

BOARD OF APPEALS PUBLIC HEARING – JUNE 25, 2015

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
June 25, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, June 25, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2015-07-A-Koch.

The following Board members were in attendance:

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

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 2015-07-A**

Joe Koch Construction, 7068 Mahoning Avenue, 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 603-General Requirements: “Front Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for a minimum building front setback of 35 feet for Lot Nos. 82, 83, and 84, Signature Place Plat No. 4, Cross Cove. The minimum front setback requirement is fifty (50) feet. Said properties are located at the westerly terminus of the Cross Cove right-of-way and are zoned as Residence R-1 Districts in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Eric Harris, Sr, read the applicant’s letter dated May 29, 2015 into the case record, referenced the case mailing list and three plat maps prepared by the zoning office.

Chairman Satterlee stated the mailing list of those property owners notified for Case 2015-07-A would be incorporated into the case record.

Joe Koch, 7068 Mahoning Avenue, stated everything was spelled out in the letter. The front setback will be closer to the road to allow a larger buffer on the Route 11 side.

Mr. Satterlee asked about the impact on the two houses on the opposite side. Mr. Koch stated there would be very little impact due to the transition into the cul-de-sac and the homes have been moved forward due to the difference in the actual roadway and where the radius begins and ends with the cul-de-sac. He stated the home on the north end has an average setback that meets code including an 80 foot straight line setback at the property pin but is more forward due to the radius of the cul-de-sac.

Mr. Satterlee observed that Lot No. 83 is 142 feet deep and inquired about the increased rear yard. Mr. Koch stated 142 foot depth does not allow for a large rear yard. The current code requires a minimum depth of 165 feet and these lots were platted prior to the zoning update. He also observed the lots are irregular shaped. He suggested the setback requirement of 50 feet from the 1950's and 1960's was geared towards use of the front yard whereas the focus now is on using the back yard.

Mr. Beaudis stated this addresses Lot Nos. 82 & 83 and observed the grade and noise levels during his two site visits and suggested a lot of trees will have to be removed and this will have little impact on noise reduction. Mr. Koch stated noise reduction is not the only reason for the request. It is a good idea to pull the houses forward, particularly the one on the right looking due west. The proposed house will be five feet back from the existing house. The cul-de-sac lots with a 50 foot setback with the property line encroaching into the whole property is a future problem. The 50 foot radius is a problem when you have the type of frontages as these properties have. He suggested some of the straight line setbacks exceed 80 feet on the cul-de-sac. Mr. Beaudis stated he discussed the average setback of the house next to the stream with Darren. Mr. Koch stated a reduction of 15 feet will make the property values more supportive with larger back yards and the reduced setback will allow for larger houses. He also stated mature landscaping within the larger rear yards will help with noise problem from Route 11.

Mr. Satterlee stated he would like to see more trees in the rear yards abutting the freeway and is glad the lots were bought and the development is being finished. He also stated he has done some work in that area and some of the lots are swampy and is glad new houses are selling. He agrees with creating larger back yards

Mr. Mahoning commented on the cul-de-sac geometry. The request will make the houses appear to be further back and commented on the lack of a grass strip and the shape of the cul-de-sac and measuring from the curbs. He stated this appears to be a good use for the property.

Mr. Glaros asked if the the two houses near the cul-de-sac ever complain about noise. Mr. Koch responded in the negative and stated his son lives there and the noise is not a problem. He stated he has a development in Newton Falls next to the train tracks and residents get used to the noise to the point it does not bother them. He also stated years ago he purchased a dozen lots in Huntington Woods near the turnpike and those customers do not complain about the noise. He stated truck traffic is not as bad on Route 11 as compared to the turnpike.

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No one else in attendance to speak for the request.

No one in attendance to speak against the request.

**2015-07-A-Koch:** Motion by Mr. Basista to approve the request including all representations made during the hearing.

Seconded by Mr. Mahoney.

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

Mr. Koch thanked the Board.

There being nothing further to come before the Board, the meeting was adjourned at 7:20 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

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

APPROVED: \_\_\_\_\_  
Robert Satterlee, Chairman

DATE: \_\_\_\_\_