

BOARD OF APPEALS PUBLIC HEARING – JANUARY 21, 2016

PUBLIC HEARING
BOARD OF ZONING APPEALS
January 21, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, January 21, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2015-20-A- Cochran-Continued;
APPEAL CASE 2015-06-A-Continued – Austintown Township Board of Appeals -Steve Grayson Motors; and,
APPEAL CASE 2016-01-A–Austintown Township Board of Appeals – Jordon Auto Sales II.

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. Glaros to approve the minutes of the July 9, 2015, August 13, 2016, August 20, 2016, October 15, 2016, November 19, 2016 public hearings.

Seconded by Mr. Mahoney.

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

Motion by Mr. Glaros to appoint Joe Koch as Chairman of the Board of Appeals for calendar year 2016.

Seconded by Mr. Mahoney.

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

Motion by Mr. Glaros to appoint Mike Beaudis as Vice-Chairman of the Board of Appeals for calendar year 2016.

Seconded by Mr. Mahoney.

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

APPEAL CASE 2015-20 –A-Continued

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.

Zoning Inspector Crivelli referenced an application for a building permit filed with the Mahoning County Building Inspections Department, four pages of hand drawings, and six pages of color photographs.

Mr. Koch 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 cannot obtain a building permit and the structure will have to be torn down if not approved by the Board. He is not in a flood zone, the structure is not required to have a gutter, and he cannot secure a building permit without zoning approval. The building inspector has seen the structure at least 3 or 4 times and it was suggested to make it one structure by attaching it to the roof of the garage with fascia pieces around it to make it look better.

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 with 2" x 6" or 2" x 10" boards. There was discussion of how it would be attached and it was speculated there would be no reason to remove the extra supports within the carport. There was discussion regarding the gutters. Mr. Cochran stated each time the building inspector came out they discussed different designs with the last visit being advised to attach and cover with fascia. Mr. Satterlee expressed concern regarding the gutters. Mr. Koch questioned how it was being attached. Mr. Cochran stated the posts would provide extra support. Mr. Koch suggested he needs support and pointed out a weak spots above the roof and exterior garage wall, but deferred the question to the building department. Mr. Cochran approached the Board and reviewed his drawings as to how he would attach the carport to the garage. Mr. Koch suggested he revisit the project with the building

inspector and offered to advise him as to how to connect the two roofs if he wished to stay until after the hearing.

Eben Byers, 123 Idaho Road stated he has no objections.

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 7:31 P.M.

The Board reconvened from executive session at 7:34 P.M.

2015-20-A-Cochran-Continued: Motion by Mr. Satterlee to approve the variance including all representations made including fascia and soffit.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant to secure zoning and building permits and build the structure per the representations made to the Board of Appeals.

APPEAL CASE 2015-06-A-Continued

The Austintown Township Board of Appeals, 82 Ohlton Road, Austintown, Ohio, 44515, will conduct a review of Appeal Case 2011-14-A under the terms of Article XVI-Conditional Uses, 1606-Review Of All Conditional Use Permits, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, permitting the operation of the “Steve Grayson Motors” used car lot as a conditional use located at 5202 Mahoning Avenue. The Board of Appeals will take under consideration the reissuance of the conditional use permit and may modify the requirements for the continued operation of the use as a prerequisite for the reissuance of the conditional use permit.

Zoning Inspector Crivelli referenced the May 6, 2015 letter of confirmation requiring the following to be undertaken for renewal of the conditional use permit:

- 1) Extended Conditional Use Permit 2011-14-A for three (3) months (May, June, and July, 2015) from the date of the above hearing;
- 2) No more than 25 cars are permitted on the used car lot;
- 3) The lot must be cleaned up;
- 4) Steve Grayson Motors must follow the requirements as set forth in Appeal Case 2011-14-A; and
- 5) The Board of Appeals will revisit the continuance of the conditional use permit at a future public hearing to be held August, 2015.

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He also referenced the documents from the original approval and temporary approval and advised the applicant is here to ask for approval of a new conditional use permit.

Mr. Koch stated the mailing list for case 2015-06-A will be incorporated into the case record.

Mr. Grayson stated he has reduced his lot to 25 cars plus four (4) employee cars. Mr. Satterlee stated he counted 35 cars today. Mr. Grayson said he is working hard and needs an inventory of 25 cars plus Four (4) cars for employee parking. Mr. Satterlee stated he could not get thru the lot today and there was a gray Chevy truck parked in the middle of the lot. He stated customers should not have to dive thru an obstacle course to visit the lot. Mr. Satterlee commented on what appeared to be junk cars on the lot and stated there was a maximum of three nice cars. He questioned Mr. Grayson's previous testimony that used cars for sale would be priced in the \$5,000.00 range. He commented there was a Cadillac that is ready for the junk yard. Mr. Grayson stated the Cadillac is worth five thousand dollars. Mr. Satterlee observed the fence at the back is in disrepair, the building needs painted, and he described the place as a "hole in the ground". Mr. Satterlee stated the applicant does not follow thru on what he says he is going to do and called the business an "eyesore". He stated it needs kept up, painted, and some money needs to be invested into the site. Mr. Grayson stated he is just surviving, cars on not selling, and he isn't the only one struggling. Mr. Satterlee stated there are other nice car lots on Mahoning Avenue. Mr. Grayson took issue with Mr. Satterlee's comments and stated he is offended that his cars would be called junk. He stated he is trying his best and has done a good job removing cars from the second row. Eric Stevens stated he has moved 22 cars off the lot the last two weeks and the remaining cars are not junk. Mr. Satterlee stated he calls it as he sees it.

Mr. Beaudis stated he has done nothing since last May to improve the lot and there is junk all around. Mr. Grayson disagreed and asked why he is being picked on. Mr. Koch advised no more than 25 cars are permitted on the lot. Mr. Grayson argued that he has improved the lot and there was heated discussion as to where his employees could park their cars. Mr. Koch emphasized only 25 cars are permitted on the lot.

Zoning Inspector Crivelli read a portion of the previous minutes where Mr. Beaudis stated a total of 25 cars should be allowed on the lot. Mr. Grayson asked to amend that to allow 25 cars plus four or five employee cars. He stated he would do his best to fix the building up. Zoning Inspector Crivelli also advised Mr. Grayson the Board cannot give him permission to utilize abutting properties for his employee parking.

Mr. Beaudis asked what would be the time frame to make all necessary repairs to the building. Mr. Grayson said he would like to quit right now due to his treatment by the Board but will do whatever the Board wants. He also stated the 1991 Cadillac was left to him after the death of another car dealer and it's not a junk car. Eric Stevens stated he would have everything fixed in 60 days and he would put tarps up to paint the outside of the building. He would also fix the windows and garage doors and remove the trailer. It was decided he would take the trailers to his house as Mr. Grayson stated he needs the

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bays to work on the car inventory. He stated they do not do general car repair for the public when asked by Zoning Inspector Crivelli.

Mr. Mahoney asked what they would commit to having done in 60 days weather permitting. Mr. Stevens stated he would repair the white fence and place a gate on it, paint the front of the building, and repair the windows and garage doors.

Mr. Koch asked how many cars are sold per year. Mr. Grayson stated between 16 and 18. He stated business is bad right now and nobody is making any money. He keeps accurate records and could give his a copy if he wanted one. There was mention of other car lots and their appearances. Mr. Koch observed the contentious relationship between Mr. Grayson and the Board. Mr. Grayson was disrespectful in addressing Mr. Koch.

No one else in attendance to speak for the request.

No else in attendance to speak against the request.

The Board adjourned into executive session at 8:00 P.M.

The Board reconvened from executive session at 8:09 P.M.

Mr. Beaudis asked if the Board can grant an extension. Zoning Inspector Crivelli answered in the affirmative.

2015-06-A-Continued: Motion by Mr. Beaudis to extend the conditional use permit for six (6) months with the stipulation that no more than 25 cars for sale, four (4) employee cars will be permitted on the lot, the trailer shall be removed from the property, the building must be painted, the doors repaired, the site cleaned up, the fence repaired, and one exterior light is to be made operational.

It was determined that the follow-up hearing would be July 21, 2016.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Glaros – Yes; Mr. Satterlee – No; Mr. Mahoney – Yes; Mr. Beaudis – Yes; and Mr. Koch – No.

Zoning Inspector Crivelli advised the applicant he will receive as confirmation letter with the listed items from the motion and he has six months to make the improvements and suggested not wasting the opportunity.

APPEAL CASE 2016-01-A

The Austintown Township Board of Appeals, 82 Ohltown Road, Austintown, Ohio, 44515, will conduct a review of Appeal Case 2015-09-A under the terms of Article XVI-Conditional Uses, 1606-Review Of All Conditional Use Permits, of the Austintown

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Township Zoning Ordinance, as amended through November 25, permitting the operation of the “Jordan Auto Sales II” used car lot as a conditional use located at 4213 Mahoning Avenue. The Board of Appeals will review non-compliance of the terms of the conditional use requirements. Said properties are further described as Lot Nos. 67 & 68, Wickliffe Plat, located on the south side of the Mahoning Avenue right-of-way, approximately 60 feet west of the South Edgehill Avenue-Mahoning Avenue intersection; and are zoned as Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the notice of hearing mailed to the applicant at both his business and home addresses and to the property owner and the letter of confirmation requiring a scaled drawing for the parking of 20 vehicles and a second scaled drawing for additional parking to be reviewed and approved by the Board. The drawings were never submitted and the stalls were never striped. Assistant Zoning Inspector Eric Harris, Sr. conducted a site inspection on January 17, 2016 and photographed 31 vehicles. Zoning Inspector Crivelli summarized that the applicant has not complied with the terms of the approved conditional use permit.

Zoning Inspector Crivelli requested the Board continue the case or revoke the conditional use permit for non-compliance with specific reference to an overflow of used car inventory on the lot.

Mr. Satterlee observed that there are too many cars and the site is really tight at the side property line.

Mr. Beaudis observed on his visit on January 15th there were 33 cars on the lot.

Mr. Satterlee observed it has not been three years. Zoning Inspector Crivelli advised the hearing is for non-compliance with the original conditional use permit regardless of the time period elapsed.

No one was present from Jordan Auto Sales II.

No one else in attendance to speak for the request.

No else in attendance to speak against the request.

2016-01-A: Motion by Mr. Satterlee to revoke the conditional use permit for non-compliance.

Seconded by Mr. Mahoney.

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

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There being nothing further to come before the Board, the hearing was adjourned at 8:21 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____