

PUBLIC HEARING
BOARD OF ZONING APPEALS
September 29, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, March 10, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2016-11-A-Mill Creek Park.

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 public hearings held on January 21, 2016, February 25, 2016, and March 10, 2016.

Seconded by Mr. Mahoney.

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

APPEAL CASE 2016-11-A

Mill Creek Metro Parks, 7574 Columbiana-Canfield Road, P.O. Box 596, Canfield, Ohio, 44406-0596, appeals from the decision of the Austintown Township Zoning Inspector and requests a limited use variance from the terms of Article V-Agricultural-Suburban Estate Residential (A-SER) District, Section 501-Permitted Uses, Paragraphs 1-5 and Article VI-Residence R-1 District, Section 601-Permitted Uses, Paragraphs 1 & 2, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for a limited use variance for a private vendor to offer bike rentals and associated retail products for sale at the properties located at 6685 Kirk Road. Said properties are further described as Parcels 48-063-0-026, 48-063-0-033, 48-063-0-025, and 48-063-0-024, Great Lot 24, are located on the south side of the Kirk Road right-of-way, approximately 510 feet east of the South Turner Road-Kirk Road intersection. Parcel 48-063-0-026 is zoned as a Residential R-1 District with the three remaining parcels zoned as Residential R-1 Districts for a depth of 150 feet with the southerly remainders zoned

as Agricultural-Suburban Estate Residential (A-SER) Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated August 19, 2016 into the case record, referenced an area map and two site maps, three pages of drawings of the Kirk Road trail head building, a lease agreement with the bike shop tenant, a copy of the Kirk Road Trail head plan by the Trailside Bicycle Company, LLC, six pages of advertising and photographs of the interior of the building and outdoor signage, a copy of the Brownfield case, a case mailing list and six plat maps prepared by the zoning office. Zoning Inspector Crivelli advised that Mill Creek Metro Parks can operate this type of business as a public entity; however, the private vendor is subject to zoning review and approval.

Mr. Koch stated the mailing list for case 2016-11-A will be incorporated into the case record.

Aaron Young, Mill Creek Metro Parks Director, testified the intent was to take an underutilized facility and turn it into an asset the community can enjoy and potentially offset what was for the park an electric bill. They were able to provide a service for potential bike renters that was not there before. The structure is historic. The lease generates revenue which will be invested back into the facility. The tenant cannot alter the facility without first obtaining approval from the Metro Parks. The park is happy with the agreement and it has been successful. Mr. Young introduced colleagues in attendance who will speak on the history of the structure.

Mr. Satterlee stated it was a great idea and the building is beautiful. He complimented the care taken of the bike trail. Mr. Young thanked him for the compliments and stated the goal is to continue to push the envelope on how good they can be while taking a fresh look at what is being done and how it can be done better to further supplement the opportunities that are already there. They do not want to see a building of that character vacant.

Mr. Koch inquired about the history of the building. Steve Avery, Planning and Operations Director, stated the building was a county engineer's outpost for the maintenance, service, and storing of supplies for county roads. The building was constructed in the 1930's with the lower structure being the maintenance building by way Federal Emergency Relief Action (FERA) which became the WPA. The upper structure was built four years later by the WPA in 1938. The county engineer stopped using the building in the 1980's. There were some other buildings on-site such including a salt dome. The county engineer offered the property to the Metro Parks for one dollar and grant money was secured for upgrades.

Mr. Koch asked if there were other rental facilities associated with the bikeway. Mr. Young answered in the negative regarding the bikeway and stated this was a way to provide a service without extending the resources while generating revenue. Mr. Koch stated leasing the facility for bike rentals is a great idea.

Mr. Koch inquired about the success rate. Tim Knight, owner of Trail Side Bike, testified they reached out to the park after opening their main shop in Canfield and are now utilizing a building that was vacant. They have no revenue projections but will continue renting bikes, fat bikes, and cross-county skis during wintertime. The business is growing but it's difficult to give revenue projections. There are 20 bikes for rent.

Mr. Glaros inquired about hours of operation. Mr. Knight stated next year they will go back to a full schedule but right now it is Friday, Saturday, Sunday, and holidays.

Mr. Glaros inquired as to the rental process. Mr. Knight stated customers sign waivers, their ID's are checked. They obtain a driver's license number or some other form of ID to be written on forms. Kids must be accompanied by an adult. Helmets are optional. They stock bike trailers for children and adult tricycles. The rental fee is \$9.00 per hour for the first hour and additional costs are allocated over 15 minute periods. Mr. Koch stated this is a great idea versus strapping a bike to the back of the car. Mr. Knight stated he has a lot of repeat customers and some out of towners. Liability rests with customers for accidents. They will do repair work. Motorized vehicles are not permitted. Mr. Young stated this will be an opportunity to see what winter rentals are like as the park is pushing for four season of activity at the metro parks. The facility has adequate parking and restrooms.

Mr. Satterlee inquired about future plans. Mr. Young stated there were no plans for the larger building at this point in time. It is an underutilized building. It is used for parties but not rented.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2016-11-A-Mill Creek Park: Motion by Mr. Satterlee to approve the limited use variance.

Seconded by Mr. Glaros.

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

There being nothing further to come before the Board, the hearing was adjourned at 7:23 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

BOARD OF APPEALS PUBLIC HEARING – SEPTEMBER 29, 2016

APPROVED: _____
Joe Koch – Chairman

DATE: _____