

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
August 13, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, August 13, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-10-A-Sargious;  
APPEAL CASE 2015-11-A-Sable & Thomas; and  
APPEAL CASE 2015-12-A-Lescak.

The following Board members were in attendance:

Mr. Robert Satterlee – Chairman  
Mr. Michael Beaudis – Vice-Chairman  
Mr. William Glaros  
Mr. Joe Koch  
Mr. Dale Basista  
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 2015-10 -A**

Nabila Sargious, MD, 6636 Covington Cove, Canfield, Ohio, 44406, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use permit from the terms of Article VI-Residence R-1 District, Section 602-Conditionally Permitted Uses, Article I- Definitions: “Quasi-Public Buildings or Uses” and Article XVI-Conditional Uses, Paragraph “1” of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the re-establishment of a church use for the proposed “St. Paul Church” and accompanying social hall (lower level) at the property located at 3755 South Raccoon Road. Said property is further described as Lot No. 2, St. Andrews Episcopal Church Plat No. 1, located on the east side of the South Raccoon Road right-of-way approximately 271 feet north of the South Raccoon Road-Burgett Road intersection; and is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated July 6, 2015 into the case record, referenced two pages of proposed signage, six pages of interior drawings, 12 pages of interior photographs, two pages of e-mails from Kathy Landis and Zoning regarding the re-establishment of the church and banquet hall use, a letter of

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

determination dated June 15, 2015 from the zoning office advising of the conditional use process, documents from Appeal Case 2011-04-A, the case mailing list, and four plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-10-A will be incorporated into the case record.

Dr. Nabila Sargious stated she wants to re-establish the church and social hall use. The building is maintained in perfect condition and is a good place. Her medical office is doing well and there have been no complaints from the neighbors. The church will have a priest at least once a month (on the last Saturday) to serve the congregation. The medical office is in use four days a week. The hall will be available the rest of the time and will probably be used for the church also. The congregation is composed of 10 to 15 families. The hall can also be used for church services. People can bring their own food although kitchens facilities will be available. The hall has been approved by the fire department.

Mr. Koch inquired about alcohol. Zoning Inspector Crivelli stated he advised the applicant to check with the Mahoning County Board of Elections to see if the precinct is “wet” but also noted if the Police Chief and Trustees were asked to approve a liquor license transfer they would have to take into account the property being zoned as a Residential R-1 District.

Mr. Satterlee inquired about signage. Dr. Sargious stated a new sign face will be inserted into the existing sign cabinet. Kathy Landis, 3360 Estates Circle, Youngstown, Ohio, 44511, further explained the placement of the new signage.

Mr. Koch commented that the applicant has done an outstanding job maintaining and improving the building.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2015-10-A-Sargious:** Motion by Mr. Koch to approve the conditional use including all testimony presented by the applicant.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant the request was approved and noted that sometime in the future the question regarding liquor may arise and will have to be dealt with at that time. Dr. Sargious thanked the Board for their approval.

**APPEAL CASE 2015-11-A**

Robert Sable & George Thomas, 280 Paris Drive, 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 24' x 48' (1,152 sq. ft.) detached garage to be placed at the front setback line at the property located at 21 Evans Avenue. The maximum permitted area for a detached garage is six hundred seventy-two (672) square feet. No detached garage or other outbuilding shall be placed nearer to a front building setback line than forty (40) 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 dated June 22, 2015 into the case record, referenced two pages of drawings, a satellite photograph of the property with the garage drawn on and placed 5 feet from the side property line, 13 pages of photographs, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the case mailing list for Appeal Case 2015-11-A will be incorporated into the case record.

George Thomas, 745 Connecticut, McDonald, Ohio, stated they are going to make the garage cosmetically nice. They talked to the gentleman to the left and cleaned his property about two weeks ago to improve the neighborhood. The garage will make a nice buffer from the plaza.

Mr. Satterlee inquired about the lot and why the need for a garage that large for a tenant since the house will be rented. Mr. Thomas reviewed the lot dimensions and stated the tenant will have two stalls for the three bedroom house. He and Mr. Sable both have cars they would like to store. Doubling the size of the garage from two cars to four cars will help themselves.

Mr. Satterlee inquired about the square footage of the house. It was observed the proposed building is larger than the house. There was discussion of the concrete drive extension. There are no renters as of this date but a new tenet will occupy the home in September. The tenant will have access to half the garage.

Mr. Beaudis inquired about equipment storage being used for their other rental properties. Mr. Thomas answered in the negative and stated the equipment will be used for just this property and two cars will be in the garage all the time. Mr. Basista stated he did not understand why they want two of their cars parked there. Mr. Thomas said to get the cars out of their garages during the winter time. The statement was clarified to mean their personal residences. Robert Sable, 280 Paris Drive, stated he has a 1968 Barracuda and in the winter he pays a storage cost of \$100.00 per month eight months of the year. He

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

also stated George has a 1961 Cadillac at his garage. Mr. Basista stated that makes more sense. Mr. Sable stated their proposed building will block out the back of the plaza which he termed an eyesore. He stated they keep their properties will maintained.

Mr. Beaudis inquired about the lot grading. Mr. Thomas stated they are trying to push the water to the back of the lot to help the abutting neighbor. Mr. Sable stated the back is like a swamp.

Mr. Satterlee inquired about the building being five feet off the property line. Mr. Sable stated the garage will be placed about 20 feet behind the house. The driveway will be over towards the house a little more as it is currently about four feet from the property line. The driveway will be redone with the top part being torn out but not the bottom. He has not had a survey but will have one done. The new driveway will be cement and they have poured new sidewalks. They assured the board the garage will be placed five feet from the side property line. There was further discussion and Mr. Satterlee advised only one person can speak at a time. Zoning Inspector Crivelli advised there is no side yard variance request for a reduction from the five feet. Mr. Sable stated they did not want to move the building any further than five feet based on the current location of the drive and some existing elevation drop.

Mr. Satterlee asked for clarification of how far the building will be from the house. Mr. Sable stated the back of the garage will be 20 feet behind the house. Mr. Koch stated his testimony implied the garage will be placed behind the house. Mr. Sable stated the garage is proposed to be placed even with the house. Zoning Inspector Crivelli advised of the setback requirements for a detached garage and there was review of the scaled satellite photograph.

Mr. Sable stated the garage will look better being even with the house and also block the view of the plaza. It would also shorten the walk from the garage to the dwelling. It was established the setback of the dwelling is about 80 feet. The foundation will be footer and block, one foot overhangs all the way around the building, vinyl siding, two insulated doors on the front, a man-door on the side, fiberglass shingles, a concrete floor and electricity will be run to the garage.

Mr. Koch asked if there would be any workshops in the garage. Mr. Thomas answered in the negative.

Mr. Satterlee asked for clarification of the size and setback variance requested. Zoning Inspector Crivelli briefly reviewed the specific variance request.

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 7:34 P.M.

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

The Board reconvened from executive session at 7:47 P.M.

Mr. Satterlee announced there will be a motion for the building size and a separate motion for the building placement.

**2015-11-A-Sable & Thomas** Motion by Mr. Basista to approve the variance on the building size of the proposed structure.

Seconded by Mr. Glaros.

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

Motion by Mr. Koch to approve the setback to be even with the newly established setback line.....even with the house.

Seconded by Mr. Beaudis.

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

Zoning Inspector Crivelli advised the applicants that the size variance was approved but the building will have to be placed a minimum of forty (40) feet from the front foundation of the home to the front of the building. He also advised the applicants they have 30 days to appeal the setback denial to Mahoning County Common Pleas Court.

**APPEAL CASE 2015-12-A**

Pamela S. Lescak, 670 Mallard Court, 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 relocation of second out building constructed without a zoning permit measuring 20' x 16.5' (approximately 330 sq. ft.) to be placed five feet from the west side property line at the property located at 1089 Alanson Avenue (a dedicated unimproved right-of-way). In the case of a corner lot, no building shall be placed nearer to the side street than the side yard requirements of the dwelling. There shall be no more than one (1) outbuilding other than a detached garage per residential lot. An outbuilding shall be no larger than 240 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 dated July 23, 2015 into the case record, referenced a scaled site plan, 12 color photographs of the building, an e-mail dated July 23, 2015 from the applicant to the zoning office, the case mailing list, three plat maps prepared by the zoning office, and an e-mail from the Township Road Superintendent requesting removal of the building from public right-of-way.

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

Mr. Satterlee stated the case mailing list for Appeal Case 2015-12-A will be incorporated into the case record.

Pamela S. Lescak, 670 Mallard Court, Austintown, Ohio, 44515, apologized for building the barn without a permit. The process has been an education. She asked for a variance to move the barn off the road. She will have to consult with the building department regarding foundation and hopefully raise the building to move it.

Dave Lescak, 670 Mallard Court, Austintown, Ohio, 44515, stated they will raise the building on the pad, pour a new pad per building regulations, place the barn on industrial rollers and pull onto new pad. The building is sitting on the pad with some metal rods at the corners. They will remove the existing concrete pad. A family friend built the structure.

Mr. Koch inquired about vacating the ROW and property ownership. Zoning Inspector Crivelli referenced the case mailing list. The ROW is owned by the County Commissioners but has not been turned over to the Township for maintenance as it is unimproved. An elderly abutting property owner did contact the zoning office and advised she had no objections to the case. Bill Pizzuto also had no objections as this does not impact his property. There was discussion of the vacant parcels abutting the paper streets. The township zoning map was reviewed and it was observed that none of the lots are landlocked. Zoning Inspector Crivelli stated it would be difficult to vacate the ROW due to the abutting properties. He also stated the Mahoning County Planning Director was of the same opinion regarding the difficulty of vacating.

Mr. Koch speculated what would happen if the road was to be developed and what kind of future problems could occur. Zoning Inspector Crivelli reviewed some recent zoning changes to Industrial in that area and the two specific variances requested. Mr. Beaudis stated even with a variance of 15 feet they would still have to move the building. Mr. Lescak stated there is no septic system. Mrs. Lescak stated the property has been owned by her family for 60 years. Mr. Satterlee observed the property is very well maintained. The barn was constructed in 2013.

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 8:10 P.M.

The Board reconvened from executive session at 8:17 P.M.

Mr. Satterlee announced there will be a motion for the building size and a separate motion for the building setback.

BOARD OF APPEALS PUBLIC HEARING – AUGUST 13, 2015

**2015-12-A-Lescak** Motion by Mr. Basista to approve the variance on the building size of the existing structure.

Seconded by Mr. Glaros.

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

Motion by Mr. Koch to require the moving of the building to meet the Residence R-1 side yard corner lot setback of twenty feet off the right-of-way.

Seconded by Mr. Basista.

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

Zoning Inspector Crivelli advised they have 30 days to appeal the setback denial to Mahoning County Common Pleas Court and to secure permits from both the zoning and building departments for the building.

There being nothing further to come before the Board, the hearing was adjourned at 8:32 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

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

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