

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
October 15, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 15, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-16-A- MHB Motors; and  
APPEAL CASE 2015-17-A- Bowman.

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. Koch to approve the minutes of the September 3, 2015 public hearing.

Seconded by Mr. Glaros.

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

**APPEAL CASE 2015-16 -A**

Todd Opalick, dba MHB Motors, 9780 Cherry Hills, Canfield, Ohio, 44406, on behalf of property owner Marley Properties, LLC, 167 Colonial Drive, Canfield, Ohio, 44406, 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, 2014, to allow for the establishment and operation of the proposed “MHB Motors” used car lot to be located at 5411 Mahoning Avenue. Said property is zoned as Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

Mr. Satterlee read the applicant’s letter of request dated September 21, 2015 and a letter of permission from property owner Sam Boak into the case record, referenced two satellite photographs of the property, seven (7) photographs of the interior and exterior of

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 15, 2015

the property, hand-drawn interior floor plans, the case mailing list, and three plat maps prepared by the zoning office.

Todd Opalick, dba MHB Motors, 9780 Cherry Hills, Canfield, Ohio, stated the property will not look like a junk lot. Vehicle prices will range from \$5,000.00 to \$8,000.00. The cars are all painted and serviced. He will sell cars to JD Byrider. He will do mechanical work inside the building but will not be painting cars as that work is leased out. He would eventually like to put a rack in for the mechanic. He has the height within the building to allow for a rack.

Mr. Satterlee asked if he would be wholesaling cars. Mr. Opalick stated he would be selling cars at retail. He may wholesale cars at auction to get rid of them.

Mr. Satterlee inquired about the exterior of the building. Mr. Opalick stated he would have to place poles to separate the two lots. He has been painting the inside, will place lights along the front and side of the building, a new sign on the front of the building and a sign on the pole that will be internally lit.

Mr. Satterlee asked if he owned another car lot. Mr. Opalick stated he has a license for a car lot in Boardman. He was previously at K-Max in Austintown for 15 years. His license will be transferred to the Austintown lot.

Mr. Beaudis inquired about the placement of the posts. Mr. Opalick stated the posts will consist of steel poles four feet tall. There will be seven poles at the east property line connected by chain that will connect to the building. Poles will also be placed at the back of the building to the wood line. The entire east property line will be separated by the poles.

Mr. Beaudis inquired about the number of cars on the lot. Mr. Opalick stated he wanted 25 cars on the lot at all times for retail. He wants to store cars waiting to be serviced for eventual re-sale on the gravel lot.

Mr. Koch inquired about signage. Mr. Opalick stated a sign will be placed on the building front and on the existing sign pole.

Mr. Satterlee inquired about the number of cars for sale. Mr. Opalick stated 25 cars in the front lot and along the side of the building along the concrete. He will have between five and ten cars in the back waiting to be serviced. Mr. Satterlee asked if he intended to store boats or junk back there. Mr. Opalick answered in the negative and stated any junk would be taken to the scrap yard and junk causes headaches.

Mr. Beaudis inquired about the hours of operations as listed on the door that are different than what was submitted. Mr. Opalick stated Mondays and Thursdays would be from 9:00 A.M. to 7:00 P.M. The other week days will be 9:00 A.M. to 6:00 P.M. Saturday hours will be 9:00 A.M. to 2:00 P.M. (The change of hours were labeled as Exhibit "A")

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 15, 2015

Mr. Mahoney inquired about banners. Mr. Opalick stated he would like to have streamers from the top of the roof to the light pole. He will not place plastic portable signs.

Mr. Satterlee inquired about employees. Mr. Opalick stated he will be there full-time unless he is at the auction. There will be a total of four employees counting himself. He will offer on-site financing. His employees will include a mechanic, a buyer on the road, and a finance manager who will also sell vehicles. Price ranges will be \$4,000.00 up to \$8,000.00. Mr. Opalick estimated selling approximately 12 to 20 car vehicles per month retail and at his previous lot he wholesaled about 15 cars per month. Mr. Satterlee expressed concern about wholesaling. Mr. Opalick stated the cars on the lot are for sale. Cars on the lot longer than 40 days will be removed and replaced with new inventory. The ones that come from the paint job and service will replace the over aged vehicles on the lot which keeps the lot looking fresh. He stated he would not be strictly wholesaling. He wants to do retail and will only wholesale to get rid of overage stock.

Mr. Satterlee asked if the Board was comfortable with 25 cars on the lot and 10 cars waiting for service. Mr. Mahoney stated there are enough spaces for that many cars. Mr. Koch inquired about customer parking. Mr. Opalick stated customer and employee parking will be in the rear or possibly the first three spots on the right. There was discussion of the parking configuration. The cars will be repaired, sent out for painting, brought back for detail, than go on the lot. Mr. Opalick estimated he would not have more than ten cars at the rear. Mr. Satterlee explained the process of the conditional use and they are watched to insure compliance with what was approved.

Mr. Glaros asked how long it takes for the cars in the back to be showroom ready. Mr. Opalick estimated 2 to 3 cars a week. All junk will go to the scrap yard.

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 7:22 P.M.

The Board reconvened from executive session at 7:27 P.M.

**2015-16-A- MHB Motors:** Motion by Mr. Koch to approve the conditional use permit with the stipulation that 25 total cars are allowable for sale, plus 10 cars in transit to be transformed for sale for a total of 35 and allowing three spaces in the front for customer parking which will allow up to three salable cars for sale on the gravel lot behind and can extend to the back up to three.

Seconded by Mr. Mahoney.

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

Mr. Opalick thanked the Board.

**APPEAL CASE 2015-17 -A**

Christine Bowman, 5019 Norquest Boulevard, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article VII-Residence R-2 District, Section 704-Private Garages And Other Outbuildings, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a detached garage measuring 24' x 32' to be placed within the southerly rear yard. The maximum permitted area for a detached garage is six hundred seventy-two (672) square feet. Lot No. 58, Abraham Plat No. 1 is zoned as a Residence R-2 District and Lot No. 59, Abraham Plat No 1 is zoned as a Residence R-2 District for a depth of approximately 175 feet with the southerly remainder zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Mr. Satterlee stated the mailing list for case 2015-17-A will be incorporated into the case record.

Mr. Satterlee read the applicant's letter into the case record and observed a list containing signatures of approval from seven neighbors, referenced a site plan depicting placement of the garage, a GIS photograph of the property, and construction drawings.

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

Ronald Bowman, 5019 Norquest Boulevard, Austintown, Ohio, 44515, stated it would be a pole structure with poles 4 foot on center and 54 inches deep. Mr. Satterlee observed some of the drawings are inaccurate. Mr. Bowman stated his brother is a contractor and will help him with the construction. There will be a 10 and 1/2 inch overhang on the side and the front will be flush. The building will have vinyl siding, 30 year three-dimensional roof shingles, and spouting. Once the garage is sided the house will be redone to match it. There will be a new concrete driveway all the way back to the garage. There will be electric but no plumbing or heat. The carport will be torn down once the garage is built. Mr. Harris suggested checking the tax duplicate to see if the overhang carport is listed.

Christine Bowman, 5019 Norquest Boulevard, Austintown, Ohio, 44515, advised the carport is sagging and is a waste of space.

There was discussion of the turning radius. Mr. Bowman stated the shed will remain. The walls will be nine foot. Mr. Koch advised it would have to be 9 foot 4 or 9 foot 6 for the ceiling. There was discussion of the walls and headers. There was discussion of the zoning height restriction of 13 feet. Mr. Harris quoted the zoning ordinance for detached garages. Mr. Koch suggested matching the elevations of the garage with the house so the

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 15, 2015

roof lines are the same. Mr. Bowman gave an over view of how the house was built and the attached garage elevation being lower than the house. He emphasized a wall of 9 feet will meet his needs.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2015-17-A- Bowman:** Motion by Mr. Koch to approve the garage with all the testimony incorporated into...the restrictions being placed on it at 9'4" or plus or minus.

Seconded by Mr. Glaros.

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

Mr. and Mrs. Bowman thanked the Board.

There being nothing further to come before the Board, the hearing was adjourned at 7:51 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

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

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