

PUBLIC HEARING
BOARD OF ZONING APPEALS
September 3, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, September 3, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2015-16-A-Kirtos.

The following Board members were in attendance:

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

Vice-Chairman Beaudis opened the public hearing at 7:03 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2015-16-A

Sandra Kirtos, 4457 Warwick South, 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 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 16' x 26' (416 sq. ft.) carport addition to the existing 24' x 26' (624 sq. ft.) detached garage for an overall total of 1,040 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 dated August 10, 2015 into the case record, referenced a site plan, three drawings of the proposed carport, a satellite photograph of the property, the case mailing list and three plat maps prepared by the zoning office. A letter of support from Patricia Woodworth, 4437 Warwick South was read into the record.

Sandra Kirtos, 4457 Warwick South, stated shed owns the property and the letter explained their intentions.

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Chris Kirtos, 4457 Warwick South, stated they will answer any questions board members may have.

Mr. Beaudis inquired about the placement of the property pins and an apparent encroachment of the 8' x 26' overhang. Mr. Kirtos stated he was not sure where the pins are located and the structure may be on the neighbor's property which they were advised of when they bought the home eight years ago. Mrs. Kirtos stated the neighbors have no objections to the encroachment but they would remove it if the neighbor requested it to be moved.

Mr. Koch inquired about the concrete pad. Mr. Kirtos stated it was poured two months ago. Mrs. Kirtos stated she came to zoning and thought it was approved and there was some miss-communication. She stated it was her intention to secure permits for the structure.

Mr. Koch asked if they were in contemplation of building the structure when the concrete pad was poured. Both applicants answered in the affirmative. Mr. Koch stated they would now have to dig post-holes for the poles. Mr. Kirtos stated J&M Construction will do the work and he has a working relationship with the contractor and they will trade labor services.

Mr. Beaudis inquired as to how the Board should approach the issue of the encroachment. Zoning Inspector Crivelli advised the home was built in 1964 and a second permit was issued for a detached garage measuring 24' x 26' in 1970 and at some point between 1970 and eight years ago the additions were constructed without permits. He suggested that both property owners may have difficulty in the future selling their respective homes due to the encroachment. He advised the applicants to consider a survey and possibly an easement for the encroachment. He advised the Board that neighbors have to call the office when they see new construction. Since the addition was placed at least eight years ago it is determined to be a non-conforming structure at this point in time. He also observed that no neighbors are in attendance to speak on the issue, no one called the zoning office regarding the case, and the only response from a neighbor is a letter of support.

Mr. Kirtos stated he has no objection to tearing the structure down. Mrs. Kirtos agreed and that there is not much that can be done with it.

Mr. Koch asked if they had a problem with tearing it down as a condition of approval. Mr. Kirtos stated he had no objections.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2015-16-A-Kirtos: Motion by Mr. Koch to approve the variance request with the stipulation that the encroaching structure at the west side of the garage is removed.

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Seconded by Mr. Mahoney.

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

There being nothing further to come before the Board, the meeting was adjourned at 7:18 P.M.

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Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Mike Beaudis, Vice-Chairman

DATE: _____