

BOARD OF APPEALS PUBLIC HEARING – AUGUST 20, 2015

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
August 20, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, August 20, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-13-A-Stanley J Okusewsky, III;  
APPEAL CASE 2015-14-A-Edwin & Patricia Parrock, Jr; and  
APPEAL CASE 2015-15-A-Scott Austalosh & Harley Davidson Bike Town.

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.

**APPEAL CASE 2015-13 -A**

Stanley J. Okusewsky, III, 6471 Ridgeview 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: “Side Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a 10’ x 24’ attached garage addition to be placed 1’8” from the easterly side property line. The minimum side yard requirement is seven feet and overall side yard requirement is 20 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 of request into the case record, referenced a site plan, three pages of elevation drawings, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-13-A will be incorporated into the case record.

Stanley J. Okusewsky, III, 6471 Ridgeview Avenue, Austintown, Ohio, 44515, stated a broken pipe flooded his house and since than he has redone the kitchen and bathroom and

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would now like a to construct a garage addition to park a 1957 Chevy belonging to his father. He will also do new siding and windows. The neighbors on both side of his property have no objections to the request. The abutting neighbor supported “closing” up the side yard with the addition.

Mr. Satterlee observed this is a newer neighborhood and requires a seven foot side setback and stated the request appears to make the side too tight. He inquired about a detached garage. Mr. Okusewsky stated it would be too hard as the back yard slopes down and there is a big oak tree. He stated the addition would be more visually pleasing. He currently has two cars and the ten foot addition will allow for him to work on the cars and still have room for tools and lawn equipment. He stated he did not want to place a shed in the rear yard.

Mr. Beaudis inquired about the utility lines in relation to the footer and four courses of block. Carl Alexander, 4710 Driftwood Lane, stated he would have the lines marked prior to digging but was confident based on the placement of the house the addition will not encroach on utility lines. The house to the left is moved farther away from his client’s making for a larger side yard. Mr. Okusewsky commented that even with the addition to the garage there is still a substantial distance between the two houses.

Mr. Satterlee stated the smaller side yard will change the appearance of the neighborhood. Mr. Koch stated it is a dangerous precedent going to a 1.6 foot side yard in a neighborhood that requires a minimum of seven feet and typically ten feet as you need 20 feet overall. He stated the spaces are like that due to the driveway cuts being done by the developer back then versus more currently being centered by the contractor. He stated a side yard of two feet is insurmountable.

Mr. Mahoney inquired about the property line. Mr. Alexander stated they found the pin in the back and ran a tape measure to the front but that pin was not found. He thinks it may be four feet but wants to error on the side of caution. Mr. Koch stated there is a line on the curb that marks the location of the front pins and the line is within one inch accuracy.

Mr. Mahoney asked if there was discussion of moving the side property line. Mr. Okusewsky stated the neighbor supports the request but there was no discussion of buying a portion of his property. Mr. Koch suggested a survey to get an exact setback and suggested the applicant talk to the neighbor about acquiring a portion of the property. Zoning Inspector Crivelli suggested the applicant ask for a continuance to obtain a survey and noted if he could acquire enough property to have a side yard of six feet he would consider approving a zoning permit with up to a one foot variance.

Mr. Okusewsky stated he did not wish to ask the neighbor for any property but did ask the Board for a continuance. There was further discussion of a proposed re-plat and the importance of a survey as a basis to talk with the neighbor regarding land acquisition.

No one else in attendance to speak for the request.

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No one in attendance to speak against the request.

**2015-13-A-Okusewsky, III:** Motion by Mr. Koch to approve a continuance to a future date to be determined.

Seconded by Mr. Mahoney.

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

**APPEAL CASE 2015-14-A**

Edwin & Patricia Parrock, Jr., 1924 Old Farm Trail, 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 24' detached garage to be placed at the front setback line at the property located at 6350 Stoney Ridge Drive. 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 of request into the case record, referenced a scaled site plan, six pages of construction drawings, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-15-A will be incorporated into the case record.

Edwin Parrock, Jr., 1924 Old Farm Trail, Austintown, Ohio, 44515, stated he is asking for a variance because a detached garage cannot be built due to the pie shaped rear yard. The siding will match the house as will the roof pitch. He stated the building will add values to his house and the surrounding homes. He talked to the neighbors and they have no problems and advised it sounds “great”.

Mr. Satterlee asked why he did not extend the attached garage. Mr. Parrock stated the price Shumaker wanted to build two additional bays exceeded the deal Martin would give him. He stated it was cost prohibitive to pay them when someone else could do the job. Mr. Satterlee stated cost is not a factor the Board takes into consideration. Mr. Parrock stated Shumaker quality is not quite as reliable when they vary from their own house plans.

Mr. Beaudis asked why he did not consider moving the garage back. Mr. Parrock stated he probably has the space to do that but the rear bedroom window would be blocked by the garage. Mr. Parrock stated zoning told him where he must place the house. Zoning Inspector Crivelli advised that he needs an average of 40 feet and the layout was

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proposed by the surveyor and approved by zoning. There was discussion of the site plan and possible alternative locations for the detached garage and it was noted the building must be placed a minimum of 40 feet from the front building line.

Mr. Koch stated the lot is large enough to look like two lots. A detached garage built at the front setback line will look like it's on a separate lot and devalue the neighborhood. He suggested this should have been part of the original planning process for this particular lot. Mr. Parrock stated there will be a concrete drive leading to the garage. Mr. Koch observed the difficulty of building on the lot. Mr. Satterlee observed this proposal will change the characteristic of the neighborhood especially since is a new development. Mr. Parrock stated he would never do anything to devalue the neighborhood. He will match the siding and roof pitch and it will be quality.

Mr. Beaudis asked if he considered attaching the garage. Mr. Parrock stated that is a whole new ballgame and he never looked into that.

Martin Linton, 732 Oberlin place, Austintown, Ohio, stated the building could be tied into the home.

Mr. Koch stated neighbors may say they support it but really do not.

John McCabe, 6353 Stoney Ridge Drive, spoke in opposition of the request and stated it does not fit the characteristics of the neighborhood. He thought it would have a warehouse effect.

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 7:43P.M.

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

**2015-14-A- Parrock:** Motion by Mr. Koch to disapprove the variance request.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant he has 30 days to file an appeal in Common Pleas Court if he disagrees with the Board's decision.

**APPEAL CASE 2015-15-A**

Scott Austalosh, P.O. Box 3090, Youngstown, Ohio, 44511, in conjunction with Harley Davidson Bike Town, 5700 Interstate Boulevard, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a Conditional Use Permit from the terms Article I-Definitions: “Recreation Area and Uses” and Article XVI-Conditional Uses, Section 1600, Paragraph No. 2: “Recreational Areas”, as amended through November 25, 2014, to allow for the establishment of an indoor and outdoor concert venue at the property located at 5700 Interstate Boulevard to include off-site parking. Said property is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter dated July 30, 2015 and two pages of “Past & Future Options” into the case record, referenced e-mails from PKS Development and Infocision granting permission to use their parking lots during concert events, two satellite photograph of the properties with the accessory parking lots drawn on, five pages from the applicant’s Facebook page advertising an upcoming country music festival, the case mailing list, and four plat maps prepared by the zoning office. He also noted Cracker Barrel requested the case file and they were supplied it.

Mr. Beaudis asked if there was some additional case history. Zoning Inspector Crivelli advised he met with the applicant on May 6, 2015 and advised if they were going to continue doing concerts indoors or outdoors he would need to apply for a conditional use permit. A second meeting was held at the end of July to reinforce the conditional use requirement

Mr. Satterlee stated the case mailing list for Appeal Case 2015-15-A will be incorporated into the case record.

Scott Austalosh, 3634 Monaca Avenue, Austintown, Ohio 44511, stated he is a resident of Austintown, graduated from Fitch, and is a single father. He started doing charity events back in the early 1990’s. In 2007 he was diagnosed with cancer and since he is a musician he started doing these types of events. He has been doing events at Harley Bike Town since 2012. He does charity events and non-charity events. He started in downtown Youngstown and eventually moved to Harley and has a relationship with Superior Beverage. He referenced a Disney event to be held in Austintown Park with Jim Davis.

Mr. Koch inquired about his company. Mr. Austalosh stated his company name is Ballyhoo Productions, LLC. He does all aspects of work including building to promoting and including building tents and setting up equipment. He does not have any full-time employees.

Mr. Satterlee inquired about parking and explained the limits and conditions of a conditional use permit. He also expressed concerns about using the Harley parking lot for events thereby reducing overall parking. Mr. Austalosh stated the upcoming event will be held in the front grass space. Crowds normally stand outdoors. Captain Milliron rated the indoor show room at 300 people. The current festival will be outdoors. There was discussion of the interior of the building being used by the bands and some vendors for the outdoor concerts. There was also a review of the Harley addition built about three years ago. Alcohol is served using an F-2 permit.

Mr. Beaudis inquired as to preventing concert customers from parking at Quaker Steak. Mr. Austalosh stated QS events park in other lots and the businesses support each other's shows. He has a good working relationship with Infocission and uses signage to designate parking areas such as "Infocission Employees Only" and "Event Parking". Mr. Satterlee stated he needed signs for QS parking only and event parking only signs. Mr. Austalosh agreed and stated he thought about doing that with Cracker Barrel. Mr. Satterlee advised that it's best not to receive complaints when events are going on. Mr. Austalosh stated he has a good relationship with other businesses around there. They give tickets to Perkins and put a sign up thanking them for their support. They also do that for QS and Infocission.

Mr. Satterlee inquired about hours of the events. Mr. Austalosh stated for the upcoming festival they will start at 1:00 P.M. on Saturday and noon on Sunday. The last act will go on at 7:00 P.M. and should be done by 8:30P.M. if all acts start on time. The speakers face the highway.

Mr. Koch inquired about parking on the west end. Mr. Austalosh stated the area is wetlands (the PKS lot). Cars would sink in the back two-thirds. The front third is all gravel and rock. There was discussion of using the west end of the Harley property for parking. Mr. Austalosh stated he would like to do shows in conjunction with the Lube so people can go back and forth. Mr. Satterlee expressed concern regarding parking at the Lube.

Mr. Beaudis asked what will happen if the Board turns down the request as he is set up to go two days from now. Mr. Glaros stated he heard a commercial for the event on the radio. Zoning Inspector Crivelli stated he saw the signage for the concert at a pre-construction meeting for the new Hilton and the applicant applied afterward for the conditional use permit.

There was discussion of the PKS parking area across from QS and near Cracker Barrel that was recently cut for single-file spaces.

Mr. Mahoning inquired about previous events. Mr. Austalosh stated he has had about 12 events and lot of them with local bands. Zoning Inspector Crivelli advised that this facility will have national recording acts, will sell tickets, and customers expect to have a place to park which is different than a local band playing in a local bar. He acknowledged

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that Mr. Austalosh and he may not agree with this determination but the applicant is before the Board. Zoning Inspector Crivelli asked the Board to review the parking and other amenities needed for national recording acts. He also asked the Board to review portable signage including off-site signage with property owner's permission.

Mr. Satterlee asked how far in advance did he want portable announcement signage. Mr. Austalosh requested 30 days and advised he works with Perkins. He uses 18" x 24" signs. The banners at Perkins are 3' x 7' and placed so you can see it both ways. Mr. Satterlee inquired about sign size. Mr. Austalosh stated they have used 18" x 24" and 24" x 36" with two stakes. He estimated the need for banners measuring 3' x 6'.

Mr. Satterlee asked how many portable signs are needed and where will they be placed. Mr. Austalosh stated they use signage for the festival shows. He estimated needing half a dozen signs in that area. He was advised he needed the property owner's permission to place off-premise signage. Mr. Austalosh emphasized the needed 30 days lead time for advertising. He has approval to place signage at the property of the Log Cabin Church. No signage will be placed on telephone poles. He gave a description of the portable signs.

Mr. Satterlee suggested no more than six signs measuring 3' x 6' or smaller for events to be placed with the property owner's permission and not to block fire hydrants, anyone else's signage, or create sight obstructions. Mr. Austalosh agreed to the terms and stated that was very fair. Mr. Satterlee stated all directional signage are to be placed the day before the event. No number was placed on the how many directional signs can be used. Mr. Austalosh asked for directional signs to be allowed from Thursday to Monday. Mr. Satterlee advised signage needs to be placed prohibiting parking at other businesses that don't allow festival parking. Mr. Austalosh agreed and stated he can place by way of example "Cracker Barrel Parking Only" signs and other signage with arrows directing people to approved parking lots.

Mr. Glaros inquired about event days. Mr. Austalosh stated events are sometimes held on weekdays. Indoor concerts are held in the winter time and draw a couple hundred people. Most national acts play for 75 minutes to 90 minutes. He schedules the last act at 7:00P.M. although they can sometimes be off by an hour. Outdoor concert music should end between 8:30 to no later than 10:00P.M. but definitely by 11:00P.M. There is security by the stage. There was discussion of fencing to insure only tickets holders are entering.

Mr. Satterlee inquired about the need for police officers especially for festival events. Mr. Austalosh's private security staff wear black polo shirts with "Security" written on the back in yellow. He has been using the same security personal for the last four years. Zoning Inspector Crivelli suggested basing police presence on expected attendance. Mr. Austalosh stated the band contracts contain curfews. He asked to be allowed to go until 11:00P.M. He is expecting about 750 with 200 to 500 walking up for the upcoming event. They give tickets away to sponsors and they don't know how many sponsor tickets will be used. He uses the same company for sound that does River Rock at the Amp.

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Everything is professional. The concert stage and concert sound are state of the art. His average indoor crowd is 200 to 250. The outside concert average is 500. The Candlebox concert had 250 in attendance. Peak hours are slow during the day for festivals. By 5:00 to 6:00 P.M. people start arriving for the national act. Mr. Austalosh did not feel he needed an officer for 300 people or less as his crowds are not rough and they do not attract a lot of bikers. The festivals are family friendly.

Mr. Satterlee suggested in the attendance range of 500 two police officers should be present. Smaller venues under 300 no officer would be needed. 300 to 500 would need one officer. From 750 to 1,000 three office would be needed. Zoning Inspector Crivelli stated the numbers can be reviewed at a later date for adjustment if needed.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

**2015-15-A-Austalosh:** Motion by Mr. Koch to approve the conditional use request.

Seconded by Mr. Glaros.

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

There being nothing further to come before the Board, the hearing was adjourned at 8:50 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

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

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