

BOARD OF APPEALS PUBLIC HEARING – JULY 9, 2015

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
July 9, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, July 9, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-07-A-LaRue; and  
APPEAL CASE 2015-08-A-Musa.

The following Board members were in attendance:

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

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.

Motion by Mr. Glaros to approve the minutes of the June 25, 2015 public hearing.

Seconded by Mr. Mahoney.

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

**APPEAL CASE 2015-08-A**

Leslie J. LaRue, 1722 South Raccoon Road, Austintown, Ohio, 44515, 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 No. 4 - Bar, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the continued operation of “Sammy’s Great American Bar” under new ownership at the property located at 1722 South Raccoon Road. Said property is further described as Lot No 2, Plaza West Plat No. 1, is located on the south side of the New Road right-of-way, approximately 300 feet west of the South Raccoon Road-New Road intersection; and is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

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Zoning Inspector Crivelli read the applicant's letter of request into the case record, referenced an interior floor plan, a satellite photograph of the property, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-08-A will be incorporated into the case record.

Leslie J. LaRue submitted a letter of permission dated July 9, 2015 advising of the sale of the business and allowing the applicant to represent the property (Exhibit A).

Mr. Koch inquired as to the conditional use process for bars. Zoning Inspector Crivelli advised that new bars were always required to secure a conditional use permit, however, previous inspectors and including himself allowed new operators to take over existing facilities. With the problems the Township has had recently with liquor establishments he will now require new operators to appear before the Board for a conditional use approval.

Leslie J. LaRue, 1722 South Raccoon Road, stated everything is the same within the interior and exterior. The hours of operation are 4:00P.M. to 2:30A.M. At some point she would like to place seating in the dance floor area for lunch. She wants to emphasize the grill of the bar/grill business. She wants to attract business people for lunch and the families in the area. Her customer base are people in their mid 30's although the age does get younger if there is a band. She is purchasing the business and once the owner is paid off she will receive the liquor license. She is buying everything inside the building. The building will remain with the property owner. Currently there is a lease agreement, a management agreement, and a purchase agreement.

Mr. Koch inquired about the roof leaks under the canopy. Ms. LaRue stated they are talking about the leaks with the owner. Mr. Koch advised a condition of approval requiring the owner to repair could be part of the approval process. Ms. LaRue stated there is a pump on the roof that is operated during heavy rains. Thus far there are no leaks inside. Mr. Koch stated there are things that need done that appear to be the landlord responsibility. Ms. LaRue stated he is responsible for the inside of the building and the landlord is responsible for the structure.

Mr. Beaudis asked for a timeline for the agreement. Ms. LaRue responded three years.

Mr. Beaudis inquired about the strobe light. Ms. LaRue stated she does not care for it. It has been there a while and if it bothers anyone it can be removed. She will not do any improvements that will benefit the landlord. The ceiling over the dance floor has to be updated for dining. Her goal is to make it a bar/grille/ restaurant during the day and a bar/grille at night. Her staff has been cleaning the interior of the facility since she took over.

Mr. Satterlee inquired about the outside of the business. Ms. LaRue stated the leaks just started happening creating rot and potential injury. Mr. Satterlee emphasized outward

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appearance and keeping the police out. Ms. LaRue stated with her background in law enforcement she understands the need to operate in a lawful manner. She is sole owner and has two managers for the kitchen and the bar and a total of seven employees. The bar closed on Saturday and she opened on Monday. The sign name change led to the discussion of the conditional use permit application.

Mr. Koch inquired about the parking ratio. Zoning Inspector Crivelli advised she has access to the entire lot due to an existing parking easement. There was discussion of the parking easement from the previous drive-thru case.

Mr. Mahoney inquired about outside entertainment. Ms. LaRue stated there are speakers outdoors and if there is not a lot of people they will turn the volume down but she does not anticipate live music outdoors. There have been no complaints regarding the noise level.

Mr. Koch inquired about the fence. Zoning Inspector Crivelli stated zoning regulations are lenient regarding fencing within the Business B-2 District due to the diverse needs of the commercial community. Ms. LaRue stated a new fence may be added to accommodate a second bocci court.

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 7:30 P.M.

The Board reconvened from executive session at 7:39 P.M.

**2015-08-A-LaRue:** Motion by Mr. Koch to approve the conditional use including all testimony presented by the applicant with the stipulation that the soffit area at the front of the building is repaired by the landlord within 60 days from the date of the hearing

Seconded by Mr. Glaros.

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

Ms. LaRue thanked the board for approving her request.

**APPEAL CASE 2015-09-A**

Maher Musa, 7487 Salinas Trail, Boardman, Ohio, 44512, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use permit 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 allow for the establishment and operation of

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“Jordan Auto Sales II” used car lot to be located at 4213 Mahoning Avenue. Said properties are further described as Lot Nos. 67 & 68, Wickliffe Plat, located on the south side of the Mahoning Avenue right-of-way, approximately 60 feet west of the South Edgehill Avenue-Mahoning Avenue intersection; and are zoned as Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter dated May 20, 2015 into the case record, referenced a motor vehicle dealers license issued to Jordan Auto Sales II, a letter of permission from the property owner allowing the applicant to represent the property, a copy of the applicant's driver's license, a satellite photograph of the property, a fax from the Ohio BVV regarding licensing requirements, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the case mailing list for Appeal Case 2015-09-A will be incorporated into the case record.

Maher Musa, 7487 Salinas Trail, Boardman, Ohio, 44512, stated he wants to use the property for a used car lot. Mr. Satterlee stated 30 cars are too many and he has concerns with the appearance of the lot which looks like a junk yard and how it is affecting the general characteristics of the neighborhood. He also commented on the poor appearance of the building and signage. Mr. Musa stated he is waiting for approval to begin repairing the sign by placing new plastic inserts. The black plastic at the front of the building will be removed and the only sign will be on the pole at the front of the property. There will be only one sign. He will paint the side of the building. He complained about the weather stopping him from making improvements.

Mr. Satterlee observed that he is operating now. Mr. Musa stated it is still Auto Nation. A transfer is in the process and he will lease the building. The cars on the lot right now he will take over.

Mr. Satterlee inquired about the rear of the building. Mr. Musa stated it is a garage but no major repairs will be done. They will check fluids and do safety inspections of the cars that come in. He will not have a mechanic on site and will not wholesale cars from the lot. He will sell only to the public.

Mr. Satterlee inquired about a price range of the vehicles. Mr. Musa stated \$1,400.00 to \$3,500.00. He described his inventory as “entry level” cars. He estimated selling 10 to 12 to 15 cars per month. He does about that much selling at his other lot. Tax season is a good selling time for him.

Mr. Koch inquired about improvements. Mr. Musa stated he will paint and get the building as good as you know....but the weather. He will work on the gutters. Mr., Satterlee advised against used car lots becoming junk yards and the Board will protect the neighborhoods. He advised the applicant he can be brought back before the Board and he has to live up to his testimony. Mr. Satterlee stated the building is an eye sore. Mr. Musa stated he is the best of the three buildings there and he will work on it both for his

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business and the quality of the owner's investment. Mr. Satterlee referenced quality used car lots within the township. Mr. Musa stated appearance is important but the weather is bad. Zoning Inspector Crivelli advised from the November 18, 2010 case 20 vehicles were permitted. It was observed that 26 vehicles are on the lot currently. Mr. Musa asked to be allowed 25 vehicles.

Mr. Beaudis inquired about the light fixture at the front of the lot. Nather Al-Halameh stated Mahar is a good person who will take care of the building. Mr. Al-Halameh state that he purchased and cleaned up the Shell building across the street. He keeps his buildings in good shape and if his tenant Mahar needs help he will help him so he can pay the rent and be happy. Mr. Musa stated the light is never turned on because they close at 6:00PM. Mr. Beaudis inquired about lighting at night for security purposes. Nather Al-Halameh stated there are lights outside. Anything that needs done to the building will be done. He will place a few lights from dusk to dawn. Mr. Musa was not sure about the light on the pylon sign but he will insure the lights on the building work. Nather Al-Halameh made observations regarding the building at the corner that he wished to buy but can't agree on a price with the owner. There was discussion of the abutting properties.

Mr. Mahoney inquired about hours of operation. Mr. Musa sated he will be open six days a week 10:00AM to 5:00PM and 10:00 to 2:00PM on Saturday and closed on Sundays. There will be no temporary banners used. He stated a 20 car limit will be too low and requested approval for 30 cars or 20 to 25 cars. Mr. Koch observed there are too many cars on the lot and this case needs more detail about what actually needs done in terms of improvements.

Mr. Koch advised the applicant that his weather excuse has no merit regarding the condition of the building and the Board needs a more detailed description of the proposed improvements. He suggested the property needs order, the driveways cleaned, and the parking lot stripped as examples of what needs done. Mr. Musa complained the weather is prohibiting him from painting the deck at his house for the past four weeks. He acknowledged the need for painting the exterior of the building, repairing the gutters, and stated the front of the building will be cleaned and be free of any signage other than what is required by the State of Ohio. He could not give a time frame for the new signage. Zoning Inspector Crivelli suggested 60 days to make repairs. Mr. Musa stated he needed a temporary sign and he will remove everything from the front wall of the building. Mr. Musa acknowledged the maintenance needs to be done immediately and not when the snow flies. Mr. Satterlee stated any peeling paint needs to be addressed. Mr. Musa agreed.

My Beaudis stated on his first visit there were 28 cars with two on the side of the building and there were no spaces for anyone else and suggested with the size of the lot and taking into customer parking there should not be more than 20 cars.

Mr. Mahoney inquired about employees. Mr. Musa stated he would have a sales person and a lot guy. Mr. Koch suggested replacing the ceiling tiles and advised he has only once chance to make a good first impression. Mr. Musa stated he will replace the tiles.

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Mr. Koch stated the area needs cleaned up and the Township has to stop the blight. There was discussion of the building at the corner. Mr. Musa stated he would like the property to look better and he will look at his competitors to see what they are doing to be successful.

Mr. Koch by way of example told him to clean the drive and sidewalks. Mr. Satterlee observed that residents are complaining about the condition of some of the used car lots within the Township.

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 8:20P.M.

The Board reconvened from executive session at 8:31P.M.

**2015-08-A-Musa:** Motion by Mr. Beaudis to approve the conditional use for the car lot based on all the statements made by the applicant and stipulating all improvements must be completed within 60 days and no more than 20 cars on the lot. A scaled drawing must be submitted to the zoning office depicting the parking of the vehicles and the applicant has 30 days to reduce his existing inventory to 20 vehicles. Each parking stall is to measure 9' x 18' and be stripped.

Seconded by Mr. Mr. Koch.

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

Mr. Satterlee advised that the above requirements must be met or the applicant will have to reappear before the Board. He also emphasized the importance of a scaled drawing for the parking stalls. Mr. Musa stated he will have the sign repaired within the 60 days and he will have a temporary sign to satisfy the state requirements. Mr. Satterlee advised him to submit a scaled parking plan to the Zoning Office

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

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Robert Satterlee – Chairman

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