agreement month-to-month.

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Mr. Glaros asked the selling price of the five cars just acquired from Greenwood. Mr. Grayson stated \$4,900.00 for the Trailblazer, a 2005 Impala will sale for \$2,800.00 to \$2,900.00. The Trailblazer is the most expensive car at \$5,000.00 and the cheapest is a Saturn that will sell for \$2,200.00.

Mr. Satterlee inquired about his plan to get back to vehicles valued in the \$5,000.00 range. Mr. Grayson stated the Trailblazer from Spitzer is in the \$5,000.00 range. Mr. Satterlee observed there are too many low-end vehicles that makes the property look like a junk yard. Mr. Koch agreed with that observation. Mr. Satterlee observed he is not following the rules. Mr. Grayson said the more cars you have the more cars you can sell. Zoning Inspector Crivelli observed there is no customer parking due to the inventory. Mr. Satterlee used Mr. Jones lot as an example of a well-run car lot.

Mr. Beaudis suggested no more than 25 cars on the lot to include employee parking and suggested better configuring the inventory. Mr. Grayson agreed to follow whatever rules the Board imposes. Mr. Satterlee stated there should be aisles between the cars rather than parking two deep. He suggested less cars would allow for some open space and reminded Mr. Grayson the Board's job is to protect the Township. The lot does not look nice or professional. Mr. Satterlee referenced the car lot and South Raccoon Road as an example of a nice lot. He also stated the building needs a facelift and this building is the first thing people see getting of Route 11. Mr. Grayson said he did not realize it was that bad. Mr. Satterlee stated he wants Austintown to look nice.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 8:14 P.M.

The Board reconvened from executive session at 8:22 P.M.

2015-06-A- Board of Appeals review of Steve Grayson Motors: Motion by Mr. Koch to grant an extension of the conditional use permit for three months with a maximum limit of 25 cars and to clean up the lot.

Seconded by Mr. Mr. Glaros.

Roll Call Vote: Mr. Koch – Yes; Mr. Glaros – Yes; Mr. Basista – Yes; Mr. Beaudis – Yes; and Mr. Satterlee - No.

There being nothing further to come before the Board, the hearing was adjourned at 8:25 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren I. Crivelli, Zoning Inspector, Austintown Township

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APPROVED: _____
Robert Satterlee – Chairman

DATE: _____