

PUBLIC HEARING
BOARD OF ZONING APPEALS
November 19, 2015

The Austintown Township Board of Appeals held a Public Hearing on Thursday, November 19, 2015, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-18-A- West View Village Company;
APPEAL CASE 2015-19-A- Tharp; and
APPEAL CASE 2015-20-A- Cochran.

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 - Absent
Mr. Dale Basista

Chairman Satterlee 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 2015-18 -A

West View Village Company, 111 Westchester Drive, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article I-Definitions: “Carport” and Article VIII-Residence R-3 District, Section 804-Private Garage and Accessory Building and Carports, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of four (4) detached carports measuring 84’ x 19’ and two (2) detached carports measuring 42’ x 19’ to be placed within the front setback area of the properties located at 4811, 4821, 4831 Westchester Drive. No detached garage or other outbuilding shall be placed nearer to a front building setback line than forty (40) feet. Detached carports are subject to the requirements as stipulated for detached garages and accessory buildings. Said properties are zoned as Residence R-3 Districts in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Harris read the applicant’s letter of request dated November 6, 2015 into the case record, referenced a site plan and construction drawings, the case mailing list, and three plat maps prepared by the zoning office.

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Mr. Satterlee stated the mailing list for case 2015-18-A will be incorporated into the case record.

Walter Terlecky, 111 Westchester Drive, stated the utilities are under-ground and the plot plan may have to be adjusted.

Mr. Satterlee inquired about the placement of the proposed carports in comparison with the existing carports at the bend. John Smrek stated the drawings are not accurate per the placement. He advised they would have to relocate them to allow for emergency vehicle access. The buildings will be in line with the existing carport. Mr. Satterlee advised the plan has to be updated to reflect the new placement. He drew the carport placement closer to the front property line and marked the updated drawings as Exhibit "A". Assistant Zoning Inspector Harris advised the size is not a zoning issue due to the multi-plex nature of the property. Mr. Satterlee stated it was a good point to relocate the carports for public safety and the only issue is the setbacks.

Mr. Satterlee inquired about the construction of the carports. Mr. Smrek stated construction will be wood posts and trusses, shingled roofs on the face and corrugated metal on the backs (roadside). There was discussion of the overhangs. Mr. Satterlee inquired about enclosing the rear of the carports. Mr. Smrek stated there was no plans to do that and the top part of the roof would be metal. The carports have a dual pitch and the face will be shingled with a musket brown shingle. There will be no gutters. There was discussion of the shape of the metal roof. Snow is removed from the leading edge of the existing carports using a skid loader.

Mr. Koch asked why they were not using shingles on the entire structure. Mr. Smrek stated the pitch is too low as the pitch is actually three. It was determined the carports would be 17 inches higher with a 4-12 pitch. Mr. Satterlee inquired about costs. Mr. Smrek stated costs of material between shingles and metal are close price wise. There was discussion of changing the front pitch. Mr. Satterlee observed the drawings are inaccurate and expressed concerns of changing the characteristics of the neighborhood. Mr. Terlecky asked if it was the Board's preference that shingles be used instead of metal. Mr. Satterlee stated that everything that was reviewed prior to the hearing is completely different tonight.

Mr. Koch observed that the metal roof will be seen from the road and expressed concerns about cars parking and possibly of hitting the carports. Mr. Smrek stated the buildings can be moved with a partial overhang into the grass to allow for better vehicular access. There was discussion of cars parking at the curb and hindering grass cutting. Mr. Smrek stated residents pulling to the curb has not hindered grass cutting and they have no issues with residents pulling in and out of the parking stalls. Mr. Terlecky stated the parking lots are wider than most other apartment complexes in the township. Mr. Koch stated picking up two feet will be helpful. There was discussion of the posts and footers. There was further review of the drawings and roof pitch.

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Craig Colantone spoke in favor of the request and stated it will be an improvement to the property and provide covered parking for the tenants.

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 7:35 P.M.

The Board reconvened from executive session at 7:45 P.M.

Mr. Satterlee inquired about the rear overhang facing the street and required vinyl soffit on the rear, the fascia will be covered with aluminum, the six foot over-hang must have fascia all-enclosed, and the girders are to be covered. Mr. Smrek stated the whole inside will be painted. Mr. Satterlee expressed concern for the characteristics of the neighborhood and advised that costs are not taken into account. Mr. Koch required 16 inches of siding on both sides. Mr. Satterlee stated being close to the road they have to be nice looking structures. Mr. Satterlee stated a 4-12 pitch with asphalt shingles, fascia will be covered, the girders will be covered with vinyl or aluminum, soffit on the overhang at the rear, at the front the girder is to be covered with vinyl or aluminum or boxed in. Mr. Colantone thought those items could be completed. Mr. Koch stated the carports should be moved two feet closer to the road so cars are not sticking out. Mr. Satterlee stated the applicant would not be restricted as per the size of the carports.

2015-18-A- West View Village Company: Motion by Mr. Koch to approve the variance with all the testimony included and the following stipulations: the front and rear overhand areas be covered with a fascia (aluminum product) and soffit (vinyl product), the pre-engineered wood girders trusses (covered with vinyl horizontal and vertical if steel than it would be painted front and back), and the placement of the buildings adjusted to a total width of the building at 18'6" with 2 foot cantilevering past the asphalt closer to the street.

Seconded by Mr. Glaros.

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

APPEAL CASE 2015-19 -A

Randall Tharp, 209 Elvira Drive, McDonald, Ohio 44437, on behalf of Linda and James Jones, 1310 Elvira Court, McDonald, Ohio 44437, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article I-Definitions: "Lot Line, Front" and Article XVII-Supplementary District Regulations-Section 1701-Frontage on Street, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the re-plating of a 5.071 acre parcel of land from a 58.79 acre parcel of land with no frontage on a dedicated right-of-way. Said

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property is further described as Parcel 48-071-0-005 and located at the southerly terminus of Elvira Court; and is zoned as an Agricultural-Suburban Estate Residential District in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Harris read the applicant's letter of request into the case record, referenced a letter of permission from the property owner granting the applicant the right to represent the property, two GIS maps, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-19-A will be incorporated into the case record.

Randall Tharp, 209 Elvira Drive, McDonald, Ohio 44437, stated he does not plan on building anything on the property and the proposed five acres re-plat is where the gas well is located. The gas well was drilled in the 1970's and serviced three other people including himself. Mr. Koch asked the purchase price. Mr. Tharp has not negotiated the purchase price. The well produces gas for only the specific properties. The well can be accessed by easement from Stan Smith's property on Lanterman Road. Mr. Tharp approached the Board and identified his property and the well property. There was discussion of the underground line. Mr. Tharp purchased the house from Linda Jones parents with free gas. The acreage was later inherited by Linda Jones. After being drilled the well was signed over to Mr. Jones from the gas driller via litigation and became a private well. Mr. Tharp stated that once the property is acquired the Ohio Department of Natural Resources will be petitioned to have the well put in his name. He wants to own the property so a third party cannot purchase it and shut the gas off as there are no gas lines on the street. Mr. Satterlee suggested checking the status of the easement regarding the pipeline.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2015-19-A-Tharp: Motion by Mr. Glaros to the variance including all testimony presented.

Seconded by Mr. Beaudis.

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

Mr. Koch advised the applicant to check for recorded easements for access and the gas line prior to purchasing the land.

APPEAL CASE 2015-20 –A

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Buddy Cochran, 117 Idaho Road, 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 Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for a 13' x 28' (364 sq. ft.) carport constructed without a zoning permit to remain and become attached to the existing 24' x 28' (672 sq. ft.) detached garage. A detached garage or outbuilding shall not exceed a maximum area of six hundred seventy-two (672) square feet. The square footage calculation includes proposed roof overhangs designed for carports, porches, or storage areas. Said property is zoned as a Residence R-2 District for a depth of 150 feet with the easterly remainder zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Harris read the applicant's letter of request into the case record, referenced six pages of drawings and photographs of the structure, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2015-20-A will be incorporated into the case record.

Buddy Cochran, 117 Idaho Road, Austintown, Ohio, 44515, stated he did not know he would need a permit. Mr. Satterlee asked why he did not attach it to the garage. Mr. Cochran stated in 2006 he built the garage and tore down the old garage and was told by zoning he could not build a lean-to. After he finished the driveway he considered a tent to store his trailer under for the winter. The tent costs about \$1,000.00. He did not think the tent would look right and he went ahead and built a roof at the end of the driveway for about the same cost. Mr. Satterlee asked him why he built the roof if he had been told by zoning he could not build a lean-to. Mr. Cochran stated if he could put up a tent why not the roof. Mr. Satterlee was not impressed with the response and stated he should have realized he could not build it. Mr. Cochran explained his concept of four structures, the house, the detached garage, the roof, and the shed and asked to be allowed to attach the roof to the garage so it is one structure. There was discussion of the previous code interpretations.

Mr. Satterlee inquired about the plan for attaching the structure to the garage. Mr. Cochran stated he would have to extend the roof 42 inches to meet the garage which is a 3 inch by 12 drop. He approached the Board and explained how he would tie the roof into the garage. He stated the roof has gutters and the structure was almost completed when he received the stop work order. Mr. Beaudis observed he did not secure a building permit. Mr. Cochran acknowledged he did not secure a building permit. The concrete is poured from eight inches to 18 inches and he did with no help.

Mr. Koch asked if he talked to building inspections. Mr. Cochran stated they issued a stop work order also and requested drawings. Mr. Koch stated the project does not appear to be to code. Mr. Cochran stated it was and once it is attached it will be sturdier. He can close in the gap if that is required. Mr. Satterlee advised that if he secured permits it would probably be a better built structure and nicer looking. Mr. Koch

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described the project as putting lipstick on a pig and observed it would have been easier had he followed building code and he labeled the structure as an “eyesore”. He suggested covering it in may be a compromise but had concerns with wind load. Mr. Cochran stated the posts are bolted to the cement drive. There was discussion of removing the post at the garage if the roof is tied in. Mr. Cochran stated he would want a door on the front and back if it has to be enclosed. Mr. Satterlee stated his concern for how it will look. Mr. Cochran explained how the roof could be raised to whatever pitch the Board would require. He referenced the neighbor’s open porch as having pitch differentials.

There was discussion of the building code requirements and whether the variance should be approved if the structure looks bad. Mr. Satterlee suggested continuing the case and presenting a detailed plan the Board can review. Mr. Koch suggested he blend it with the garage so it matches better. Mr. Cochran explained how he constructed the roof matching it up with the garage.

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 8:48 P.M.

The Board reconvened from executive session at 8:54 P.M.

Mr. Koch advised the applicant to talk to the building department for some guidance and compliance with the building codes and then come back with a drawing the Board can live with and approve. Mr. Koch suggested tying the roof in conventionally per the building code to make one structure and to address the front and back gables so you are not looking at raw lumber. He also suggested removing the posts and addressing the 3-12 and 4-12 roof planes and the need for a conventional tie in. The Board wants to see a better drawing on how it will look once finished. Mr. Satterlee advised not dragging this out.

2015-20-A-Cochran: Motion by Mr. Koch to continue the case.

Seconded by Mr. Beaudis.

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

There being nothing further to come before the Board, the hearing was adjourned at 9:01 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

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APPROVED: _____
Robert Satterlee – Chairman

DATE: _____